



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 26, 2000

Mr. Brian Gutherman  
Licensing Manager  
Holtec International  
Holtec Center  
555 Lincoln Drive West  
Marlton, NJ 08053

SUBJECT: EXEMPTION FROM 10 CFR 72.234(c) FOR THE HI-STORM 100 SYSTEM,  
DOCKET 72-1014 (TAC NO. L23035)

Dear Mr. Gutherman:

By letter dated January 12, 2000, and pursuant to the provisions of 10 CFR Part 72.7, Holtec International (Holtec) requested an exemption from 10 CFR 72.234(c). Holtec requested permission to begin fabrication activities for three HI-STORM 100 overpacks and one HI-TRAC-125 transfer cask prior to issuance of the Certificate of Compliance (CoC). The HI-STORM 100 overpack and the HI-TRAC-125 transfer cask are basic components of the HI-STORM 100 system. Holtec submitted an application for a HI-STORM 100 cask system CoC to the U.S. Nuclear Regulatory Commission (NRC) on October 26, 1995, as supplemented.

Holtec is a vendor to Southern Nuclear Operating Company for supplying three HI-STORM 100 overpacks and one HI-TRAC-125 transfer cask for the Edwin I. Hatch Nuclear Power Plant (Hatch), located in Baxley, Georgia. Hatch plans to begin loading the three HI-STORM 100 systems in April 2001. Holtec has requested this exemption to allow Hatch sufficient time for training and pre-operational testing. To support Hatch's cask loading schedule, Holtec stated that it must begin fabrication activities in early April 2000; three months prior to the scheduled issuance of the HI-STORM 100 CoC, in July 2000.

Holtec has established a Quality Assurance (QA) Program that includes specific QA requirements for procurement and fabrication of items and activities important to safety. The HI-STORM overpacks fabricated for use at Hatch will not be used for storage of spent fuel until the CoC is issued. Moreover, Hatch must also assure under its QA Program that the three HI-STORM 100 overpacks and one HI-TRAC-125 transfer cask are fabricated in conformance with the CoC as issued.

The NRC staff evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact have been prepared and published in the Federal Register (65 FR 7575, February 15, 2000). An advance copy of the Federal Register Notice was provided to you by letter dated February 8, 2000.

NRC approval of this exemption request shall not be construed as NRC's favorable consideration of Holtec's application for a CoC. Holtec shall bear the risk of all activities conducted under this exemption.

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Based on the foregoing considerations, the staff determined that granting the proposed exemption from the requirements of 10 CFR 72.234(c) to permit fabrication of three HI-STORM 100 overpacks and one HI-TRAC-125 transfer cask is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Holtec is hereby granted an exemption, subject to the following conditions:

- 1) Holtec shall apply its QA Program for fabrication of the HI-STORM 100 overpacks and HI-TRAC-125 transfer cask addressed by this exemption in compliance with the requirements of 10 CFR Part 72, Subpart G.
- 2) Holtec shall make provisions for NRC to inspect the premises and facilities at which the HI-STORM 100 system components will be fabricated and tested in accordance with 10 CFR Part 72. This condition shall be completed before any fabrication activities under this exemption.
- 3) Holtec shall notify NRC at least 45 days before fabrication of the first HI-STORM 100 overpack and HI-TRAC-125 transfer cask.
- 4) Holtec shall make provisions for NRC to perform any tests that it deems necessary or appropriate for assessing compliance with the requirements of 10 CFR Part 72.
- 5) Holtec shall bear the risk of any activities conducted under this exemption, including the risk that the HI-STORM 100 overpacks or the HI-TRAC-125 transfer cask may require modification, or that the components may not be useable as a result of not meeting specifications or conditions delineated in a HI-STORM 100 system CoC that NRC may ultimately issue.

Please refer to Docket 72-1014 and TAC No. L23035 in future correspondence related to this action.

