

November 1, 2010

Mr. Donald R. Krause
Manager, Regulatory Compliance and EHS
GE Hitachi Nuclear Energy
Vallecitos Nuclear Center
6705 Vallecitos Rd.
Sunol, CA 94586

SUBJECT: APPLICATION FOR LIMITED CONTINUED USE OF THE EXPIRED MODEL
NO. 5979 PACKAGE – REQUEST FOR SUPPLEMENTAL INFORMATION

Dear Mr. Krause:

By letter dated October 18, 2010, you submitted an application for limited continued use of the expired Model No. 5979 transportation package. You requested to use the package based on an authorization provided to Alpha-Omega Services, Inc., for 15 shipments between October 31, 2010, and February 28, 2011. Staff performed an acceptance review of your application to determine if the application contains sufficient technical information in scope and depth to allow the staff to complete the detailed technical review.

This letter is to advise you that the application does not contain sufficient technical information to allow the staff to complete its detailed technical review and to determine that the application meets the requirements of 10 CFR Part 71. Staff identified the following information was needed to begin its technical review:

The NRC Regulatory Issue Summary 2008-18, "Information on Requests for Extending Use of Expiring Transportation Packages" (RIS 2008-18) was provided by the staff to assist applicants in requesting continued limited use of packages for which use was no longer authorized after October 1, 2008. The application did not address four of the five elements identified as information needed by staff to evaluate requests for continued use of an expired package. In particular, the application did not describe:

- Identification of Shipments: (a) Number of shipments; (b) number of packages per shipment; (c) packaging serial numbers; (d) package contents; (e) end use of the radioactive material; (f) shipment origin and destination; (g) mode; (h) general timeframe (e.g., first quarter 2009); and (i) date last shipment will be completed.
- Reasons for Requesting Extended Use. Justification for extending the use of expiring packages must describe why acquiring replacement packages is not practical and why shipments cannot be made before the October 1, 2008, expiration date. The justification must demonstrate that: (a) there are no alternative domestically approved packages available; (b) the contents cannot be reconfigured such that transport can be conducted in accordance with the regulations; and (c) the transport schedule cannot be adjusted so as to be conducted in accordance with the regulations. The justification must also describe any good-faith efforts to acquire replacement packages that meet the current package performance requirements, including a detailed description of past activities and the current status of acquiring replacement packages. In addition, any adverse impacts that will result if the shipment is not conducted should be fully described.

- Safety Justification for Continued Use and Proposed Compensatory Measures. Since the expiring package designs may lack safety enhancements included in newer designs, the request must include a safety justification for continued use and a description of compensatory measures that will be used to provide an equivalent level of safety. Examples of compensatory measures that may be considered are: (a) special package inspections, tests, or determinations that ensure that the packaging is in unimpaired physical condition; (b) transport by exclusive use; (c) transport during time of low road usage; and (d) accompaniment of shipment by escort equipped to effect a recovery in an emergency situation or in case of a transportation accident.
- A Plan and Schedule to Acquire Replacement Packages or Complete Necessary Shipments. Details about the planned acquisition of replacement packages must be provided, along with key milestones, and proposed implementation dates, unless the licensee can show why acquiring a replacement package is not practical and why shipments cannot be made before the October 1, 2008, expiration date.

The application did not describe the number and type of shipments, or the schedule for the shipments that GE Hitachi Nuclear Energy was requesting to make in the expired package. Staff evaluates use of the expired packages for each requested shipment, and issues the authorization to an applicant for specific shipment to be made by that applicant. A critical factor in staff's review is the justification for the continued use of the expired package. The justification for continued use of an expired package, as described in RIS 2008-18, must describe good-faith efforts to acquire replacement packages that meet the current package performance requirements and any adverse impacts that will result if shipments are not conducted.

This letter is to advise you that based on our acceptance review, the application does not contain sufficient technical information. The information needed to continue our review is described above. In order to schedule our technical review, this information should be provided by November 16, 2010. If the information described is not received by this date, the application will not be accepted for review. This letter confirms our phone call on October 28, 2010, with respect to the additional information that will be needed for staff to review a request for continued use of an expired package. Staff is available to provide you with technical assistance in connection with a future request for use of this package design.

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

- **Safety Justification for Continued Use and Proposed Compensatory Measures.** Since the expiring package designs may lack safety enhancements included in newer designs, the request must include a safety justification for continued use and a description of compensatory measures that will be used to provide an equivalent level of safety. Examples of compensatory measures that may be considered are: (a) special package inspections, tests, or determinations that ensure that the packaging is in unimpaired physical condition; (b) transport by exclusive use; (c) transport during time of low road usage; and (d) accompaniment of shipment by escort equipped to effect a recovery in an emergency situation or in case of a transportation accident.
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 Licensing Branch
 Division of Spent Fuel Storage and Transportation
 Office of Nuclear Material
 Safety and Safeguards

Docket No. 71-5979

TAC No. L24481

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