



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 25, 2022

C. H. Georgeson, General Manager
Engineering
South Texas Project Nuclear
Operating Company
South Texas Project Electric
Generating Station
P.O. Box 289
Wadsworth, TX 77483

SUBJECT: EXEMPTION FROM CERTAIN PROVISIONS OF TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, SECTIONS 72.154, 72.212, AND 72.214 – HI-STORM FLOOD AND WIND MULTI-PURPOSE CANISTER SERIAL NUMBER 248 REQUIREMENT FOR 100 PERCENT INSPECTION OF SHELL-TO-BASEPLATE WELD AND RELATED RECORDS RETENTION REQUIREMENTS AT SOUTH TEXAS PROJECT ELECTRIC GENERATING STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION (CAC NO. 001028; DOCKET NOS. 72-1041, 50-498, AND 50-499; EPID: L-2022-LLE-0009)

Dear Mr. Georgeson:

This is in response to your letter dated March 11, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML22070B140), supplemented April 1, 2022 (ADAMS Accession No. ML22091A308), requesting an exemption pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 72.7, from 10 CFR 72.154(b) as well as 10 CFR 72.212(a)(2), (b)(3), (b)(5)(i), and (b)(11) for one loaded HI-STORM FW MPC-37 canister, with Serial Number 248, at the South Texas Project Electric Generating Station (STPEGS)) Independent Spent Fuel Storage Installation (ISFSI). More specifically, this exemption would, if granted, permit South Texas Project Nuclear Operating Company (STPNOC) to continue using one loaded HI-STORM FW MPC-37 canister, with Serial Number 248 (MPC 248), to store spent fuel for the service life of the canister, including transferring the MPC to a HI-STORM FW overpack, without volumetric examination data from radiographic testing for a one-inch section of the repaired weld seam joining the baseplate to the canister shell.

Under 10 CFR 72.212(a)(2), (b)(3), (b)(5)(i), (b)(11) and 72.214, a general licensee may store spent fuel in a cask, so long as it is one of the approved casks listed in 10 CFR 72.214, and the general licensee conforms to the terms, conditions, and specifications of the relevant certificate of compliance (CoC) or amended CoC. STPNOC loaded spent fuel in MPC 248 for storage in the ISFSI at STPEGS under CoC No. 1032, Amendment No. 2, as authorized by the general license provisions of 10 CFR Part 72. Condition 6 of the CoC states, "Features or characteristics for the site or system must be in accordance with Appendix B to this certificate" (ADAMS Accession No. ML16280A017). Appendix B, Section 3.3 of the CoC requires, with certain approved alternatives that are not relevant in this case, the HI-STORM FW MPC-37 to

meet the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 2007 Edition (ADAMS Accession No. ML16280A019). This code, in turn, requires that 100 percent of the weld seam joining the baseplate to the canister shell of the MPC be inspected by radiograph test. It further requires, in part, that "examination of a weld repair shall be repeated as required for the original weld." Further, under 10 CFR 72.154(b), general licensees are required to have available documentary evidence that material and equipment conform to the procurement specifications prior to installation or use of the material and equipment and to retain or have available this documentary evidence for the life of the ISFSI or spent fuel cask.

STPNOC loaded spent fuel in MPC 248 for storage in the ISFSI at STPEGS under CoC No. 1032, Amendment No. 2, in accordance with its general license. During a review of manufacturing documents, the manufacturer identified that a one-inch portion of the shell-to-baseplate weld on MPC 248 was not properly digitally radiographed after a weld repair. When notified of this issue, STPNOC had already loaded MPC 248 with spent fuel assemblies and was in the process of preparing MPC 248 for long-term storage at the STPEGS ISFSI pad. Consequently, STPNOC requested the above-discussed exemption so that it could continue storing spent fuel in the relevant cask.

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed STPNOC's exemption request and the response to a request for additional information (RAI). The details of the NRC staff's review are included in the *Federal Register* Notice (ADAMS Accession No. ML22094A177). As documented in the *Federal Register* Notice, in order for STPNOC to act on the requested exemption, it also requires an exemption from 10 CFR 72.214. Based on the NRC staff's evaluation of your exemption request and responses to the RAI, as well as an exemption from 10 CFR 72.214, the NRC staff has determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC has granted STPNOC the requested exemption from the requirements in 10 CFR 72.154(b), 10 CFR 72.212(a)(2), (b)(3), (b)(5)(i), and (b)(11), as well as an exemption from 10 CFR 72.214, granted on the NRC's own initiative, only with regard to meeting TS 3.3 of Attachment A of CoC No. 1032, Amendment No. 2, for the 100 percent radiography test requirement applying to the baseplate-to-shell weld of MPC 248 and the associated record-keeping requirements in 10 CFR 72.154(b). This exemption permits continued storage of MPC 248 for the service life of the canister. This exemption is effective as of April 25, 2022, as indicated in the *Federal Register* Notice.

In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-8064, or Donald Habib of my staff, at (301) 415-1035 or by email at Donald.Habib@nrc.gov. Any future correspondence related to

C. Georgeson

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this action should reference CAC No. 001028, Docket Nos. 72-1041, 50-498, and 50-499, and EPID L-2022-LLE-0009.

Sincerely,



Signed by Diaz-Sanabria, Yaira
on 04/25/22

Yaira K. Diaz-Sanabria, Branch Chief
Storage and Transportation Licensing
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

CAC No.: 001028

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