

April 25, 2005

Mr. Dale E. James  
Nuclear Safety Assurance  
Entergy Operations, Inc.  
1448 S. R. 333  
Russellville, AR 72802

SUBJECT: RECEIPT OF APPLICATION REQUESTING EXEMPTION FROM SPENT  
NUCLEAR FUEL SPECIFICATION AND LOADING CONDITIONS FOR THE  
ARKANSAS NUCLEAR ONE FACILITY (TAC NO. L23826)

Dear Mr. James:

By letter dated March 21, 2005, Entergy Operations, Inc. (Entergy) submitted a request for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 pursuant to 10 CFR 72.7. Entergy, as the holder of an operating nuclear power reactor 10 CFR Part 50 license, is permitted to store spent nuclear fuel under the general license provision of 10 CFR 72.210. As a general licensee, Entergy is storing spent nuclear fuel in an approved Holtec International HI-STORM 100 Cask System, as codified in 10 CFR 72.214, and is therefore bound to the requirements of the Certificate of Compliance (CoC) issued for the HI-STORM 100 Cask System. Specifically, with respect to your submittal, you are requesting exemption from Appendix B, Section 2.1 of the Holtec International HI-STORM 100 Cask System CoC (1014), Fuel Specifications and Loading Conditions.

This letter acknowledges receipt of your exemption request and informs you that the submittal appears to contain the necessary information to begin our technical review. We have established a schedule for the technical review of your exemption request. The schedule allows for the staff to issue a possible request for additional information (RAI) in July 2005. To meet the schedule, it is incumbent upon Entergy to respond promptly and comprehensively to any RAI. If no RAI is needed, and based on the staff's evaluation, granting of the exemption may be issued at approximately that time.

In general, no additional changes to the exemption request will be allowed except for those minor changes that result in responding to an RAI. Additional changes, supplements, or enhancements may be treated as a new request. A copy of "Guidelines for Interactions between Applicants and Spent Fuel Project Office Staff" is attached for your information.

D. James

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Please notify me, in writing at your earliest opportunity, of any circumstance that may result in your inability to meet the schedule. Reference Docket No. 72-13 and TAC No. L23826 in future correspondence related to this licensing action. If you have any questions regarding this matter, you may contact me at (301) 415-8500.

Sincerely,

/RA/

Christopher M. Regan, Senior Project Manager  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-13  
TAC No. L23826

Enclosure: Interactions between Applicants and Spent Fuel Project Office Staff

D. James

-2-

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Sincerely,

/RA/  
Christopher M. Regan, Senior Project Manager  
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Docket No. 72-13  
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<b>NAME</b>	CRegan		EZiegler		RLewis			
<b>DATE</b>	4 / 20 /05		4 /22 /05		4 / 25 /05			

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Enclosure:

**Guidelines for Interactions between Applicants and Spent Fuel Project Office Staff**

1. Pre-Application Interactions
  - (a) Applicants are encouraged to meet with SFPO staff at public meetings to discuss potential licensing actions. The purpose of these meetings is to provide applicants with an opportunity to discuss their proposals with NRC staff and solicit feedback regarding regulatory positions. No regulatory decisions or commitments will be made at these meetings.
2. Point of Contact
  - (a) The SFPO Project Manager (PM) is the primary point of contact between SFPO and the applicant. The PM is responsible for and is the focal point for all interactions with the applicant.
3. Telephone Interactions
  - (a) Phone conversations with applicants are encouraged, as they directly contribute to clear understanding and efficiency during the review.
  - (b) Phone conversations are not public meetings and therefore they only involve general information exchange (e.g., clear understanding of an RAI).
4. Submittals
  - (a) Applicants shall submit an high quality application that is very clear and well organized. This includes:
    - (1) Using the recommended format and content of the appropriate Regulatory Guides, Standard Review Plans, and Interim Staff Guidances. Deviations from regulatory positions should be clearly identified and include sufficient technical basis.
    - (2) Thoroughly explaining all issues in the Safety Analysis Report (SAR) and including enough information for a technical reviewer to perform a confirmatory analysis.
  - (b) Applicants should consider submitting a draft Certificate of Compliance (CoC) or license for a new application and a draft mark-up CoC or license for an amendment.

5. Administrative Review of the Application

- (a) The PM will perform an acknowledgment review generally within 30 days of receipt. The acknowledgment review is not a technical review; it is an administrative evaluation for completeness of the application and of general omission of information.
- (b) For applications, an acknowledgment letter and tentative schedule will be sent to the applicant once the schedule is developed.
- (c) Applications that do not pass the administrative review because of incompleteness will be returned to the applicant with an explanation. The applicant will initially be notified via phone regarding an incomplete application and the PM will give the applicant the opportunity to withdraw the application.
- (d) After the application has been accepted for technical review, no additional changes to the application will be allowed except for those that result in responding to a request for additional information. All additional changes, supplements, or enhancements will be treated as a new application.

6. Requests for Additional Information (RAIs)

- (a) Applicants will be given a set time period to respond to RAIs. This time period will be based on the complexity of the application and its priority.
- (b) An applicant who cannot meet this schedule, must submit a letter at least two weeks in advance of the RAI response due date and provide the new submittal date and the reasons for the requested change.
  - (1) The applicant should understand that not meeting the RAI response due date may cause a complete rescheduling of the application because of other previously scheduled casework and competing priorities.
- (c) Applicants are encouraged to meet with the NRC staff in a public meeting to discuss proposed RAI responses. The purpose of these meetings is to ensure that the proposed responses address the staff's issues and thus avoid the potential for a second round of RAIs. If the Applicant requests clarification of an unclear RAI, then SFPO may schedule a conference call with the appropriate Technical Reviewer to provide clarification.
- (d) Applicants are advised against sending a partial RAI response. The staff will not perform a technical review of the RAI until the complete response to the RAI is received.
- (e) SFPO will not initially schedule a second round of RAIs. If a second round of RAIs is needed, and the responses to the second RAI is not sufficient to make a licensing determination, then SFPO will identify its positions and concerns in a public meeting, and suspend further technical review.