



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

January 31, 2012

Mr. Anthony L. Patko, Director
Licensing
NAC International, Inc.
3930 East Jones Bridge Road, Suite 200
Norcross, GA 30092

SUBJECT: RESPONSE TO REQUEST FOR REVIEW OF NAC'S 10 CFR 72.48
DETERMINATIONS RELATED TO THE MAGNASTOR INNER REBAR CAGE
(TAC NO. L24569)

Dear Mr. Patko:

By letter dated August 12, 2011 (ML11228A192), NAC International, Inc. (NAC) requested that the U. S. Nuclear Regulatory Commission's (NRC) Rules, Inspections, and Operations Branch (RIOB) review 10 CFR 72.48 (72.48) determinations for the MAGNASTOR concrete cask inner rebar cage to confirm their acceptability. The 72.48 determinations were performed to change the inner rebar cage to an optional component of the MAGNASTOR concrete cask.

On August 30, 2011 (ML112780307), a telephone discussion was conducted between NAC and the NRC staff regarding their submittal, intent, scope, and expected outcome of the request. The staff noted that 10 CFR 72.48 grants conditional change authority to licensees and vendors without prior NRC review. The staff stated that review of 72.48 changes is an oversight function under the purview of the inspection program and that review of 72.48 changes outside of inspection is not appropriate. Additionally, the staff clarified that the NRC cannot render interpretations of the ACI code, but could provide technical feedback on their evaluation.

By letter dated September 6, 2011 (ML11251A197), NAC limited the scope of the request to concurrence with the approach and agreement with their position on the "special system of design" provision in the American Concrete Institute (ACI) Code 349-85, "Code Requirements for Nuclear Safety Related Concrete Structures."

On October 12, 2011 (ML113180428), another telephone discussion was conducted between NAC and the staff. The staff provided its technical feedback on the optional inner rebar cage change. The feedback was based on review of NAC's White Paper, the MAGNASTOR Final Safety Analysis Report (FSAR), the MAGNASTOR Certificate of Compliance, and the MAGNASTOR technical specifications. It was unclear whether the documentation provided an adequate basis to support the optional inner rebar cage change. The staff indicated that more definitive statements could be made referencing the ACI Code relative to the licensing basis. The staff also suggested that the description of "reinforced/plain concrete shield wall application" referred to in ACI 318, "Building Code Requirements for Reinforced Concrete," be addressed.

Additionally, the staff mentioned that NAC might consider enhancing the evaluation documentation as summarized in the White Paper to clarify the basis for the change. The staff notes that the regulatory aspects of the 72.48 evaluation continue to remain subject to inspection.

Please reference Docket No. 72-1031 and TAC No. L24569 in future correspondence related to this licensing action. If you have any questions, please contact me at (301) 492-3316.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Raynard Wharton". The signature is fluid and cursive, with the first name "L." and last name "Wharton" clearly distinguishable.

L. Raynard Wharton, Senior Project Manager
Rules, Inspections and Operations Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1031
TAC No. L24569

Additionally, the staff mentioned that NAC might consider enhancing the evaluation documentation as summarized in the White Paper to clarify the basis for the change. The staff emphasizes that the technical feedback is not a NRC regulatory position on compliance with 10 CFR 72.48.

Please reference Docket No. 72-1031 and TAC No. L24569 in future correspondence related to this licensing action. If you have any questions, please contact me at (301) 492-3316.

Sincerely,

/RA/

L. Raynard Wharton, Senior Project Manager
Rules, Inspections and Operations Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1031
TAC No. L24569

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