

September 21, 2012

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

SUBJECT: CONFIRMATORY ACTION LETTER (CAL) No. NMSS-2012-001

Dear Mr. Krause:

Currently, the U.S. Nuclear Regulatory Commission (NRC) is in the process of evaluating a change in basket configuration for a new lead liner design and is seeking information in order to determine whether your Certificate of Compliance (CoC) No. 9228 for the Model No. 2000 package should be modified, suspended, or revoked. Specifically, the staff is reviewing potentially safety significant issues pertaining to the shielding for contents below 600 watts, and the use of the optional shielding liner without a shield lid.

By Conversation Record, dated May 22, 2013 (Accession No. ML 12164A774), and the NRC's Request for Information (RFI) for continued use of the Model No. 2000 package (Accession No. ML 12205A258), and as communicated by you to the NRC in an email dated August 6, 2012, it is our understanding that you will take the following action:

- Suspend use of the Model No. 2000 package with the optional lead liner configuration pending resolution of the NRC's concerns. We understand that you have taken this action through issuance of a management directive in which you have placed an administrative hold on the use of the package with the optional lead liner configuration until the staff questions regarding the liner shipping configuration has been resolved.

Pursuant to 10 CFR 71.39, you are required to:

- 1) Notify us immediately if your understanding differs from that set forth above;
- 2) Notify us if for any reason you cannot complete the action; and
- 3) Notify us in writing at such time when you determine the package is acceptable for use.

These notifications should be made to Mr. Eric Benner, Branch Chief, Rules, Inspections & Operations Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the Certificate Holder; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information, so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

**/RA/**

Mark Lombard, Director  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 71-9228  
TAC No.: LA0129

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Sincerely,

**/RA/**

Mark Lombard, Director  
 Division of Spent Fuel Storage and Transportation  
 Office of Nuclear Material Safety  
 and Safeguards

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