

"Designated Original"

J.L. Shepherd & Associates

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March 29, 2010

Michele M. Samson
Senior Project Manager, Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Docket Number 71-5939 and TAC No. L24409

Dear Ms. Samson:

This letter is in response to your request for additional information concerning the above referenced docket number and document.

NRC has requested additional information as follows:

RAI – 1 Provide the packaging serial numbers which will be used for shipment.

Because this is a "party" type shipment, there will be only one GE Model 1500 package used for the six additional shipments requested by the referenced action. That serial number is: 1507.

RAI – 2 Confirm that J.L. Shepherd & Associates will be the shipper for each of the requested six shipments.

J.L. Shepherd & Associates will be the shipper of record for all of the requested additional shipments.

RAI -3 Revise the justification for continued use of the package to address all potential Reasons for Requesting Extended Use.

Reasons for requesting extended use are as follows:

- A package with similar or greater wattage capabilities cannot be located.
- Configuration of the shipment to allow for use of smaller packages is not possible as existing sources cannot be re-configured at customer facility locations where they are intended to be removed from. Source size, Curie content and wattage exceed limits of other available containers. Additionally, if multiple handlings were possible, there would be an increased risk to public and employee safety as well as substantial cost to these customers.

NM5501

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- These customer requests have been received as a result of government grants being extended to these governmental and medical research facilities. Notification of grants was transmitted to JLS&A by customers in January 2010.
- One facility, a government research agency has requested immediate delivery.
- While shipments may possibly be delayed until a licensed package becomes available, such delay could pose a threat to public health and national defense.

RAI – 4 Provide the details of the plan and schedule to acquire replacement packages.

While JLS&A cannot speak for Hitachi-General Electric as to their plans for replacement packages, we can provide an update of the current status of JLS&A's package design activity.

JLS&A has, since the summer of 2005, been in development of a new Certificate of Compliance Package. Several design flaws were brought forth during dynamic testing of that package design in the summer of 2008, when prototype testing occurred under NRC witnessed activity at Southwest Research Institute in Texas (September 2008). Since that time, JLS&A has developed several improvements to the original design which are intended to better account for the physics associated with Hypothetical Accident Conditions at both temperature extremes. Modeling has been contracted with Y-12 Group, at Oakridge and initial results of that modeling are anticipated by first week of April 2010. Assuming successful modeling, it is anticipated that JLS&A will make application for CoC by August 31, 2010.

We hope this information is of value to NRC staff in making a successful determination on this matter. General Electric-Hitachi is providing NRC a separate response which will request JLS&A be added as a "party" to their special permit.

Best regards,



J.L. Shepherd
President

MAR 05 2010



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 25, 2010

Mr. J. L. Shepherd
President
J. L. Shepherd & Associates
1010 Arroyo Ave.
San Fernando, CA 91340

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION FOR REVIEW OF THE MODEL
NO. 1500 PACKAGE LIMITED AUTHORIZATION

Dear Mr. Shepherd:

By application dated December 16, 2009, J. L. Shepherd & Associates submitted a request to the U.S. Nuclear Regulatory Commission for limited authorization extending the use of the expired transportation package Model No. 1500, Certificate of Compliance No. 5939. The application requests use of the package for six shipments, to be completed by December 31, 2010.

In connection with our review, we need the information identified in the enclosure to this letter. To assist us in scheduling staff review of your response, we request that you provide this information by March 30, 2010. If you are unable to provide a response by that date, our review may be delayed. To assist us in re-scheduling your review, you should include a new proposed submittal date and the reasons for the delay.

Please reference Docket No. 71-5939 and TAC No. L24409 in future correspondence related to this request. The staff is available to meet to discuss your proposed responses. If you have any questions regarding this matter, I may be contacted at (301) 492-3292.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele M. Sampson, Sr.", written in a cursive style.

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

Docket No. 71-5939
TAC No. L24409

Enclosure: Request for Additional Information

cc w/encl: E. Redmond, NEI

Request for Additional Information
J. L. Shepherd & Associates
Docket No. 71-5939
Certificate of Compliance No. 5939
Model No. 1500

By application dated December 16, 2009, J. L. Shepherd & Associates (the applicant) submitted a request to the U.S. Nuclear Regulatory Commission for limited authorization extending the use of the expired transportation package Model No. 1500, Certificate of Compliance No. 5939. The application requests use of the package for six shipments, to be completed by December 31, 2010. This request for additional information (RAI) identifies information needed by the U.S. Nuclear Regulatory Commission (NRC) staff in connection with its review of the amendment.

Each individual RAI describes information needed by the staff for it to complete its review of the application and to determine whether the applicant has demonstrated compliance with the regulatory requirements of 10 Code of Federal Regulations Part 71 (10 CFR Part 71). The NRC Regulatory Issue Summary 2008-18, "Information on Requests for Extending Use of Expiring Transportation Packages" (RIS 2008-18) was used by the staff in its review of the application.

RAI-1 Provide the packaging serial numbers which will be used for shipment.

The application does not identify which serial number packagings are requested for use. The authorization for extended use of expiring packages is intended for limited, very specifically identified shipments, which could not be completed before the ^{1/1/09} October 1, 2008, expiration date. RIS 2008-18, in Requested Information Item (2)(c) identifies the packaging serial number as an element of the shipment identification to be included in an application.

This information is required to assess compliance with 10 CFR 71.31.

RAI-2 Confirm that J. L. Shepherd & Associates will be the shipper for each of the requested six shipments.

Currently, the application requests six shipments, identified as shipment numbers 9 through 14. Shipment number 12 is not identified as being "from" or "by" the applicant. Only the addressee of the limited authorization letter may use the approval to make the shipments.

This information is required to assess compliance with 10 CFR 71.31.

RAI-3 Revise the justification for continued use of the package to address all potential Reasons for Requesting Extended Use.

The only justification provided in the application, "Reason(s) for Requesting Additional Extended Use," is an explanation of why no other packages are currently available to transport this material. The applicant identifies that the package is needed to fulfill new customer requests, which have been received after the packaging expiration date of October 1, 2008.

The application should address the potential for the contents to be reconfigured such that transport can be conducted in accordance with the regulations, RIS 2008-18, Requested Information Item 3(b). The application should also describe why the transport schedule cannot be delayed until a package meeting the regulations is available for use, RIS 2008-18, Requested Information Item 3(c). The application should detail any adverse impacts that will result if the shipment is not conducted as requested.

This information is required to assess compliance with 10 CFR 71.31.

RAI-4 Provide the details of the plan and schedule to acquire replacement packages.

The application refers to efforts by GE-Hitachi to develop a replacement package, and states that the applicant is also in the process of developing a replacement package. The details of the GE-Hitachi replacement package plan and schedule have been provided by GE-Hitachi to support their requested continued use of this package.

The applicant must provide the details of their plan and schedule to develop a replacement package. The limited authorization is not intended to allow business-as-usual in expired packaging. Staff must have reasonable assurance that the applicant is making progress toward use of a packaging which meets the regulatory requirements. As identified in RIS 2008-18, the plan and schedule to acquire replacement packages should include key milestones and proposed implementation dates. Since the applicant does not currently have a replacement package design submitted for review, the description should address those historical activities which show progress toward the submittal of an application in addition to the details of forward looking milestones.

This information is required to assess compliance with 10 CFR 71.31.