

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

April 7, 2005

NRC INFORMATION NOTICE 2005-10: CHANGES TO 10 CFR PART 71 PACKAGES

ADDRESSEES

All 10 CFR Part 71 licensees and certificate holders.

PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice (IN) to remind addressees of the requirement to obtain NRC approval of all changes to NRC-approved Part 71 packages before use of the changed packages. It is expected that addressees will review the information for applicability to their activities involving transport of licensed radioactive materials in NRC-approved packages for type B quantities. Licensees should consider actions, as appropriate, to ensure compliance with packaging and transport requirements. No specific action nor written response is required.

DESCRIPTION OF CIRCUMSTANCES

The NRC staff has noted several recent instances in which Part 71 licensees have shipped or transported licensed radioactive material in packages that do not comply with the terms and conditions of the applicable NRC Certificates of Compliance (CoCs). Examples of the nonconformances include: (a) substituting a fastener of length and grade different from that specified on the approved drawing; (b) welding a handling attachment to the packaging not shown on the approved drawing; and (c) fabricating a packaging with a component not meeting the minimum weight specified on the approved drawing. Notices of Violation were issued where appropriate. Additionally, a question recently arose as to whether a change to a package design approved in a foreign national competent authority certificate is required to be revalidated by the U.S. Department of Transportation (DOT).

DISCUSSION

Section 71.33 requires an application for package approval to include a description of a proposed package in sufficient detail to identify the package accurately and provide a sufficient basis for evaluation of the package, e.g., specific materials of construction, weight, dimensions, and fabrication methods. In the NRC CoC for an approved package, a condition for use of the package is that the packaging be fabricated in accordance with the design approved by the Commission.

Section 71.17 grants an NRC licensee a general license to use an NRC-approved package to transport, or to deliver to a carrier for transport, licensed material, provided that the user meets certain requirements. One requirement is that the user must have a copy of the CoC, or other

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approval of the package, and have the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging. The user must also comply with the terms and conditions of the license, certificate, or other approval, as applicable.

A package used to transport licensed material must be in conformance with the drawings and documents referenced in the applicable approval. Any change to an approved package must be approved by NRC before use of the changed package. Use of a nonconforming package is a violation of requirements. NRC will consider enforcement actions when and as appropriate, consistent with the NRC Enforcement Policy.

Some foreign competent authorities may be allowing certain design modifications without reapproval by the foreign competent authority. Since the U.S. does not allow use of packages with nonapproved modifications, only foreign-approved packages compliant with the Safety Analysis Report, technical data, and certificate reviewed and approved by DOT, can be used.

NRC is currently developing guidance that will clarify the level of detail in applications for package approval that may help reduce the necessity for additional approvals (amendments). In general, changes to the design or operations that are not conditions of the Part 71 Certificate of Compliance approval do not require prior NRC approval. Application details that focus on the features and characteristics necessary for safety, but do not overly constrict construction and use, will prevent unnecessary amendments concerning non-safety-significant features.

This IN requires no specific action nor written response. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate regional office.

/RA/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Technical Contact: Frank Jacobs, NMSS
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Attachment: List of Recently Issued NMSS Information Notices

Recently Issued NMSS Generic Communications

Date	GC No.	Subject	Addressees
04/01/05	IN-05-007	Results of HEMYC Electrical Raceway Fire Barrier System Full Scale Fire Testing	All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, and fuel facilities licensees.
02/28/05	RIS-05-003	10 CFR Part 40 Exemptions for Uranium Contained in Aircraft Counterweights - Storage and Repair	All persons possessing aircraft counterweights containing uranium under the exemption in 10 CFR 40.13(c)(5).
03/10/05	IN-05-005	Improving Material Control and Accountability Interface with Criticality Safety Activities at Fuel Cycle Facilities	All licensees authorized to possess a critical mass of special nuclear material.
02/11/05	BL-05-011	Material Control and Accounting at Reactors and Wet Spent Fuel Storage Facilities	All holders of operating licenses for nuclear power reactors, decommissioning nuclear power reactor sites storing spent fuel in a pool, and wet spent fuel storage sites. Note that this bulletin relates to material control and accounting (MC&A) programs and is, therefore, being withheld from public disclosure in accordance with 10 CFR 2.390.
12/16/2004	RIS-04-020	NRC Regulatory Issue Summary 2004-20: Lessons Learned from Review of 10 CFR Parts 71 and 72 Applications	All holders of, and applicants for, a (1) 10 CFR Part 71 certificate of compliance for a radioactive material transportation package; (2) 10 CFR Part 72 certificate of compliance for a spent fuel storage cask; and (3) 10 CFR Part 72 specific license for an independent spent fuel storage installation (ISFSI).

Note: NRC generic communications may be found on the NRC public website, <http://www.nrc.gov>, under Electronic Reading Room/Document Collections.