

January 17, 2014

Dr. James M. Shuler, Manager
DOE Packaging Certification Program
U.S. Department of Energy
Office of Packaging and Transportation
EM-63, CLV-2047
1000 Independence Avenue, S.W.
Washington, DC 20585

SUBJECT: REQUIREMENTS FOR PRELIMINARY DETERMINATIONS PRIOR TO FIRST
USE FOR DUAL-CERTIFIED PACKAGES

Dear Dr. Shuler,

In your letter dated October 30, 2013, you posed questions on the requirements in Title 10 of the *Code of Federal Regulations*, 71.85 for packages that have dual certification from both the U.S. Nuclear Regulatory Commissions (NRC) and U.S. Department of Energy (DOE). In particular, you requested clarification on what NRC would require from the applicant regarding the requirements in 10 CFR 71.85 for preliminary determinations as far as inspection, testing, and fabrication requirements, assuming the package has been used before by DOE. It appears that you are concerned that NRC would require the licensee to repeat the requirements in 10 CFR 71.85, as if the package had never been used.

If these tests were performed prior to first use of the DOE certificate of compliance, would satisfy the requirements of 10 CFR 71.85, and were performed under a quality assurance program that meets the requirements of Subpart H in 10 CFR Part 71, then the tests would not need to be repeated prior to first use of the NRC certification.

Sincerely,

/RA/

Michele Sampson, Chief
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

cc: L. F. Gelder, Savannah River Research Campus

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