

September 27, 2004

MEMORANDUM TO: Larry Camper, Deputy Director  
Licensing and Inspection Directorate  
Spent Fuel Project Office, NMSS

FROM: Stewart W. Brown, Senior Project Manager /RA/  
Licensing Section  
Spent Fuel Project Office, NMSS

SUBJECT: SUMMARY OF SEPTEMBER 9, 2004, MEETING WITH MAINE YANKEE  
ATOMIC POWER COMPANY, REGARDING ITS JUNE 15, 2004,  
REQUESTS

### Background

The Maine Yankee Atomic Power Company (MYAPC) by letter dated June 15, 2004, requested the U.S. Nuclear Regulatory Commission (NRC or the staff) to: (1) reapprove Certificate of Compliance (CoC) No. 1015 for the NAC-UMS Universal Storage System spent fuel storage cask design in MYAPC's name; and (2) approve a CoC for the UMS Universal Transport Cask Package, also in MYAPC's name.

On September 9, 2004, Mr. M. Meisner, MYAPC, met with NRC staff to discuss MYAPC's requests. Before the beginning of the meeting Mr. Meisner requested that a portion of the meeting be closed to the public to allow for the discussion of proprietary information. The list of meeting attendees is attached to this memorandum.

### Discussion

The staff provided the results of its evaluation of MYAPC's requests. First, the staff addressed MYAPC's request for reapproval of CoC No. 1015. The staff determined that because CoC No. 1015 was issued to NAC International Inc., (NAC) and NAC indicated in its letter dated July 15, 2004, that it plans to maintain its "legal right to be the sole holder of the CoC," the provision of 10 CFR 72.212(a)(3) that would allow MYAPC as a cask user or its representative to apply for cask design reapproval is not available to MYAPC at this time. Based on this determination the staff planned to deny MYAPC's request for cask design reapproval of CoC No. 1015.

Next, the staff addressed MYAPC's request for approval of a CoC based on CoC No. 9270 (which is currently issued to NAC) for the Model UMS Universal Transport Cask Package for use as a package for the transport of spent nuclear fuel. The staff noted that MYAPC to support its request referenced NAC's UMS-Safety Analysis Report for the Universal Transport Cask (UMS-SAR) in lieu of submitting its own SAR to meet the requirements for a package description in 10 CFR 71.33 and for a package evaluation in 10 CFR 71.35. Further, the staff noted based on letters to the NRC from NAC dated July 15 and 30, 2004, it appeared that MYAPC neither owned nor controlled the information provided in the UMS-SAR. In addition,

the staff noted that it was not apparent that MYAPC had access to all the design, engineering, and testing information relied upon by NAC in development of the UMS-SAR. Based on this lack of ownership or control of this design, engineering, and testing information the staff determined that MYAPC's application did not demonstrate that MYAPC would have the ability to perform all of its obligations as a Part 71 certificate holder. Therefore, the staff planned to deny MYAPC's application for a CoC under the provisions of 10 CFR Part 71.

Mr. Meisner asked several questions related to the staff's determinations. He later indicated that MYAPC may consider resubmitting its requests for both CoC approval and CoC reapproval along with a request for an exemption from 10 CFR 72.212(a)(3).

The meeting was then closed to the public.

Docket Nos.: 50-309, 71-9270, and 72-30

TAC Nos.: L23739 and L23741

Attachment: Meeting Attendees

staff noted that it was not apparent that MYAPC had access to all the design, engineering, and testing information relied upon by NAC in development of the UMS-SAR. Based on this lack of ownership or control of this design, engineering, and testing information the staff determined that MYAPC's application did not demonstrate that MYAPC would have the ability to perform all of its obligations as a Part 71 certificate holder. Therefore, the staff planned to deny MYAPC's application for a CoC under the provisions of 10 CFR Part 71.

Mr. Meisner asked several questions related to the staff's determinations. He later indicated that MYAPC may consider resubmitting its requests for both CoC approval and CoC reapproval along with a request for an exemption from 10 CFR 72.212(a)(3).

The meeting was then closed to the public.

Docket Nos.: 50-309, 71-9270, and 72-30

TAC Nos.: L23739 and L23741

Attachment: Meeting Attendees

Distribution: PUBLIC NRC Attendees S. Baggett

Filename: C:\ORPCheckout\FileNET\ML042780128.wpd ML042780128

<b>OFC</b>	SFPO	E	SFPO		SFPO	
<b>NAME</b>	SBrown		EZiegler		JMonninger	
<b>DATE</b>	09/22/04		09/22/04		9/27/04	

C=Without attachment/enclosure E=With attachment/enclosure N=No copy **OFFICIAL RECORD COPY**

**September 9, 2004, Meeting  
between Maine Yankee Atomic Power Company and  
the Nuclear Regulatory Commission**

**MEETING ATTENDANCE LIST**

M. Meisner	MYAPC
W. Brach	NRC/SFPO
L. Camper	NRC/SFPO
J. Monninger	NRC/SFPO
C. Craig	NRC/DWMEP
N. Jensen	NRC/OGC
N. Osgood	NRC/SFPO
A. Dias	NRC/SFPO
S. Brown	NRC/SFPO
M. Conley	Platts/McGraw-Hill