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BY OVERNIGHT MAIL

July 20, 2001

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

Subject: USNRC Docket No. 72-1014, TAC L23082
HI-STORM 100 Certificate of Compliance 1014
NRC Letter, C. Jackson, to B. Gutherman, Holtec, dated July 16, 2001

References:
1. Holtec Project 5014
2. HI-STORM License Amendment Request 1014-1, Revision 2

Dear Sir:

We thank the Spent Fuel Project Office for communicating with us on the matter of the statements with regard to the 10CFR 72.48 process made in our July 3, 2001 submittal in response to NRC's RAIs on LAR1014-1. We believe that the concern with regard to our implementation of the 10CFR 72.48 process arises from a misunderstanding of our position and a misconstrual of the materiality of the facts relative to Figure 3.2.3-1 in the HI-STORM Technical Specifications (see attached).

We, as well as our client, Entergy Nuclear Northeast, have carefully evaluated the technical information in Figure 3.2.3-1 (hereinafter called the Figure). From our evaluation we concluded that the technical information specified in the Figure seeks to identify the approximate locations of twenty five target points for dose measurement, as follows:

1. Dose measurements are required on both sides of the overpack in each of the two vertical planes, at five discrete locations, namely, at mid-height, 60" above and below the mid-height and at the top and bottom vent locations.

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2. Dose measurements on the top surface of the lid are also required in the same two orthogonal planes at mid-radii and finally, at the center of the lid.

Surveillance Requirement 3.2.3.1 states that dose rate measurements shall be taken at the locations shown in Figure 3.2.3-1. To identify the target locations, the Figure utilizes a pictorial representation with an array of parallel vertical and circumferential lines forming a grid system that bear no correspondence to the actual hardware other than to illustrate the relationship of the cask and the grid system. Indeed, the Figure, drawn to no scale or a particular drafting practice, is a 3D illustrative model and entirely indeterminate with respect to the anatomical details of the cask. For example, the final storage configuration is not accurately depicted since the gamma shield cross plates and the ventilation screens, which are required, are not represented. However, such indeterminacy in physical details of the HI-STORM shown in the Figure does not bear on the ability of users to comply with the LCO, which establishes only a dose rate limit "at the inlet and outlet air ducts" wherever they may be located. This position is also consistent with the Bases, SR 3.2.3.1, for this technical specification surveillence requirement in Appendix 12.A of our HI-STORM FSAR which states: "Measurements at approximate locations to those shown on Figure 3.2.3-1 are acceptable." In summary, the information in the Figure is *technically precise with respect to the requirements it seeks to illustrate.* We respectfully submit that an attempt to define the geometric details of the overpack from a not-to-scale 3D illustration would lead to misconstrued conclusions.

We agree with the assertion that a §72.48 evaluation cannot be performed on a component that is not yet certified. The wording on page 69 of the "Summary of Proposed Changes" in our July 3 submittal requires additional clarification: The HI-STORM 100 units provided to J.A. FitzPatrick are HI-STORM 100 overpacks certified under CoC No. 72-1014 with §72.48 evaluations carried out to incorporate the necessary changes to comport with the physical limitations in the J.A. FitzPatrick facility. We chose to differentiate these units that incorporate J.A. FitzPatrick specific design changes under 10CFR72.48 by including the "S" suffix to denote "short". Unfortunately, we created the impression that the HI-STORM 100S required NRC preapproval by including the 100S nomenclature in our LAR 1014-1. The HI-STORM 100 overpack design changes, currently under review by the SFPO staff, include those that did not meet the 10CFR72.48 threshold and were therefore not incorporated into the three units that have been manufactured for J.A. FitzPatrick.

We trust that the above information clarifies our position with respect to the issues raised in the NRC letter of July 16, 2001. Inasmuch as the issues related to the Figure directly bear upon Entergy

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Nuclear Northeast's planned loading campaign in the fall, we request an expeditious evaluation of the facts presented in this letter. To this end, we would request a face-to-face meeting with the SFPO management if our position presented in this letter is not entirely acceptable. Our company is committed to providing full technical support to J.A. FitzPatrick to ensure that the SNF loading is regulatory-compliant.

