

August 30, 2001

Mr. Thomas C. Thompson  
Director of Licensing  
NAC International, Inc.  
655 Engineering Drive  
Norcross, GA 30092

SUBJECT: RESPONSE TO NAC INTENT TO ASME CODE STAMP THE  
NAC-UMS TRANSPORTABLE STORAGE CANISTER AND FUEL  
BASKET ASSEMBLY FOR USE AT MAINE YANKEE ATOMIC  
POWER STATION

Dear Mr. Thompson:

By letter dated August 7, 2001, NAC International, Inc. (NAC) notified the Nuclear Regulatory Commission (NRC) staff of its intent to Code stamp the NAC-UMS Transportable Storage Canister (TSC) and Fuel Basket Assembly in accordance with Section III of the ASME Boiler and Pressure Vessel Code (ASME Code), for casks to be used by Maine Yankee Atomic Power Company (MYAPC). By the same letter, NAC also requested timely review and approval of this "alternative to the UMS Technical Specifications" by the NRC. No revised Technical Specification (TS) or Certificate of Compliance (CoC) wording was provided in this letter.

The NAC-UMS Technical Specification requirements related to Code exceptions/alternatives are contained in Table B3-1 of Appendix B to CoC No. 1015, Amendment 1, issued on February 20, 2001. For the TSC and Fuel Basket Assembly, Table B3-1 states, "Code stamping is not required." The staff recognizes that Code stamping signifies a high level of fabrication quality and that the TS does not prohibit Code stamping and is, therefore, not considered an "alternative to the UMS Technical Specifications," as stated in your letter.

The staff notes that the guidance provided in Interim Staff Guidance Memorandum No. 10 (ISG-10) does not require NRC review if a more restrictive Code is invoked over an approved Code alternative. In other words, this specific change of fabrication standards is not viewed by the staff as an "alternative", as referenced by TS B 3.3.2. This is valid as long as it is determined that the approved TS and CoC are not contradicted by the change.

Therefore, because no amendment request including revised TS or CoC wording was made, and the change is not an "alternative" requiring authorization under TS B 3.3.2 unless revised TS wording is required, then the provisions of 10 CFR 72.48 may instead apply. The provisions of 10 CFR 72.48 allow a CoC holder (NAC) or a 10 CFR Part 72 general licensee (MYAPC) to change a spent fuel storage cask system pursuant to 10 CFR 72.48 (c)(1)(ii). This regulation requires that proposed changes be submitted to the NRC if (1) a change to the Technical Specifications is required, (2) a change to the CoC is required, or (3) if the change, test or experiment does not meet any of the criteria in 10 CFR 72.48 (c)(2).

T. Thompson

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August 30, 2001

To ensure that the conditions of 10 CFR Part 72 are met, NAC or MYAPC should initiate an evaluation in accordance with the provisions of 10 CFR 72.48. Should this evaluation determine that NRC review is required in accordance with 10 CFR 72.48(c)(2), or if it is determined that a TS change is in fact, required, then an application for the change should be submitted for NRC review.

If you have any comments or questions concerning this letter, you may contact me at (301) 415-3711. Please refer to Docket No. 72-1015 and TAC No. L23356 in future correspondence related to this request.

Sincerely,

/s/ /RA/

Rebecca L. Karas, Project Engineer  
Spent Fuel Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-1015

TAC No. L23356

cc: Mr. Tom Williamson  
Maine Yankee Atomic Power Company

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Sincerely,

/s/ /RA/

Rebecca L. Karas, Project Engineer  
Spent Fuel Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

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cc: Mr. Tom Williamson  
Maine Yankee Atomic Power Company

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