



E-24332  
December 1, 2006

U.S. NUCLEAR REGULATORY COMMISSION  
ATTN: Document Control Clerk  
Washington, DC 20555

SUBJECT: REPLY TO A NOTICE OF VIOLATION

To Whom It May Concern:

**As required, Transnuclear, Inc. (TN) provides our response to the Notice of Violation (NOV) included in NRC Inspection Report No. 72-1004/2006-204, which reads as follows:**

*"10CFR72.48(c)(1) states, in part, that a certificate holder may make changes in the facility or spent fuel storage cask design as described in the Final Safety Analysis Report (FSAR) (as updated) and make changes in the procedures as described in the FSAR (as updated) without obtaining ... (ii) a Certificate of Compliance (CoC) amendment submitted by the certificate holder pursuant to 10CFR72.244 if ... (B) a change in the terms, conditions, or specifications incorporated in the CoC is not required; and (C) the changes do not meet the criteria in 10CFR72.48(c)(2).*

*Contrary to the above, in a 10CFR72.48 evaluation that was approved by Transnuclear, Inc. (TN), a certificate holder, on March 31, 2006, TN failed to obtain a CoC amendment pursuant to 10CFR72.244 for changes made in the spent fuel storage cask design and changes in the procedures as described in the FSAR (as updated) and these design and procedure changes constituted a change in the terms, conditions, or specifications incorporated in the CoC. Specifically, although TN (1) eliminated lead shielding and otherwise modified the OS197L transfer cask design as described in the FSAR (as updated) to make it lighter; (2) provided additional temporary shielding in the decontamination area and on the transfer trailer to compensate for the reduction of the shielding; and (3) changed an operating procedure described in the FSAR (as updated) which allowed pump down of water from the dry shielded canister to occur much earlier in the process; TN failed to identify that the following technical specifications, which are incorporated in the CoC, would have required changes that needed prior NRC approval:*

- 1. Technical Specification 1.2.17.a, "32PT DSC Vacuum Drying Duration Limit;"*
- 2. Technical Specification 1.2.11, "Transfer Cask Dose Rates with a Loaded 24P, 52B, 61BT, or 32PT DSC;" and*
- 3. Technical Specification 1.2.1, "Fuel Specification."*

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**In response to the NOV, TN offers the following:**

*1. Reason for the Violation:*

TN attributes the violation to our interpretation of the use of "legacy" technical specifications and NEI guidance as applicable to the 10CFR72.48 process.

*2. Immediate Corrective Actions Taken:*

The following corrective actions have already been taken:

- a) TN Corrective Action Report (CAR) No. 2006-131 was initiated on 11/13/2006 to document the identified condition and related issues noted in the inspection report, track performance of the associated corrective actions, and provide for an appropriate evaluation regarding extent of condition and determination of action(s) to prevent recurrence. This CAR will be dispositioned in accordance with the guidance provided in NRC Information Notice 96-28.
- b) TN revoked the Certificate of Conformance for the OS197L Onsite Transfer Cask Light Main Assembly with Light Neutron Shielding Attached 75 Ton Configuration, Serial No. OS197L-5, to preclude any further use of the cask until such time as the other actions noted below are completed.

*3. Corrective Actions to Prevent Recurrence:*

The following actions to prevent recurrence will be taken:

- a) Revise TN Licensing Review (LR) No. 721004-321 (Revision 1) to document that the addition of the OS197L Transfer Cask (TC) to the NUHOMS UFSAR cannot be implemented by a general licensee until the NRC has approved an Amendment to CoC No. 72-1004.
- b) Develop and submit Amendment 11 to TN CoC No. 72-1004.
- c) Convert the affected Technical Specifications to the "Improved Technical Specifications" consistent with NUREG-1745.
- d) Delete Technical Specifications 1.2.11, 1.2.11a, 1.2.11b and 1.2.11c related to Dose Limits of a loaded TC/DSC.
- e) Revise Technical Specifications 1.2.17, 1.2.17a, 1.2.17b and 1.2.17c related to various DSC Vacuum Drying Duration Limits to allow for the use of either air or helium for DSC blow down.
- f) Develop and submit changes to the UFSAR in support of Amendment 11, including the FLUENT Code-based thermal analysis of a loaded OS197L TC inside a supplemental trailer shield.

g) Develop and submit other associated changes, including: (i) consolidation of the fuel qualification tables such that only data for limiting PWR/BWR assemblies are shown; (ii) consolidation to simplify a specific TS for various DSCs into a single TS; (iii) revision of the TS to comply with NUREG-1745 by segregating the Limiting Conditions of Operation (LCOs) from the Design and Administrative Technical Specifications; and (iv) removal of the bases from the TS and inclusion in Chapter 12 of the UFSAR.

h) Provide supplemental training to all engineers who may perform 10CFR72.48 evaluations to improve understanding of the process.

4. Date When Full Compliance Will Be Achieved:

Based on current plans for submittal of Amendment 11 by 3/31/2007, it is expected that full compliance will be achieved upon NRC approval of Amendment 11 by 3/31/2008.

Due to the proprietary nature of the referenced documents, objective evidence supporting this position can be made available for review at our offices in Columbia, MD at your convenience.

Sincerely,



Tara J. Neider  
President, Transnuclear, Inc.

c: NRC

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Chief, Transportation and Storage Safety and Inspection Section  
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c: Transnuclear, Inc.

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