Sincerely,

/RA/

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

*9/25*

Docket Nos.: 72-1014, 72-36

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February 26, 2000

Based on the foregoing considerations, the staff determined that granting the proposed exemption from the requirements of 10 CFR 72.234(c) to permit fabrication of three HI-STORM 100 overpacks and one HI-TRAC-125 transfer cask is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Holtec is hereby granted an exemption, subject to the following conditions:

- 1) Holtec shall apply its QA Program for fabrication of the HI-STORM 100 overpacks and HI-TRAC-125 transfer cask addressed by this exemption in compliance with the requirements of 10 CFR Part 72, Subpart G.
- 2) Holtec shall make provisions for NRC to inspect the premises and facilities at which the HI-STORM 100 system components will be fabricated and tested in accordance with 10 CFR Part 72. This condition shall be completed before any fabrication activities under this exemption.
- 3) Holtec shall notify NRC at least 45 days before fabrication of the first HI-STORM 100 overpack and HI-TRAC-125 transfer cask.
- 4) Holtec shall make provisions for NRC to perform any tests that it deems necessary or appropriate for assessing compliance with the requirements of 10 CFR Part 72.
- 5) Holtec shall bear the risk of any activities conducted under this exemption, including the risk that the HI-STORM 100 overpacks or the HI-TRAC-125 transfer cask may require modification, or that the components may not be useable as a result of not meeting specifications or conditions delineated in a HI-STORM 100 system CoC that NRC may ultimately issue.

Please refer to Docket 72-1014 and TAC No. L23035 in future correspondence related to this action.

Sincerely,



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

Docket Nos.: 72-1014, 72-36

cc: Service List

cc:

Mr. Ernest L. Blake, Jr.  
Shaw, Pittman, Potts  
and Trowbridge  
2300 N Street, NW.  
Washington, DC 20037

Mr. D. M. Crowe  
Manager, Licensing  
Southern Nuclear Operating  
Company, Inc.  
P. O. Box 1295  
Birmingham, Alabama 35201-1295

Resident Inspector  
U.S. Nuclear Regulatory Commission  
11030 Hatch Parkway North  
Baxley, Georgia 31513

Regional Administrator, Region II  
U.S. Nuclear Regulatory Commission  
Atlanta Federal Center  
61 Forsyth Street, SW, Suite 23T85  
Atlanta, Georgia 30303

Mr. Charles H. Badger  
Office of Planning and Budget  
Room 610  
270 Washington Street, SW.  
Atlanta, Georgia 30334

Harold Reheis, Director  
Department of Natural Resources  
205 Butler Street, SE., Suite 1252  
Atlanta, Georgia 30334

Steven M. Jackson  
Senior Engineer - Power Supply  
Municipal Electric Authority  
of Georgia  
1470 Riveredge Parkway, NW  
Atlanta, Georgia 30328-4684

Charles A. Patrizia, Esquire  
Paul, Hastings, Janofsky & Walker  
10th Floor  
1299 Pennsylvania Avenue  
Washington, DC 20004-9500

Chairman  
Appling County Commissioners  
County Courthouse  
Baxley, Georgia 31513

Mr. W. G. Harriston, III  
President and Chief Executive  
Officer  
Southern Nuclear Operating  
Company, Inc.  
P. O. Box 1295  
Birmingham, Alabama 35201-1295

Mr. J. D. Woodard  
Executive Vice President  
Southern Nuclear Operating  
Company, Inc.  
P. O. Box 1295  
Birmingham, Alabama 35201-1295

Mr. P. W. Wells  
General Manager, Edwin I. Hatch  
Nuclear Plant  
Southern Nuclear Operating  
Company, Inc.  
P. O. Box 439  
Baxley, Georgia 31513

Mr. R. D. Barker  
Program Manager  
Fossil & Nuclear Operations  
Oglethorpe Power Corporation  
2100 East Exchange Place  
P. O. Box 1349  
Tucker, Georgia 30085-1349