



NUCLEAR ENERGY INSTITUTE

**Rod McCullum**  
DIRECTOR  
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November 9, 2010

Mr. Christopher Staab  
Project Manager  
Division of Spent Fuel Storage and Transportation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20005-0001

**Subject:** Nuclear Energy Institute White Paper on Storage Cask/Transportation Package Contents

**Project Number 689**

Dear Mr. Staab:

Enclosed for your review is an industry white paper on the question of whether certain additional hardware used in structural modifications installed to address PWR Fuel Top Nozzle Stress Corrosion Cracking must be identified and licensed as "contents" per 10 CFR Part 72 and 10 CFR Part 71. This paper has been prepared to help inform the NRC's decision-making concerning the resolution of NEI Spent Fuel Storage and Transportation Regulatory Issue Resolution Protocol (RIRP) I-10-01, "PWR Fuel Top Nozzle Stress Corrosion Cracking." This paper has been prepared in accordance with the RIRP I-10-01 Issue Resolution Plan as mutually agreed to between industry and the NRC during our public meeting held September 16, 2010. Also enclosed for your information is an updated resolution plan for this issue.

This white paper concludes that the hardware in question — guide tube anchors, Instrument Tube Tie Rods (ITTRs), and other similar devices with the same design functions (and limitations on use) — are not "contents" as defined in the 10 CFR 72 or 71 regulations. Thus, it is industry's position that a licensing action is not necessary to load assemblies containing these hardware modifications. We recognize that license/CoC amendments may be required as a result of other regulatory processes used to authorize the storage and transport these modified fuel assemblies. The need for amendments for other reasons than "contents" is the subject of the balance of the ongoing resolution process for this issue.

A prompt NRC decision on this specific question of "contents" would be most appreciated, because several licensees are basing their pending decisions on whether or not to use such hardware on the outcome of this pilot issue. If, as originally envisioned in the Issue Resolution Plan, the NRC believes

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that a meeting is necessary to discuss this white paper in support of a decision, please contact me at your earliest convenience so that we might arrange a time in the near future. Industry is interested in reaching closure on this "contents" question by the end of the year if possible. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod McCullum", written over a light gray rectangular background.

Rod McCullum

Attachments

c: Ms. Vonna L. Ordaz, NMSS/DFST  
Mr. Douglas W. Weaver, NMSS/DSFST/LID  
Mr. Raymond K. Lorson, NMSS/DSFST/TRD  
NEI Dry Storage Task Force  
NEI Top Nozzle Issue Resolution Team