



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

April 2, 1998

71-9225/71-9010/
71-9235/71-9720/
72-1013/72-1019
72-1025

Mr. Willington J. Lee, Vice President
Engineering and Design Services
NAC International, Inc.
655 Engineering Drive
Norcross, Georgia 30092

**SUBJECT: REQUESTS TO AMEND THE NAC LEGAL WEIGHT TRUCK CASK (NAC-LWT)
CERTIFICATE OF COMPLIANCE NO. 9225**

Dear Mr. Lee:

In an application dated November 10, 1997, NAC International, Inc. (NAC) requested an amendment to the NAC-LWT Certificate of Compliance (CoC) 9225 to authorize as contents up to 120 TRIGA high-enriched fuel elements that have been discharged from various reactors. Additionally, in an application dated November 21, 1997, NAC requested an amendment to the same CoC to revise the package identification number to include the "-85" suffix, indicating compliance with the current 10 CFR Part 71 requirements as required by 10 CFR 71.13(d). In the November 10 application, NAC indicated its belief that the amendment request deserved a priority review because NAC was under contract with the Department of Energy (DOE) to make TRIGA fuel shipments based on the proposed amendment.

Only recently has the full scope of the DOE/NAC contract and its efforts to aid implementation of U.S. non-proliferation policies been brought to our attention. Although we find this a laudable effort on your part, we are concerned about the staff resource consequences of suddenly performing these two significant and technically challenging reviews. The staff originally intended that contractor support would be acquired to complete these reviews. As of now, the staff will complete the reviews using in-house staff on an accelerated schedule.

There have been other instances of NAC requests for expedited reviews for certificate approval; for example, the Brookhaven fuel shipment in 1997 and the Columbian fuel shipment in 1996. The staff is severely impacted when non-scheduled, quick-turnaround reviews are necessary. It is particularly important that truly appropriate rationale and details are provided for such requests. A large portion of the burden for ensuring that the justification for expedited NRC reviews is conveyed remains with the applicant, even for instances where commitments to a third party (e.g., DOE) are involved. It is NAC's responsibility to arrange, as early as possible, the necessary discussions under such accelerated circumstances.

Moreover, for quite some time, the "-85" suffix review has been discussed informally with NAC via telephone conversations. Regardless of the nature and extent of these conversations, the advance notice of revisions to 10 CFR Part 71 was published in the Federal Register on September 28, 1995, and the new regulations became effective on April 1, 1996. While acknowledging that the work necessary to support the "-85" suffix is significant and may take a substantial amount of time even for a company of your stature, it should not be assumed that the staff automatically can accept your conclusions regarding your work in meeting the regulations. It should be assumed that our review time, which may involve confirmatory studies, may take an equal amount of time as the NAC development effort.

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