



NUCLEAR ENERGY INSTITUTE

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June 13, 2011

Ms. Vonna L. Ordaz
Director
Division of Spent Fuel Storage and Transportation
Office of Nuclear Materials Safety and Safeguard
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Position on Helium Leakage Testing of Dry Storage System Confinement Boundaries

Reference: Letter Redmond to Parkhill "NEI Comments on Draft Interim Staff Guidance 25, "Pressure and Helium Leakage Testing of the Confinement Boundary of Spent fuel Storage Canisters," 74 *Federal Register* 52512, October 13, 2009

Project Number 689

Dear Ms. Ordaz:

The Nuclear Energy Institute (NEI),¹ together with the NEI Dry Storage Vendor Task Force and NEI Dry Storage Task Force, has further evaluated the effects of the U.S. Nuclear Regulatory Commission's (NRC) Division of Spent Fuel Storage and Transportation (SFST) Interim Staff Guidance – 25, "Pressure and Helium Leakage Testing of the Confinement Boundary of Spent Fuel Dry Storage Systems," and Section 5.5.1.2 of NUREG-1536 "Standard Review Plan for Spent Fuel Dry Storage Systems at a General License Facility," Revision 1. Based on this evaluation, we continue to have concerns about the effect that this guidance has on dry storage canister fabrication.

When NEI originally commented on the draft ISG-25 (see referenced letter), we stressed that requirements should not be established through development of staff review guidance (see

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

Ms. Vonna L. Ordaz

June 13, 2011

Page 2

comment 14). The NRC agreed in their resolution of comments as documented in ML101970496. However, it has become apparent that ISG-25 is having the effect of establishing new requirements through an extra-regulatory process (staff review guidance), which represent a significant change in the NRC's regulatory position regarding helium leakage testing. The NRC has not provided any technical basis for this change in position, thus limiting the ability of applicants and certificate holders to propose viable alternatives to the NRC's position. The inability to propose alternatives is problematic because helium leakage testing of some canister components is unnecessary, impractical and costly.

We respectfully request the NRC's consideration of industry's position, as discussed in the attachment to this letter. Resolution of whether the NRC position constitutes a new requirement or new guidance, and a clear basis as to why the NRC is changing its position would restore regulatory clarity and predictability. We are interested in meeting with the NRC to further discuss this topic at your earliest convenience. We appreciate the NRC's attention on this matter, and consideration of our position.

If you have any questions, please contact me or Marcus Nichol (mrn@nei.org; 202-739-8031).

Sincerely,



Rod McCullum

Attachment

c: Mr. Douglas W. Weaver, NMSS/DSFST/LID
Mr. Michael D. Waters, NMSS/DSFST/TRD/T
Mr. Kevin M. Witt, NMSS/DSFST/LID
Mr. David W. Pstrak, NMSS/DSFST/TRD/S
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