

January 24, 2006

Dr. Robert Rosner, Director
Argonne National Laboratory
9700 S. Cass Avenue
Argonne, IL 60439

Dear Dr. Rosner:

On January 13, 2006, we read in the *Argonne News* that you plan to suspend programmatic work in the Alpha-Gamma Hot Cell Facility (AGHCF) at Argonne National Laboratory (ANL). You are probably aware that the U.S. Nuclear Regulatory Commission (NRC) has an ongoing program with ANL that would be affected by such a decision. However, you might not be aware of the importance of this program or the development that has gone into it.

The program in question involves formal cooperation among the NRC and the Electric Power Research Institute, Framatome ANP, Westinghouse, and the U.S. Department of Energy (under a specific memorandum of understanding between the NRC and the Office of Nuclear Energy, Science and Technology). The intent of the program is to provide data on high-burnup reactor fuel, which the U.S. nuclear power industry and the NRC need to ensure that reactor safety criteria are adequate for both current and future fuel cladding alloys and to develop criteria for the transportation of spent nuclear fuel.

This program, which is scheduled for completion in 2008, has been underway since 1997, and it has taken years of laborious effort to develop techniques, assemble a skilled research team, and obtain fuel rods from U.S. power plants. Toward that end, the NRC has made a significant investment (more than \$18M to date), and we would like to capitalize on the dedicated staff, custom equipment, and special techniques that have been developed at ANL to complete the program. The work is at such an advanced stage that we have scheduled rulemaking activities and the development of other regulatory guidelines beginning this year. These activities are expected to run concurrently with verification testing, which is scheduled to be conducted at ANL during Fiscal Year (FY) 2007–2008.

Delays in completing this work and obtaining experimental data on high-burnup reactor fuel would force the NRC to consider granting exemptions from our important regulation on loss-of-coolant accidents (10 CFR 50.46). This must be done on a case-by-case basis for almost all refueling outages because some fuel is not covered by the current regulation. In addition, delays in obtaining the experimental data would further postpone the NRC's ability to license casks for the movement of high-burnup reactor fuel. This could delay the shipment of spent fuel to a repository or other storage locations, potentially interfering with plant operation.

R. Rosner

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The article in the *Argonne News* suggests a perception that the laboratory is subsidizing the programmatic work in the AGHCF. However, fixed operating costs are, in fact, a big part of the NRC's overall payments to ANL, and I believe that our program alone pays more than half of the fixed costs that the laboratory would have to bear simply to maintain this Class-2 facility without any programmatic work.

The NRC has been a loyal sponsor of ANL, especially in this program. On that basis and because the AGHCF will remain functionally operational during the period that is needed to complete our program, we request that you permit us to finish this work. With your help, we can bring this program to an orderly and successful conclusion in FY 2008.

Sincerely,

/RA/

Carl J. Paperiello, Director
Office of Nuclear Regulatory Research

R. Rosner

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Carl J. Paperiello, Director
Office of Nuclear Regulatory Research

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