

August 13, 2008

James M. Shuler
U.S. Department of Energy
EM-63, CLV-2047
1000 Independence Avenue, SW
Washington, DC 20585

SUBJECT: AUTHORIZATION TO CHANGE THE LOADING LIMITS FOR SOLID METAL
OR ALLOY IN THE FORM DEFINED AS BROKEN METAL IN THE MODEL NO.
ES-3100 (TAC NO. L24241)

Dear Mr. Patko:

As requested by your application dated August 12, 2008, pursuant to Title 10 of the Code of Federal Regulations Part 71 Certificate of Compliance (CoC) No. 9315, for Model No. ES-3100 package is amended as follows:

The loading limits for solid metal or alloy in the form defined as broken metal in the last entry of Condition 5.(b)(1)(ii), Table 2, are applicable for ≤ 60 weight percent U-235.

The following additional conditions apply:

- All other conditions of CoC No. 9315 shall remain the same.
- This authorization shall expire on August 31, 2009.

If you have any questions regarding this authorization, please contact me or Kim Hardin of my staff at (301) 492-3254 or (301) 492-3339, respectively.

Sincerely,

/RA/

Eric J. Benner, Chief
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9315
Enclosure: Safety Evaluation Report
cc: R. Boyle, Department of Transportation

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| OFC: | SFST | E | SFST | E | SFST | | | | | | |
| NAME: | KHardin | | MDeBose | | EBenner | | | | | | |
| DATE: | 8/12/08 | | 8/13/08 | | 8/13/08 | | | | | | |

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SAFETY EVALUATION REPORT

Docket No. 71-9315
Model No. ES-3100
Certificate of Compliance No. 9315

SUMMARY AND EVALUATION

On July 7, 2008, the U.S. Nuclear Regulatory Commission, issued Revision 8 to Certificate of Compliance (CoC) No. 9315 for the Model No. ES-3100 transportation package. After issuing Revision 8 of CoC No. 9315, a typographical error was identified in Condition 5.(b)(1)(ii), Table 2. In the last entry of the first column of Table 2, the “≤” symbol was inadvertently deleted from the previous revision.

By letter dated August 12, 2008, the Department of Energy (DOE or the applicant) requested a letter authorization to specify the correct entry of Table to as “≤ 60.” This correction is necessary to allow the loading for a shipment planned for this week.

The error will be corrected when the next revision is processed.

CONDITION

The authorization is limited to the following condition:

The loading limits for solid metal or alloy in the form defined as broken metal in the last entry of Condition 5.(b)(1)(ii), Table 2, are applicable for ≤ 60 weight percent U-235.

The following additional conditions apply:

- All other conditions of CoC No. 9315 shall remain the same.
- This authorization shall expire on August 31, 2009.

CONCLUSION

This change does not affect the ability of the ES-3100 package to meet safety requirements of 10 CFR Part 71.

Issued on August 13, 2008.