

**November 14, 2006**

NOTE TO: FILE

DOCKET NO.: 72-1027, 72-1030, 71-9313

SUBJECT: 11/6/2006, 1:30 PM, CONFERENCE CALL WITH TRANSNUCLEAR, INC. TO DISCUSS THE STATUS AND PROPOSED ACTIONS FOR THE REVIEWS OF TN-40 TRANSPORT CASK, AMENDMENT NO. 1 TO THE TN-68 CASK, AND NUHOMS® HD STORAGE SYSTEM RULEMAKING.

ATTENDEES:

NRC

Jose Cuadrado  
Gordon Bjorkman  
Joseph Sebrosky  
Meraj Rahimi  
William Ruland  
Robert Nelson  
Edwin Hackett

TRANSNUCLEAR

Jayant Bondre  
Peter Shih  
Don Shaw  
Bob Grubb  
Jack Boshoven  
Tom Hoppe  
Joe Schmidberger  
Jeff Gagne  
Glenn Guerra  
Prakash Narayanan

Representatives from the following utilities/plants were also in attendance: NMC, Dominion, Prairie Island, Peach Bottom, and Florida Power & Light.

DISCUSSION:

On November 6, 2006, staff from the Division of Spent Fuel Storage and Transportation (SFST) held a teleconference with Transnuclear, Inc. (TN) to discuss the status and the proposed NRC actions for the reviews of the TN-40 Transport Cask, Amendment No. 1 to the TN-68 Cask, and the NUHOMS® HD rulemaking. The discussion of each of these topics is presented below:

**TN-40 Transport Cask (Docket No. 71-9313):**

The staff provided a brief history of the application for the TN-40 Transportation Cask, which was submitted to the NRC in August 2006. As a result of the staff's initial review, the staff identified that the 1/3 scale test results for the impact limiters had not been included in the application. Therefore, the staff informed TN that the application is incomplete. During telephone calls with TN subsequent to its application, TN acknowledged the staff's finding and stated that the test results are expected to be available and submitted to the NRC in January 2007. The staff informed TN that the technical review of the application will be scheduled when the test data is received. The staff explained to TN that an acknowledgment letter regarding the receipt of the TN-40 application, which would include the results of the staff's proprietary determination, will be sent to TN and the current Technical Assignment Control Number (TAC

No., or charge account) will be closed. When TN submits the impact limiter test data along with any other information deemed necessary by TN, NRC staff will open a new TAC No. (under the same docket number). The staff informed TN that the staff is willing to meet with TN to discuss other portions of the application.

#### **Review of Amendment No. 1 to the TN-68 Cask (Docket No. 72-1027):**

TN has requested Amendment No. 1 to the TN-68 Cask to authorize the storage of intact and damaged high-burnup fuel. The staff notified TN that its responses to the Request for Additional Information No. 2 for this amendment request do not provide sufficient information to justify the storage of damaged high-burnup spent fuel. The staff offered TN the option of revising the associated proposed technical specifications and the safety analysis report to exclude damaged high-burnup fuel as authorized contents. This revision to the application will allow the staff to issue an approval of the remaining changes requested in the amendment application. TN raised no objections with this proposed option.

#### **Rulemaking for the NUHOMS® HD Storage System**

##### NUHOMS® HD Safety Evaluation Report (SER)

The purpose of the call was to: (1) discuss an issue associated with the NUHOMS® HD SER; (2) inform TN of the staff's actions associated with the issue; and (3) provide TN with an opportunity to ask questions about the staff's proposed actions.

The staff informed TN that it had identified issues associated with a 10 CFR Part 71 one foot side drop analysis that is contained in Section 3.9.8 of the NUHOMS® HD safety analysis report. The staff informed TN that it does not agree with the conclusion that high-burnup damaged fuel assemblies will remain intact under the Part 71 one-foot side drop conditions.

As a result of the issue, the staff informed TN that it made changes to the safety evaluation report to clarify that a Part 71 one foot side drop analysis that was submitted as part of the application has not been reviewed by the staff. The staff informed TN that because the analysis is not needed to support the 10 CFR Part 72 certification, a preliminary assessment by OGC is that an opportunity for public comment is not necessary. The staff informed TN that it will have to address the issue associated with the Part 71 analysis when it seeks a 10 CFR Part 71 certification for the design.

##### Impact on the NUHOMS HD Rulemaking Schedule

The staff announced in a public meeting in October 2006 that the target date for the NUHOMS HD rulemaking publication in the Federal Register is 12/18/06, and the target for the effective date of the rule is 01/18/07. The staff informed TN that the newly identified issue associated with the 10 CFR Part 71 analysis should have minimal impact on the NUHOMS HD schedule (i.e., no change to the schedule, or, at most, a delay of 2 or 3 days) if: (1) OGC agrees with the changes the staff is making to the SER; and (2) OGC's final position is that the changes to the SER are outside the scope of the 10 CFR Part 72 rulemaking and an opportunity for public comment is not needed. TN raised no objections to the staff's approach.

cc: J. Bondre, TN



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cc: J. Bondre, TN

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