



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

Telephone (856) 797-0900

Fax (856) 797-0909

January 17, 2002

United States Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Subject: Request for Exemption from 10 CFR 72.248 "Safety analysis report updating"
HI-STORM 100 Dry Storage System, Docket 72-1014

- References:
1. HI-STORM 100 System Final Safety Analysis Report, Revision 0, dated July 19, 2000
 2. HI-STORM 100 Part 72 Certificate of Compliance, issued May 1, 2000
 3. NRC letter, T. Kobetz to B. Gutherman, Holtec, dated December 11, 2001
 4. Holtec License Amendment Request (LAR) 1014-1, Revision 2, dated July 3, 2001, as supplemented

Dear Sir:

In accordance with 10 CFR 72.7, "Specific exemptions," we are requesting NRC approval of a one-time exemption from the requirements of 10 CFR 72.248, "Safety analysis report updating," paragraph (c)(6). The details of this exemption request are provided below:

I. Specific Exemption Request

a. Regulatory Requirement

10 CFR 72.248(c)(6) requires certificate holders to submit an updated Final Safety Analysis Report (FSAR) to the NRC every 24 months from the date of issuance of the CoC. The HI-STORM 100 System CoC was issued on May 1, 2000. Therefore, 10 CFR 72.248(c)(6) requires an updated HI-STORM 100 System FSAR to be submitted to the NRC no later than May 1, 2002.

b. Exemption Requested

We request NRC approval to submit the first update to the HI-STORM 100 System FSAR within 60 days after issuance of Amendment 1 to the HI-STORM 100 System CoC. Due to unforeseen delays in the initiation of rulemaking for the draft CoC and supporting Safety Evaluation Report (Ref. 3), the exact schedule for issuance of Amendment 1 to the HI-STORM 100 CoC has not been provided with specificity to our company at this time.

II. Reason for Exemption Request

The reason for this exemption request is to allow sufficient time to incorporate the FSAR changes associated with CoC Amendment 1 into the first FSAR update. Approval of this exemption will allow the compilation of the amendment-related FSAR changes with other changes required to be

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included in the FSAR update by the regulations (e.g., those made pursuant to 10 CFR 72.48) into FSAR Revision 1.

The changes to the HI-STORM 100 System FSAR associated with Amendment 1 to the HI-STORM 100 System CoC are numerous due to the size and range of the changes to the CoC requested via Reference 4. Approval of the amendment-related FSAR changes is, by definition, tied to the approval of the amendment, which will likely occur sometime after the current due date for the first HI-STORM 100 System FSAR update. Because Amendment 1 to the HI-STORM 100 System CoC may not be issued sufficiently in advance of May 1, 2002, it will not be possible for us to include the amendment-related FSAR changes in FSAR Revision 1 if it were to be issued by May 1, 2002.

We believe that to issue the first HI-STORM 100 System FSAR update by May 1, 2002 without including these amendment-related changes included would produce an FSAR of little value to the NRC and our licensee clients considering the number changes that will be approved a very short time thereafter. Furthermore, a number of our clients will be deploying the HI-STORM 100 System under the amended CoC at their ISFSIs in 2002 and it would be most prudent for them to have an FSAR containing the amendment-related changes well before fuel loading begins.

III. Basis for Exemption Request and Compensatory Action

The criteria for granting specific exemptions from 10 CFR 72 regulations are stated in 10 CFR 72.7. Pursuant to 10 CFR 72.7, the NRC is authorized to grant an exemption upon determining that the exemption is authorized by law, will not endanger life, property, or the common defense and security, and is otherwise in the public interest. The regulatory requirement from which this exemption is requested is administrative in nature and granting an exemption will not affect the safe operation of the HI-STORM 100 Systems deployed at any ISFSIs. In fact, granting this exemption will *require* an up-to-date FSAR, including amendment-related changes, to be issued sooner than would otherwise be required by the regulation. That is, if HI-STORM Revision 1 were issued by May 1, 2002, the FSAR changes associated with Amendment 1 would not be required by the regulations to be incorporated into an FSAR update until 24 months later, or May 1, 2004.

In order to ensure granting this exemption does not insert a "permanent" delay in the subsequent biennial updates to the HI-STORM FSAR, as a compensatory action we will continue to submit subsequent FSAR updates on the original 2-year frequency, or sooner. In other words, Revision 2 to the HI-STORM FSAR will be submitted no later than May 1, 2004, and so on.

Based on the administrative nature of this regulatory requirement, granting this exemption request is authorized by law and will not endanger life or property or the common defense and security. The requested exemption is in the public interest because it will ensure timely availability of up-to-date FSAR information to the general public.



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HOLTEC INTERNATIONAL

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IV. Environmental Assessment

The proposed action is administrative in nature. Granting this exemption will not affect the operation of the HI-STORM 100 System in any way. Therefore, there are no environmental impacts associated with this proposed action.

V. Conclusion

We consider that this exemption request is in accordance with the criteria of 10 CFR 72.7. The requested one-time exemption from 10 CFR 72.248(c)(6) is authorized by law, will not endanger life, property, or the common defense and security, and is otherwise in the public interest.

We request approval of this exemption request by April 30, 2002. Please contact the undersigned at (856) 797-0900, extension 668 or at brian_gutherman@holtec.com if you require additional information.

Sincerely,

Brian Gutherman, P.E.
Licensing Manager

Approval:

K.P. Singh, Ph.D., P.E.
President and CEO

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Emcc: Mr. Timothy Kobetz, USNRC
Holtec Groups 1 and 4
HUG Group N
HUG Licensing Committee