

February 25, 2004

Mr. Thomas C. Thompson
Licensing Manager
NAC International, Inc.
3930 East Jones Bridge Road
Norcross, GA 30092

SUBJECT: EXEMPTION FROM 10 CFR 72.248 (c)(6) FOR UPDATING THE FINAL
SAFETY ANALYSIS REPORT FOR THE NAC-UMS SYSTEM
(TAC NO. L23686)

Dear Mr. Thompson:

By letter dated January 9, 2004, and pursuant to the provisions of 10 CFR 72.7, NAC International (NAC) requested a exemption from the provisions of 10 CFR 72.248(c)(6). This exemption would allow NAC to delay filing of an updated Final Safety Analysis Report (FSAR) for the NAC-UMS storage cask system, in accordance with 10 CFR 72.248(c)(6). NAC requested to submit an updated FSAR within 60 days after the Nuclear Regulatory Commission (NRC) issues Amendment No. 3 to the Certificate of Compliance (CoC) for the NAC-UMS. NAC proposed to return to the original 24-month frequency of filing subsequent updates to the FSAR after the next update. NAC stated that the exemption would allow compilation of the FSAR changes related to Amendment No. 3 to the CoC, with other FSAR changes made pursuant to 10 CFR 72.48.

The NRC evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption is authorized by law and will not endanger life or property or the common defense and security, will not result in any impacts on the environment, and is otherwise in the public interest. The NRC hereby grants an exemption to NAC from the requirements of 10 CFR 72.248(c)(6), with regards to the schedule for submitting updates made to the FSAR. This exemption is subject to the following conditions:

- 1) NAC shall file an updated FSAR for the NAC-UMS storage cask system by: 60 days after the issuance of Amendment No. 3 to CoC Number 1015 for the NAC-UMS CoC (effective date of final rule).
- 2) NAC shall return to its original 24-month frequency for submitting updates in accordance with 10 CFR 72.248(c)(6), and file a subsequent update to the NAC-UMS FSAR by November 20, 2004.

A safety evaluation report for this exemption is enclosed. For this action, an Environmental Assessment and Finding of No Significant Impact have been prepared and published in the Federal Register (69 FR 8495, February 24, 2004). An advance copy of the Federal Register Notice was provided to you by letter dated January 27, 2004.

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This exemption should not be construed as a NRC predisposition to favorably or unfavorably consider any comments on the proposed final rule for Amendment No. 3 to the CoC, which was issued on January 16, 2004 (69 FR 2528).

Please refer to Docket No. 72-1015 and TAC No. L23686 in future correspondence related to this action. If you have any comments or questions regarding this matter, please contact me at 301-415-1396.

Sincerely,
/RA/
Larry W. Camper, Deputy Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1015

Enclosure: Safety Evaluation Report

T. C. Thompson

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Enclosure: Safety Evaluation Report

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SAFETY EVALUATION REPORT

Exemption to 10 CFR 72.248(c)(6) for NAC International Update to the Final Safety Analysis Report for the NAC-UMS Universal Storage System

EXEMPTION REQUEST

By letter dated January 9, 2004, and pursuant to the provisions of 10 CFR 72.7, NAC International (NAC) requested a one-time exemption from the provisions of 10 CFR 72.248(c)(6). These provisions require certificate holders to file an updated Final Safety Analysis Report (FSAR) to the NRC every 24 months from the date of issuance of the Certificate of Compliance (CoC) for each respective storage cask design approved by the Nuclear Regulatory Commission. NAC is the certificate holder of CoC Number 1015 for the NAC-UMS system. The original CoC No. 1015 was effective on November 20, 2001.

NAC requested an exemption to delay the biennial filing of the updated FSAR for the NAC-UMS system, in accordance with 10 CFR 72.248(c)(6). NAC requested to submit an updated FSAR within 60 days after the Commission issues Amendment No. 3 to the NAC-UMS CoC (effective date of final rule). The Commission issued a direct final rule and a proposed rule to amend its regulations to include Amendment No. 3 to the CoC for the NAC-UMS in its list of approved spent fuel storage casks on January 16, 2004, (69 FR 2497 and FR 2528). A final rule has not yet been issued and is not expected to be in place prior to March 31, 2004.

NAC proposed to then return to the original 24-month frequency of filing subsequent updates to the NAC-UMS FSAR. NAC stated that the exemption would allow compilation of the FSAR changes related to Amendment No. 3 with other FSAR changes made pursuant to 10 CFR 72.48.

SAFETY EVALUATION

The staff performed a review of the proposed exemption. The staff found that the proposed exemption does not pose any increased risk to public health and safety. The exemption request does not impact safety because it is administrative in nature and solely relates to document filing requirements. The exemption does not change the design-basis or safety aspects of the NAC-UMS system, nor will it affect the ability to satisfy the applicable requirements of 10 CFR Part 72. In addition, the proposed exemption does not grant approval nor denial of any changes to the NAC-UMS FSAR that may have been performed by NAC pursuant to 10 CFR 72.48, or as specified in Amendment No. 3 to the NAC-UMS CoC.

The staff found the conditions of approval of the exemption, as proposed by NAC, to be acceptable.

CONDITIONS OF APPROVAL

The staff finds the one-time exemption to 10 CFR 72.248(c)(6) for the NAC-UMS FSAR to be acceptable with the following conditions:

- 1) NAC shall file an updated FSAR for the NAC-UMS system by 60 days after the issuance of Amendment No. 3 to CoC Number 1015 for the NAC-UMS (effective date of final rule).
- 2) NAC shall return to its original 24-month frequency for submitting updates in accordance with 10 CFR 72.248(c)(6), and file a subsequent update to the NAC-UMS FSAR by November 20, 2004.

CONCLUSION

Based on the foregoing considerations, the Commission has determined that granting the proposed one-time exemption from the provisions of 10 CFR 72.248(c)(6), with the conditions discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.