

April 6, 2010

Mr. Donald R. Krause, Manager
Regulatory Compliance & EHS
GE Hitachi Nuclear Energy Americas, LLC
Vallecitos Nuclear Center
6705 Vallecitos Rd.
Sunsol, CA 94586

SUBJECT: REVISED AUTHORIZATION FOR LIMITED SHIPMENTS IN THE MODEL
NO. GE-100 PACKAGE, CERTIFICATE OF COMPLIANCE NO. 5926

Dear Mr. Krause:

As requested by the U.S. Department of Energy's application dated March 12, 2010, and your application dated September 29, 2008, as supplemented by your email dated January 16, 2009, and pursuant to 10 CFR Part 71, Certificate of Compliance No. 5926 for the Model No. GE-100 package is amended to authorize the following limited shipments, subject to the conditions listed below. This authorization letter supersedes, in its entirety, the letter authorizing limited shipments in the Model No. GE-100 package, dated January 16, 2009.

1. The packaging is constructed in accordance with General Electric Company Drawing Nos. 129D4727, Rev. 5; 129D4729, Rev. 5; 129D4730, Rev. 4; and 129D4731, Rev. 1.
2. Contents
 - (a) Type and form of material

Byproduct and irradiated special nuclear material in the form of fuel rods, or plates, fuel assemblies, or meeting the requirements of special form radioactive material; or solid nonfissile irradiated metal hardware and reactor control rods (blades).
 - (b) Maximum quantity of material per package

As specified in Certificate of Compliance No. 5926.
3. Shipment will be by closed-transport or flat-bed transport vehicle, as exclusive use.
4. Four shipments will be to Burlington, Massachusetts.
5. Package inspections are required before each use of the GE-100.
6. Authorization is for a maximum of four shipments, and expires December 31, 2010.

All other conditions of Certificate of Compliance No. 5926 remain the same. GE Hitachi Nuclear Energy Americas, LLC, has been issued Quality Assurance Program Approval for Radioactive Material Packages No. 0170 under the provisions of 10 CFR Part 71.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

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

Docket No. 71-5926
TAC No. L24430

Enclosure: Safety Evaluation Report

cc w/encl: J. Shuler, Department of Energy
R. Boyle, Department of Transportation

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Distribution: (closes L24430)
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Filename: G:\SFST\Sampson\GEH-5926 Ltr.doc **ADAMS Package No.: ML100960230**
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**SAFETY EVALUATION REPORT
DOCKET NO. 71-5926
MODEL NO. GE-100 PACKAGE
GE HITACHI**

SUMMARY

By application dated September 29, 2008, as supplemented by a GE Hitachi Nuclear Energy Americas, LLC (GE Hitachi) email dated January 16, 2009, GE Hitachi requested authorization to use the Model No. GE-100 package beyond the package authorization expiration date of October 1, 2008. By application dated March 12, 2010, the U.S. Department of Energy (DOE) requested to be the offeror for four of the shipments originally requested by GE Hitachi. The purpose of this revision is to remove the four shipments, previously authorized for GE Hitachi, which will now be shipped by DOE.

Based on the statements and representations in the application, staff agrees that the extension of use of the package, with the additional conditions stated below, meets the requirements of 10 CFR Part 71.

BACKGROUND

NRC amended the regulations in 10 CFR Part 71, effective October 1, 2004, to be compatible with the 1996 edition of the International Atomic Energy Agency (IAEA), "Regulations for the Safe Transport of Radioactive Material" (TS-R-1, as amended in 2000). As a result, certain transportation packages that are compatible to the IAEA 1967 edition will no longer be authorized for use under the 10 CFR Part 71 general license after October 1, 2008.

EVALUATION

By application dated September 29, 2008, GE Hitachi requested authorization to use the Model No. GE-100 package beyond the package authorization expiration date of October 1, 2008. GE Hitachi submitted supplemental information by email dated January 16, 2009. GE Hitachi provided the information as described in U.S. Nuclear Regulatory Commission, Regulatory Issue Summary 2008-18, "Information on Requests for Extending Use of Expiring Transportation Packages."

GE Hitachi was authorized to make eight shipments in the Model No. GE-100 package by letter dated January 16, 2009. Instead of GE Hitachi, four of these shipments will be DOE shipments made by Battelle Energy Alliance, a DOE contractor at the Idaho National Laboratory. Therefore, the authorization for GE Hitachi is revised to remove the four shipments which will be made by DOE.

CONDITIONS

The conditions of the authorization for limited use of the Model No. GE-100 package have been revised as follows:

Condition No. 4 is revised to reduce the number of shipments from eight to four, and the destination is now limited to Burlington, Massachusetts.

Condition No. 6 is revised to limit the authorization to a total of four shipments, and the expiration date remains December 31, 2010.

CONCLUSIONS

Based on the statements and representations in the GE Hitachi application dated September 29, 2008, as supplemented by GE Hitachi email dated January 16, 2009, and the DOE application dated March 12, 2010, the staff agrees that the use by GE Hitachi of the Model No. GE-100 package, subject to the conditions of the authorization, meets the requirements of 10 CFR Part 71.

Issued on April 6, 2010.