

May 23, 2002

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

SUBJECT: EXEMPTION FROM 10 CFR 72.248(c)(6) FOR UPDATING THE FINAL  
SAFETY ANALYSIS REPORT FOR THE HI-STORM 100 CASK SYSTEM  
(TAC NO. L23422)

Dear Mr. Gutherman:

By letters dated January 17 and April 10, 2002, and pursuant to the provisions of 10 CFR 72.7, Holtec International (Holtec) requested a one-time exemption from the provisions of 10 CFR 72.248(c)(6). This exemption would allow Holtec to delay filing of an updated Final Safety Analysis Report (FSAR) for the HI-STORM 100 storage cask system, which would normally be due by May 31, 2002, in accordance with 10 CFR 72.248(c)(6). Holtec requested to submit an updated FSAR within 60 days after the Nuclear Regulatory Commission (NRC) issues (effective date of final rule) Amendment No. 1 to the Certificate of Compliance (CoC) for the HI-STORM 100. Holtec proposed to return to the original 24-month frequency of filing subsequent updates to the FSAR after the next update. Holtec stated that the one-time exemption would allow compilation of the FSAR changes related to Amendment No. 1 to the CoC, with other FSAR changes made pursuant to 10 CFR 72.48.

The NRC evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption is authorized by law and will not endanger life or property or the common defense and security, will not result in any impacts on the environment, and is otherwise in the public interest. The NRC hereby grants an exemption to Holtec from the requirements of 10 CFR 72.248(c)(6), for updates made to the FSAR during the period before May 31, 2002. This exemption is subject to the following conditions:

- 1) Holtec shall file an updated FSAR for the HI-STORM 100 storage cask system by whichever date comes first: 60 days after the issuance of Amendment No. 1 to CoC Number 1014 for the HI-STORM 100 CoC (effective date of final rule), or December 31, 2002.
- 2) Holtec shall return to its original 24-month frequency for submitting updates in accordance with 10 CFR 72.248(c)(6), and file a subsequent update to the HI-STORM 100 FSAR by May 31, 2004.

A safety evaluation report for this exemption is enclosed. For this action, an Environmental Assessment and Finding of No Significant Impact have been prepared and published in the Federal Register (67 FR 36270, May 23, 2002). An advance copy of the Federal Register Notice was provided to you by letter dated May 15, 2002.

B. Gutherman

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This exemption should not be construed as a NRC predisposition to favorably or unfavorably consider any comments on the proposed final rule for Amendment No. 1 to the CoC, which was issued on March 27, 2002, (67 FR 14662).

Please refer to Docket No. 72-1014 and TAC No. L23422 in future correspondence related to this action. If you have any comments or questions regarding this matter, please contact me or Mr. Michael Waters of my staff at 301-415-8500.

Sincerely,

**/RA/**

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

Docket No. 72-1014

Enclosure: Safety Evaluation Report

B. Gutherman

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E. William Brach, Director  
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Enclosure: Safety Evaluation Report

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\*see previous concurrence

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