

71-0912

From: Frank Jacobs  
To: Chris Marden  
Date: 7/31/03 2:13PM  
Subject: Re: Re-Categorizing NRC QAM Approval

Mr. Marden,

In your e-mail to me on July 24, 2003, you requested guidance on options for BNFL Inc., retaining the NRC approval of your quality assurance (QA) program following completion of Big Rock Point packaging and transportation activities. Specifically, you are considering requesting a change from the annual fee category of "Users and Fabricators" to "Users."

There are two annual fee categories in 10 CFR Part 171 for QA program approval holders. The Part 171 definition for quality assurance program approval states, in part, "Activities covered by the quality assurance program may be divided into two major groups: Those activities including design, fabrication and use of packaging and those activities for use only of packaging." Any entity submitting a packaging design for approval would obviously fall into the first group. The second group consists of licensees who only transport, or deliver to a carrier for transport, licensed material, and do not perform any design or fabrication activities.

BNFL Inc., was required to have an NRC-approved QA program when applying for approval of a packaging design for 10 CFR Part 71 activities at Big Rock Point. QA Program Approval 71-0912, Revision 2, was issued to BNFL Inc., in the appropriate Part 171 annual fee category of "Users and Fabricators." Based on the information you have provided, it appears a change to the user only category following completion of Big Rock Point activities would not be appropriate. It is our understanding that BNFL Inc., is not an NRC licensee, and you have not identified future needs or plans to possess or transport licensed material.

NRC currently does not terminate approvals based on the approval holder's inactivity in work under Part 71. The current approval and annual fees will continue until the expiration date of March 31, 2006, unless you request termination. If you have no other Part 71 certificates or activities requiring an approved QA program, and you choose to terminate your certificate of compliance for the Big Rock Point package, you may request termination of your QA program approval.

If you have any questions, please call me at 301-415-3961.

Frank Jacobs

>>> "Chris Marden" <cmarden@bnflinc.com> 07/24/03 05:28PM >>>  
Frank,

Per our telephone conversation this morning, BNFL Inc/Big Rock Point (BRP) currently holds a 10 CFR Part 71 QA Program Approval for Radioactive Material Packages No. 0912, Rev. 2, which expires on March 31, 2006 (ref. Docket No. 71-0912).

Our current fee (\$72,900.00) is aligned with the on-line NRC annual fee schedule, line item #10, Transportation of radioactive material, B. QA program approvals issued under 10 C FR Part 71, Users and Fabricators.

We are currently evaluating our options for retaining our NRC QA Program approval, once BRP packaging and transportation activities have completed.

One consideration, on which guidance is requested, is that we recategorized our NRC Approval to that offered in line item #10, Transportation of radioactive material, B. QA program approvals issued under 10 C FR Part 71,

Users, which has an annual fee of \$7,300.00.

In consideration of BNFL Inc's interest (stated above), please advise us of our options and provide guidance on the intent of NRC Approvals that support "Users".

Thank you for your help.

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