November 30, 2009

Mr. Craig Seaman
Senior Vice President
NAC International
3930 East Jones Bridge Road
Norcross, GA 30092

SUBJECT: USE OF NON-CODE MATERIALS

Dear Mr. Seaman:

I am responding to your electronic mail (e-mail) dated October 7, 2009 (ADAMS accession number ML092870815), where you indicated that the U.S. Nuclear Regulatory Commission (NRC) has not accepted the use of aluminum alloys or non-ASME Code approved materials for structural applications in spent fuel dry storage and transportation systems. The e-mail referenced several documents including: standard review plans, a regulatory guide, and meeting minutes that apparently led to your understanding of NRC requirements. For information, the NRC considers guidance documents, like those referenced, as one possible method or methods to meet an NRC regulation. However, adherence to the referenced documents is not required; applicants are permitted to propose alternative approaches provided that they can demonstrate compliance with the underlying regulation.

The documents cited in your e-mail highlighted a number of the technical issues that would need to be addressed by the applicant in the design and application for a spent fuel dry storage and transportation system, and by the NRC during the application review process. The decision to obtain the necessary information to enable the NRC to make a licensing decision regarding the use of an alternative approach from methods and methodology described in NRC guidance documents rests with each applicant. The NRC has permitted the use of non-ASME Code structural material, when the applicant was able to: provide all of the material data properties described in Section II, Part D, Appendix 5 of the ASME Code; demonstrate that the material could meet all of its design requirements, for the duration of the licensed period, when exposed to operational conditions; and, demonstrate the acceptability of the test program used to obtain the material data.

While reviewing the e-mail, our staff noted that the referenced transcribed statements from an August 21, 1987, Nuclear Waste Technical Review Board meeting to provide information regarding the NRC's position on the use of aluminum as a structural material were provided by an employee of a private company and not by NRC staff.

I trust this response clarifies the question you raised on use of structural materials in applications for spent fuel dry storage and transportation systems. If you have any further questions, please contact me or Ray Lorson, Deputy Director, Technical Review Directorate, at 301-492-3300.

Sincerely,

/RA/

E. William Brach, Director
Division of Spent Fuel Storage and Transportation
Office of Nuclear Materials Safety
and Safeguards

I trust this response clarifies the question you raised on use of structural materials in applications for spent fuel dry storage and transportation systems. If you have any further questions, please contact me or Ray Lorson, Deputy Director, Technical Review Directorate, at 301-492-3300.

Sincerely,

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Division of Spent Fuel Storage and Transportation
Office of Nuclear Materials Safety
and Safeguards

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