



June 2, 2014

Mark Lombard  
Director, Spent Fuel Storage and Transportation  
Office of Nuclear Materials Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Request for NRC Position and Clarification on ASME B&PV Code, Section III, Division 3 for the Design and Construction of the Containment System of SNF Transport Packagings

**Reference:** 1. Summary of September 5, 2012 Meeting with Holtec International (ADAMS Accession No. ML12277A034)

Dear Mr. Lombard,

This letter requests clarification on the use and NRC acceptance of ASME Section III, Division 3 versus Division 1 for the design and construction of the containment system of SNF transport packagings.

Throughout NUREG-1617 (2000), the NRC endorses the use of ASME Section III, Division 3 Code whereas in Regulatory Guide 7.6 (1978) the NRC endorses the use of ASME Subsection NB albeit adapted to form acceptable design criteria. NUREG-1617, Paragraph 1.5.2.6 states:

“ASME has published Section III, Division 3, ASME Boiler and Pressure Vessel (B&PV Division 3) Code for the design and construction of the containment system of SNF transport packagings. NRC staff expects full compliance with the B&PV Division 3 Code for the containment system, including the services of an Authorized Inspection Agency. However, the SAR may justify alternatives as appropriate. The code used for the design should also be used for materials specifications, fabrication, and welding criteria.”

Various sections of NUREG-1617 (e.g. Sections 2.4, 2.5, 4.4 and 4.5) contain similar statements. Moreover, NUREG-1617, Paragraph 4.5.1.2 adds “... This includes an agreement with an Authorized Inspection Agency to provide inspection and audit services for the Design Owners, Packaging Owners, and Class TP Certificate Holders...”.

Through informal discussions over recent years with your staff, namely Mr. Pierre Saverot, and during a pre-application meeting with Holtec [1], NRC has stated that “staff confirms that Division 3

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has never been used in any of the package reviews (Division 3 is not in the regulations) and all current package certificates use Division 1”.

In order to inform and facilitate the development of future design specifications and applications for SNF transportation packagings, Holtec kindly requests the NRC’s position on the above subject matter including responses to the following requests and queries:

1. Confirm that an applicant for the design approval of a transport package for spent nuclear fuel is not required to use B&PV Division 3 Code for the design and construction of the containment system and may instead use B&PV Division 1 Code without justification (e.g. explicit comparison to B&PV Division 3) in the application.
2. Does the NRC intend to continue accepting B&PV Division 1 Code for the foreseeable future? If not, what is or might be the expected path forward and timeframe?
3. What, if any, may be the reason preventing the full adoption and use of B&PV Division 3 Code by NRC and/or industry?

We thank you in advance for any information the Staff can provide and kindly request your response within two months of the date of this letter to support Holtec’s future licensing activities. If you have any questions, please contact me at (856)-797-0900 ext. 3698.

Sincerely,

Luis Hinojosa  
Corporate Adjunct Licensing Manager  
Project Manager of Licensing of Transportation Systems  
Holtec International

cc: Michele Sampson, USNRC (via email)  
Pierre Saverot, USNRC (via email)  
Holtec Marlton (via email)  
HUG Licensing Subcommittee (via email)