

**RULEMAKING ACTIVITIES  
MARCH 2001**

NEWSLETTER FOR: ALL DIVISIONS: OFFICE OF THE GENERAL COUNSEL

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SUBJECT: FINAL AND PROPOSED RULES

The Federal Register notices for the rules listed below are attached.

**A. Final Rules Published in the Federal Register:**

1. 10 CFR Part 72: List of Approved Spent Fuel Storage Casks: VSC-24 Revision

This direct final rule was published in the Federal Register on Tuesday, March 6, 2001 (66 FR 13407). The final rule is effective May 21, 2001, unless significant adverse comments are received by April 5, 2001.

The NRC is amending its regulations revising the Pacific Sierra Nuclear Associates (PSNA) VSC-24 listing within the "List of approved spent fuel storage casks" to include Amendment No. 3 to the Certificate of Compliance (CoC). This amendment changes the Technical Specifications 1.2.1 and 1.2.6 to modify the fuel specifications for Combustion Engineering 16x16 spent fuel stored in the VSC-24 cask system, modifies the text in TS 1.2.7 for accuracy, modifies the text in Certificate Section 2.b. to remove ambiguity, modifies Certificate Section 3 to be consistent with TS 1.1.4, modifies Certificate Section 4 for consistency with TS 1.1.3, and modifies Certificate Section 5 to remove ambiguity.

For further information, contact Stan Turel, NMSS, at 415-6234, or Neil Jensen, OGC, at 415-1637.

2. 10 CFR Part 72: List of Approved spent Fuel Storage Casks: HI-STAR 100 Revision

This direct final rule was published in the Federal Register on March 13, 2001 (66 FR 14483). The final rule is effective May 29, 2001, unless significant adverse comments are received by April 12, 2001.

The NRC is amending its regulations by revising the Holtec International HI-STAR 100 cask system listing within the "List of approved spent fuel storage casks" to include Amendment No. 2 to the Certificate of Compliance (CoC). Amendment No. 2 revises the HI-STAR 100 cask system Appendix B of the Technical Specifications (TS), Item 1.4.6, "Specific Parameters and Analysis for the Storage Pad and Foundation" to simplify the language of this specification. The current 60-g limit for cask drop and tipover events in TS Item 1.4.6 would remain

unchanged. This amendment will allow the holders of power reactor operating licenses to store spent fuel in the HI-STAR 100 cask system, as amended, under a general license.

For further information, contact Stan Turel, NMSS, at 415-6234, or Neil Jensen, OGC, at 415-1637.

3. 10 CFR Part 50: Industry Codes and Standards; Amended Requirements

This correcting amendment was published in the Federal Register on March 26, 2001 (66 FR 16390) and corrects a final rule appearing in the Federal Register on September 22, 1999 (64 FR 51370).

This action corrects the final rule by specifying the use of a flaw length sizing criterion for reactor vessel qualification. This correction is necessary for clarity and consistency in the regulations.

For further information, contact Donald G. Naujock (NRR), at 415-2767, or Geary Mizuno, OGC, at 415-1639.

**B. Proposed Rules Published in the Federal Register**

1. 10 CFR Part 72: List of Approved Spent Fuel Storage Casks: VSC-24 Revision

This proposed rule was published in the Federal Register on March 6, 2001 (66 FR 13459). The comment period expires April 5, 2001.

The NRC is proposing to amend its regulations revising the Pacific Sierra Nuclear Associates (PSNA) VSC-24 listing within the "List of approved spent fuel storage casks" to include Amendment No. 3 to the Certificate of Compliance (CoC). This amendment will allow holders of power reactor operating licenses as general licensees to store Combustion Engineering 16x16 spent fuel assemblies in accordance with revised technical specifications in the VSC-24 cask system. The proposed Amendment No. 3 to the VSC-24 CoC changes Technical Specifications 1.2.1 and 1.2.6 to modify the fuel specifications for Combustion Engineering 16x16 spent fuel stored in the VSC-24 cask system, modifies the text in TS 1.2.7 for accuracy, modifies the text in Certificate Section 2.b. to remove ambiguity, modifies Certificate Section 3 to be consistent with TS 1.1.4, modifies Certificate Section 4 for consistency with TS 1.1.3, and modifies Certificate Section 5 to remove ambiguity.

For further information, contact Stan Turel, NMSS, at 415-6234, or Neil Jensen, OGC, at 415-1637.

2. 10 CFR Part 72: List of Approved spent Fuel Storage Casks: HI-STAR 100 Revision

This proposed rule was published in the Federal Register on March 13, 2001 (66 FR 14503). The comment period expires April 12, 2001.

The NRC is proposing to amend its regulations by revising the Holtec International HI-STAR 100 cask system listing within the "List of approved spent fuel storage casks" to include

Amendment No. 2 to the Certificate of Compliance (CoC). Amendment No. 2 revises the HI-STAR 100 cask system Appendix B of the Technical Specifications (TS), Item 1.4.6, "Specific Parameters and Analysis for the Storage Pad and Foundation" to simplify the language of this specification. The current 60-g limit for cask drop and tipover events in TS Item 1.4.6 would remain unchanged. This amendment would allow the holders of power reactor operating licenses to store spent fuel in the HI-STAR 100 cask system, as amended, under a general license.

For further information, contact Stan Turel, NMSS, at 415-6234, or Neil Jensen, OGC, at 415-1637.

3. 10 CFR Parts 150, 170, and 171: Revision of Fee Schedules; Fee Recovery for FY 2001

This proposed rule was published in the Federal Register on March 28, 2001 (66 FR 16982). The comment period expires April 27, 2001.

The NRC is proposing to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 98 percent of its budget authority in fiscal year (FY) 2001, less the amounts appropriated from the Nuclear Waste Fund (NWF) and the General Fund. The amount to be recovered for FY 2001 is approximately \$453.3 million.

For further information, contact Glenda Jackson, OCFO, at 415-6057, or Trip Rothschild, OGC, at 415-1611.

C. Policy Statements and Other Regulatory Federal Register Documents

1. 10 CFR Part 50: Union of Concerned Scientists; Petition for Rulemaking; Notice of receipt

This notice of receipt of a petition for rulemaking was published in the Federal Register on March 5, 2001 (66 FR 13267). The comment period expires May 21, 2001.

The NRC has received and requests public comment on a petition for rulemaking filed by David Lochbaum of the Union of Concerned Scientists. The petition, docketed on December 13, 2000, has been assigned Docket No. PRM-50-72. The petitioner requests that the NRC revise its regulations to require nuclear power plant owners to submit the performance indicator information needed for the NRC's revised reactor oversight program.

For further information, contact Michael T. Lesar, ADM, at 415-7163, or Geary Mizuno, OGC, at 415-1639.