Sincerely,

B Gutherman /ENR

Brian Gutherman, P.E.
Licensing Manager

Approval:

K P Singh

K.P. Singh, Ph.D., PE

cc: Mr. Christopher Jackson, USNRC
Mr. Mark Delligatti, USNRC
Mr. M. Wayne Hodges, USNRC
Mr. Kenneth Phy, Entergy Nuclear Northeast
Mr. Rick Plasse, Entergy Nuclear Northeast
emcc: HUG Group N

Document ID: 5014429

Attachment: Copy of Figure 3.2.3-1 from HI-STORM Certificate of Compliance 1014

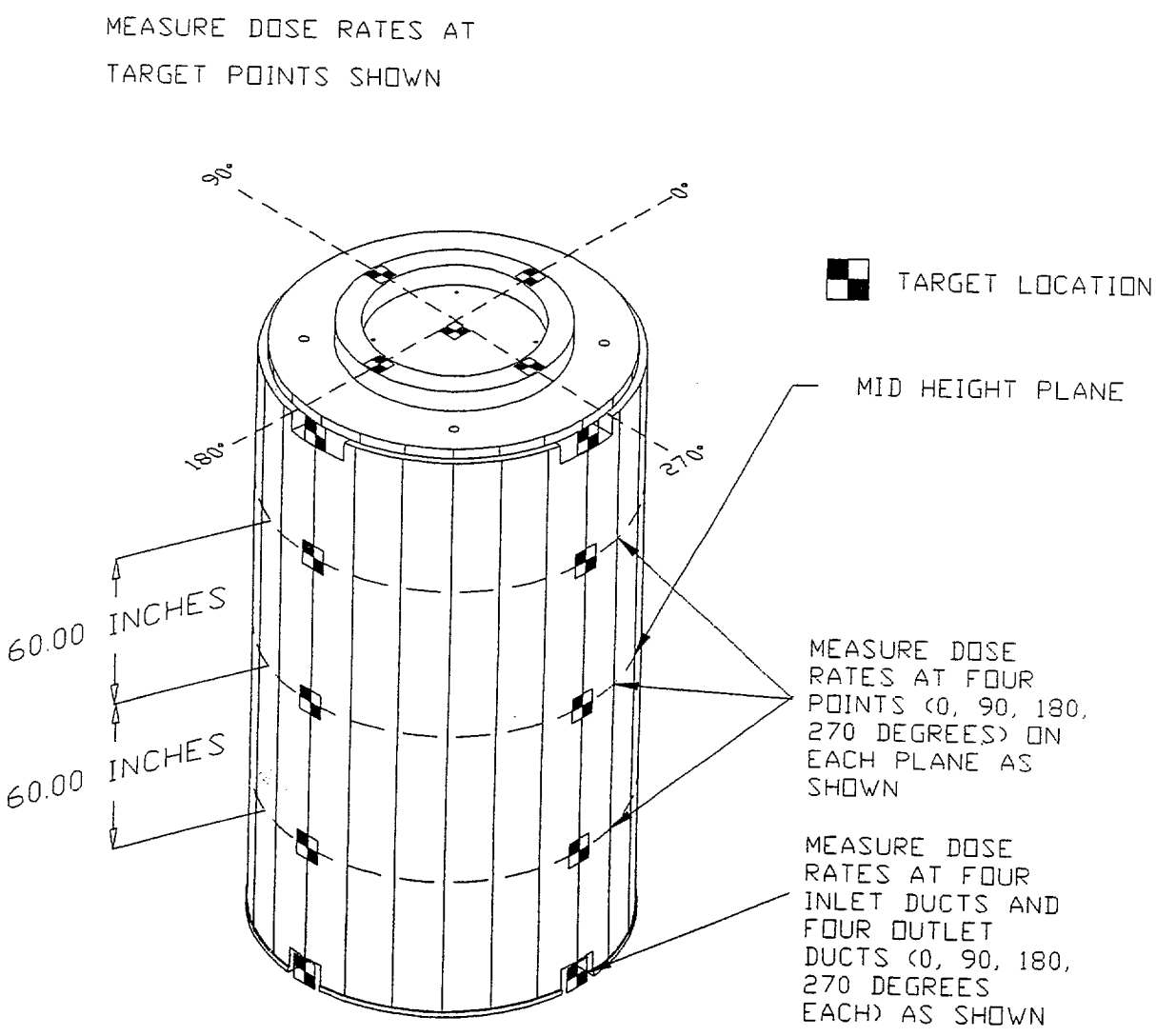

Figure 3.2.3-1
HI-STORM OVERPACK Dose Rate Measurement Locations