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BY FAX AND OVERNIGHT MAIL

May 30, 2000

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Subject: NRC 10 CFR 72 Certificate of Compliance No. 1008
Docket No. 72-1008, TAC 22019

Reference: Holtec Project Nos. 5014 and 50438

Dear Sir:

As agreed in my phone conversation today with SFPO staff members, the purpose of this letter is to request NRC review and concurrence with our interpretation of the HI-STAR 100 Part 72 Certificate of Compliance (CoC) regarding the definition of a DAMAGED FUEL ASSEMBLY as it relates to the number of fuel rods required in the assembly for storage in the HI-STAR 100 System.

HI-STAR 100 CoC 1008, Revision 0, Appendix B, Page 1 defines DAMAGED FUEL ASSEMBLIES as follows:

“DAMAGED FUEL ASSEMBLIES are fuel assemblies with known or suspected cladding defects greater than pinhole leaks or hairline cracks, *missing fuel rods that are not replaced with dummy fuel rods* [emphasis added], or those that cannot be handled by normal means. A DAMAGED FUEL ASSEMBLY’s inability to be handled by normal means must be due to mechanical damage and must not be due to fuel rod cladding damage.”

Table 1.1-1 of CoC 1008, Items II.A.2 and III.A.2, on pages 10 and 14 of Appendix B, respectively, allow the storage of DAMAGED FUEL ASSEMBLIES provided the DAMAGED FUEL ASSEMBLIES “meet the criteria specified in Table 1.1-3 for fuel assembly array/class 6x6A, 6x6C, 7x7A, or 8x8A....”

One of the criteria specified in Table 1.1-3 for these, and all fuel assembly array/classes, is the number of fuel rods. Specifically, on page 23 of CoC Appendix B, Table 1.1-3 requires 36 fuel rods for the 6x6A fuel assembly array/class.

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Page 2 of 2

One of Holtec's customers has posed a question regarding how to comply with the number of fuel rods requirement in Table 1.1-3 for an array/class 6X6A DAMAGED FUEL ASSEMBLY having "missing fuel rods not replaced with dummy fuel rods." From a literal compliance standpoint, the CoC definition of DAMAGED FUEL ASSEMBLY and the requirements for storing DAMAGED FUEL ASSEMBLIES in Table 1.1-1 are contradictory in that an assembly that is missing fuel rods cannot possibly meet all of the criteria specified in Table 1.1-3.

Holtec asserts that the criteria in Table 1.1-3 were established based on the supporting analyses for INTACT FUEL ASSEMBLIES. Further, we interpret the definition of DAMAGED FUEL ASSEMBLY as a higher tier requirement and, as such, it exempts licensees from the number of fuel rods requirement in Table 1.1-3 for those fuel assemblies classified as DAMAGED FUEL ASSEMBLIES. The analyses summarized in the HI-STAR 100 Topical Safety Analysis Report (TSAR) support fuel classified as DAMAGED FUEL ASSEMBLIES with any number of missing, un-replaced fuel rods, and stored in DAMAGED FUEL CONTAINERS as authorized for storage in the HI-STAR 100 System.

We would appreciate the NRC's review and concurrence on this interpretation by June 23, 2000 so that we may continue to support our customers' fuel storage projects.

Sincerely,

Brian Gutherman, P.E.
Licensing Manager

Document I.D.: 5014393

Cc: Mr. Steve O'Connor, USNRC
Mr. J. Nathan Leech, ComEd
Mr. Bernard Gilligan, Holtec International