

May 4, 2009

Mr. Robert Harris
President
ICAL, Inc.
2130 Gary Court
Decatur, Illinois 62526

SUBJECT: RECEIPT OF APPLICATION – TERMINATION OF REVIEW

Dear Mr. Harris:

This refers to your application dated January 2, 2009, requesting authorization for limited use of the 20WC-5 Department of Transportation (DOT) specification Type B transportation package. Guidance for requesting continued limited use of expiring packages was provided by the U.S. Nuclear Regulatory Commission (NRC) Regulatory Issue Summary (RIS) 2008-18, "Information on Requests for Extending Use of Expiring Transportation Packages," dated August 14, 2008.

This letter is to inform you that during the acceptance review, the NRC staff found deficiencies in your application which prevents us from accepting it for technical review. These deficiencies include:

- The application failed to identify shipment detail information. Specific shipment information, to include the total number of shipments, shipment origin and destination, general timeframe for the shipments, and the date the last shipment will be completed are required for staff to assess the scope of the shipment authorization request.
- The application did not include a safety justification for continued use and proposed compensatory measures. The expiring packages may lack the safety enhancements included in newer designs. The application did not provide any safety justification or proposed compensatory measures to provide an equivalent level of safety to current regulatory requirements. The application specifically stated that no additional measures would be taken to ensure the safety of the shipment if the NRC granted continued use.
- The application failed to provide a plan and schedule to acquire replacement packages or complete the necessary shipments. The authorization for limited use is designed to bridge a brief gap for the completion of replacement packages or the completion of planned shipments which were delayed beyond the October 1, 2008, expiration date. Detailed information as to why the shipment was not completed before October 1, 2008, or the plan and schedule for replacement packages are required for staff's review of the application.
- The application was not accompanied by a copy of the request to DOT for a special permit, meeting the requirements of 49 Code of Federal Regulations Part 107. A special permit authorizing continued use of a DOT specification Type B package must be granted by DOT before NRC will issue an authorization for a licensee's continued use of

the DOT specification package. A copy of an application meeting the DOT requirements in 49 CFR 107.105, or a copy of the DOT special permit authorizing your continued use of the 20WC-5 DOT specification Type B package must be provided for staff's review. Please note, NRC will not issue an authorization for limited use of a DOT specification Type B package until after DOT has issued a special permit authorizing the use.

If you have any questions regarding this matter, please contact me at (301)492-3292.

Sincerely,

/RA/

Michele M. Sampson, Sr. Project Manager
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9350
TAC No. L24328

cc: R. Boyle, Department of Transportation

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