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June 28, 2011

U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852-2738

Attn: Mr. Doug Weaver
Deputy Director, Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety and Safeguards

Subject: Follow-Up Communication Related to the NEI Used Fuel Management Conference

Dear Mr. Weaver:

NAC International (NAC) and the membership of its Nuclear Technology Users Group (NUTUG) organization want to express our collective and individual appreciation for the opportunity for dialogue with the NRC staff that we enjoyed during this year's NEI Used Fuel Management Conference (UFMC) at the Baltimore Inner Harbor Marriott Hotel. This letter is a follow-up to some of that dialogue that we found particularly encouraging regarding the SFST staff's receptiveness to feedback.

In particular, during the conference, you made a special point of telling attendees that the SFST wanted to receive formal feedback from industry, not only collectively through the NEI, but individually from companies and owner's groups about things that concern us and preferred solutions to issues that we believe to be in the best interest of public health and safety, while taking into account the industry's reasonable performance capability. In the light of the offer you have extended, NAC and NUTUG are providing this letter as the first of many that respond to your request for such feedback to the SFST Division.

During the Dry Storage and Transportation Issues Panel on the morning of Wednesday, May 4, NRC panel participants had made a point that 10 CFR 71.55, with perhaps other sections of the regulations, as well, extended the requirement for "ready retrievability" of spent fuel (both as a canister waste form and as discrete fuel assemblies) to post-transport conditions, in addition to the ready retrievability requirements contained in 10 CFR 72.122(l) for post-storage conditions. The issue of ready retrievability of spent fuel, post-transport, has become a new uncertainty for many in the industry over the past 18 - 24 months as the discussion of extended storage research has expanded in scope and content. In particular, in several joint NRC and industry meetings and discussion situations, it has been implied that the consideration of extended storage also may impose a regulatory consideration for ready retrievability of spent fuel in the post-transport situation because the spent fuel may be handled for "further processing or disposal." When regulations with an exclusive spent fuel storage application are informally extended into the transport licensing arena, those companies involved with spent fuel transport package design and licensing are faced with further regulatory uncertainty. We view that an extension of the spent fuel ready retrievability issue into the transportation package licensing space is not an appropriate extension and only adds more licensing complexity and uncertainty without any benefit in public health and safety.

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Therefore, it was with some concern that NAC and our NUTUG members heard the SFST staff pronouncements at the UFMC May 4 morning session. However, on the morning of May 5, at the Regulatory Issue Resolution session, it was good to hear from senior SFST officials that such an interpretation regarding the applicability of ready retrievability to post-transport conditions is not viewed as a proper regulatory extension and that such a consideration would only be viewed in a policy context, if it is, indeed, a necessary consideration at all. NAC and its NUTUG membership agree with what we heard from NRC on the morning of May 5 and thank the senior SFST officials for this timely clarification. Spent fuel transportation issues that currently impact licensing (e.g., high burnup fuel transport) do not need further complication with such uncertainties as the post-transport fuel retrievability issue.

As discussed during the Perry stack-up issue session, the boundary between 10 CFR Part 50 and 72 regulations needs to be clearly understood between the NRC and the industry. As provided by several industry representatives, it is clear that the Safety Analysis Report (SAR), for the cask system at Perry, separated the requirements for operations within the Fuel Handling Building (FHB) to Part 50, as required by the regulations for a general license holder, and operations within a Cask Transfer Facility (CTF) to those redundancy requirements outlined in the SAR. NAC was pleased to see the NRC staff understand that the purpose of a CTF is for a facility with limited physical room in the FHB and/or reactor building, the capability of loading casks outside in something other than a Part 50 seismically qualified Category I structure. NAC was appreciative of the time the NRC staff took to understand the validity of these bases and looks forward to future discussions and resolutions to these concerns.

Again, NAC and its NUTUG organization wish to thank you and the other senior SFST officials for this timely invitation for feedback and for the clear illumination of an issue of industry concern during the UFMC. Please contact me if you have any questions regarding this matter via my direct line at 678-328-1221.

With sincere regards,

Craig Seaman
Senior Vice President
Engineering and Projects
NAC International

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