August 20, 2014

Mr. Luis Hinojosa
Corporate Adjunct Licensing Manager
Holtec International
One Holtec Drive
Marlton, NJ 08053

SUBJECT: REQUEST FOR CLARIFICATION OF NRC POSITION ON USE AND ACCEPTANCE OF AMERICAN SOCIETY OF MECHNICAL ENGINEERS (ASME) CODE SECTION III, DIVISION 3, VERSUS DIVISION 1

Dear Mr. Hinojosa:

By letter dated June 2, 2014, you requested a clarification from the U.S. Nuclear Regulatory Commission's (NRC) staff on the use and acceptance of ASME Section III, Division 3, versus Division 1 for the design and the construction of containment systems for transport packages containing spent fuel as authorized contents. This letter sets forth the opinion of the NRC staff, and is not binding upon the Commission.

In response to your first request, it is important to note that currently, neither ASME Code Section III, Division 1, nor ASME Code Section III, Division 3, has been endorsed by the NRC for use in Parts 71 and 72 regarding the design of transportation and storage containments (TSCs). Therefore, an applicant can choose either standard – Section III, Division 1 or Section III, Division 3 – for the design and construction of TSCs, but must provide the appropriate justification for the selection of the design standard as well as for any exceptions or additions to the selected Code Division. Use of either Code Division will not be approved without the necessary justification.

Although ASME Code Section III, Division 1, has been endorsed by the NRC in 10 CFR 50.55a for design of Structures, Systems, and Components (SSCs) in Part 50 facilities, it has NOT been endorsed in Parts 71 and 72 for the design of TSCs.

While NUREG-1617(2000) "Standard Review Plan for Transportation Packages for Spent Nuclear Fuel" may have created some confusion, the more recent NUREG-1536, Rev. 1 (July 2010) "Standard Review Plan for Spent Fuel Dry Storage Systems at a General License Facility" states in Section 3.4.1.1, "Steel Confinement Cask," that "*Division 3 of Section III of the ASME B&PV Code, addressing storage of spent fuel, has been published, but currently no NRC position has been established on that standard.*"

The Staff also recognizes that additional confusion may exist for transportation packages inasmuch as applications and safety analysis reports for Part 71 certificates often reference "Section III, NB" without mentioning the Division. However, "Section III, NB", while perhaps seen as a general reference, is a reference to Division 1. "Section III, NB" cannot be confused with Division 3 because there is no NB in Division 3.

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In response to your second and third questions, the ASME B&PV Code Section III, Division 3, is currently being reviewed by NRC staff for possible endorsement. NRC staff comments on the Code are expected to be transmitted to ASME later this year. Until the agency takes an official position on Section III, Division 3, applicants may use the Section III, Division 3, provisions in the 2013 Code edition, with appropriate justification as discussed in response to the first question. Applicants should be aware of various places where the ASME provisions conflict with Interim Staff Guidance from the Division of Spent Fuel Storage and Transportation, particularly guidance for welding, fabrication, and testing. Applicants will have to provide supplemental information where Code provisions may not provide sufficient detail and should document commitments to the Code with proposed alternatives, as applicable.

I appreciate your interest in seeking clarification on this topic and, should you have any additional questions, please contact Pierre Saverot of my staff.

Sincerely,

/RA/

Mark Lombard, Director
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

cc: G. Bjorkman

Docket No: 71-9367
TAC No. LA0129

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