

January 12, 2010

Ms. Tammy Morin
Licensing Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: Response to Holtec International (Holtec) Reply to EA-09-190

Dear Ms. Morin:

By letter dated September 2, 2009 (Adams Ascension No. ML092470363), Holtec provided a response and assessment to the U.S. Nuclear Regulatory Commission (NRC) regarding a violation of 10 CFR 72.48 as described in Enforcement Discretion letter No. EA-09-190 (Adams Ascension No. ML092470363). The violation involved the failure to obtain a Certificate of Compliance (CoC) amendment prior to implementing a change that eliminated helium leak rate testing of welded confinement boundaries on the multi-purpose canisters (MPCs) after fabrication.

Your response discussed your corrective actions, including extent of condition, and a technical justification for operability and continued use of the loaded cask systems. Your corrective actions included: reinstatement of the required helium leak rate testing of all MPCs being fabricated; on-site leakage testing of all unloaded MPCs that had not been tested; enhancements to your 72.48 process (i.e., checklists, procedure modification, training), and updating the Final Safety Analysis Report (FSAR) to re-establish the helium leakage test for all MPC shell to baseplate welds. The adequacy of your corrective actions will be examined during a future inspection of your program.

Your technical justification for continued use of the loaded cask systems evaluated the thermal and radiological performance of the casks and concluded that the casks would continue to meet all of their required functions. The justification relied upon an assumed leakage rate from the casks, and utilized a dose assessment methodology that credited gravitational settling to reduce calculated release estimates. The NRC does not have any data to confirm the acceptability of your assumed cask leakage rates, and has not previously reviewed or endorsed the methodology used in your response for calculating the site dose rates attributed to postulated leakage from the casks. The NRC concluded that while your response provides supplemental information to support the continued safe operation of the casks, additional site specific information is needed to ensure that the loaded casks will continue to meet all regulatory requirements. The specific site data needs were discussed with Holtec and representatives from the affected sites during a teleconference on December 1, 2009 (Adams Ascension No. ML0935100082). As discussed during the teleconference, the NRC will review the information provided by the sites to determine whether any additional actions are required.

Specific to Holtec, the NRC has concluded that information regarding the reason for the violation, including the corrective actions taken to prevent recurrence, has been adequately addressed in your response. Therefore, you are not required to respond to this letter unless the

description above does not accurately reflect your corrective actions or your position (pursuant to 10 CFR 2.201). In that case, or if you choose to provide additional information, you should clearly mark your response as a "Reply to an Exercise of Enforcement Discretion, EA-09-190" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to David W. Pstrak, Chief, Rules, Inspections, and Operations Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

/RA/

David W. Pstrak, Chief
Rules, Inspection, and Operations Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1014

description above does not accurately reflect your corrective actions or your position (pursuant to 10 CFR 2.201). In that case, or if you choose to provide additional information, you should clearly mark your response as a "Reply to an Exercise of Enforcement Discretion, EA-09-190" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to David W. Pstrak, Chief, Rules, Inspections, and Operations Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

/RA/

David W. Pstrak, Chief
 Rules, Inspection, and Operations Branch
 Division of Spent Fuel Storage and Transportation
 Office of Nuclear Material Safety
 and Safeguards

Docket No.: 72-1014

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