

June 8, 2000

Mr. H. L. Sumner, Vice President
Hatch Project Support
Southern Nuclear Operating Company, Inc.
40 Inverness Parkway
Post Office Box 1295
Birmingham, Alabama 35201

SUBJECT: EXEMPTION FROM 10 CFR 72.212 AND 72.214, DOCKET NO. 72-36
(TAC NO. L23086)

Dear Mr. Sumner:

This is in response to your May 1, 2000, letter requesting an exemption to 10 CFR 72.212 and 72.214, pursuant to 10 CFR 72.7. In your letter, you requested an exemption from the conditions in Certificate of Compliance 1008 (the Certificate), Appendix B, Items 1.4.6.b and 1.4.6.c, for the HI-STAR 100 Cask System, listed in 10 CFR 72.214. This exemption would allow HI-STAR 100 Cask Systems to be placed on storage pads with a concrete compressive strength of less than or equal to 4,200 psi at 28 days and reinforcement of 60 ksi yield strength ASTM material.

We understand that Southern Nuclear Operating Company (SNC) needs to reduce the inventory of spent nuclear fuel assemblies at the Edwin I. Hatch Nuclear Plant (Hatch) Units 1 and 2 spent fuel pools to maintain full-core offload capability. Following the Unit 1 Fall 2000 outage, the combined storage capacity of the Unit 1 and 2 spent fuel pools will be less than required to allow full-core discharge from either Unit 1 or 2. To allow preparation for the Unit 1 Fall 2000 refueling outage, SNC must begin cask loading activities in June 2000 and complete them by July 2000. However, due to common practices in the design and installation of concrete pads and the procurement of reinforcing bars, the storage pads at the Hatch Independent Spent Fuel Storage Installation (ISFSI) are not in conformance with the Certificate.

On November 24, 1999, as supplemented February 4, 18 and 28, and March 2, 16 and 31, 2000, Holtec International (Holtec) submitted to the U.S. Nuclear Regulatory Commission (NRC) an application to amend Certificate of Compliance 1008. The application includes a request to revise Items 1.4.6.b and 1.4.6.c in Appendix B to the Certificate. Respectively, Items 1.4.6.b and 1.4.6.c would be revised to require (1) a concrete compressive strength of less than or equal to 4,200 psi at 28 days, and (2) concrete reinforcement of 60 ksi yield strength ASTM material. The staff has completed its technical review of this amendment request and is initiating the rulemaking process of revising 10 CFR 72.214 to add this amendment to the approved version of Certificate of Compliance 1008.

After reviewing the information provided in your letter and Holtec's November 24, 1999, application, as supplemented, the staff has determined that the safety basis for using cask storage pads with the revised characteristics is adequate to grant the exemption. The staff reached this decision as a result of its technical review of your exemption request and Holtec's

amendment application. The staff determined that the proposed changes to the concrete pad specifications have minimal safety significance and are needed to ensure that full compliance with the Certificate can be achieved when designing and constructing the ISFSI storage pad.

NRC staff evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding Of No Significant Impact have been prepared and published in the Federal Register (65 FR 36477, dated June 8, 2000). A copy of the Federal Register Notice was provided to you by letter dated June 1, 2000. Based on the foregoing considerations, the staff has determined that granting the proposed exemption from the provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), and 72.214 is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Specifically, this exemption permits SNC to deviate from the requirements of Certificate of Compliance 1008, Appendix B, Items 1.4.6.b and 1.4.6.c and place HI-STAR 100 Cask Systems, loaded with spent nuclear fuel generated at Hatch, on cask storage pads that include the following characteristics:

- (1) Compressive Strength: $\leq 4,200$ psi at 28 days
- (2) Reinforcement top and bottom (both directions):
Reinforcement area and spacing determined by analysis
Reinforcement shall be 60 ksi yield strength ASTM material

The storage pad characteristics specified above replace those currently specified in Certificate of Compliance 1008, Appendix B, Items 1.4.6.b and 1.4.6.c, respectively. SNC is hereby granted this exemption subject to the following conditions:

- (1) Storage pads with the characteristics specified above may be used under this exemption until issuance of a revision to Certificate of Compliance 1008 addressing this issue.
- (2) SNC must perform the 10 CFR 72.212 evaluations in accordance with the terms of the general license provisions of 10 CFR Part 72, Subpart K, prior to loading any HI-STAR 100 Cask System and placing the cask on storage pads with the characteristics specified above.
- (3) SNC must inform NRC, within 30 days, if any of the conditions of this exemption cannot be met.
- (4) SNC must meet all other conditions of Certificate of Compliance 1008.

Mr. H. L. Sumner

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If you have any questions, please contact Marissa Bailey of my staff at 301-415-8531. Any future correspondence related to this action should reference Docket 72-36 and TAC No. L23086.

Sincerely,
/RA/ original signed by M. W. Hodges for /s/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 72-36, 72-1008, 50-321, 50-366

cc: Mr. K. P. Singh, President
Holtec International

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Mr. H. L. Sumner

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