

July 6, 2001

MEMORANDUM TO: Donald A. Cool, Director
Division Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards

FROM: David B. Matthews, Director /RA/ Signed by F. Gillespie for
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: MODIFIED RULEMAKING PLAN: 10 CFR PART 72, GEOLOGICAL AND
SEISMOLOGICAL CHARACTERISTICS FOR SITING AND DESIGN OF
DRY CASK INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS

This is in response to your June 6, 2001, memorandum, requesting NRR's concurrence on the subject modified rulemaking plan.

The modified rulemaking plan recognizes the lower seismic risk from dry storage casks that contain old fuel inside a metal canister surrounded by a very rugged reinforced concrete structure. The proposal discusses several options and recommends adoption of the option that allows the use of one design earthquake for the entire facility. The design earthquake has an annual frequency of exceedance of 5×10^{-4} . The seismic hazard analysis requirement is being upgraded to the recent change in 10 CFR Part 100.23 on the use of probabilistic seismic hazard analysis. The proposal also has a requirement to include dynamic effects of the design earthquake on the support pad, the stability of the foundation material, etc. With these changes, the rulemaking plan provides a strong risk informed basis for 10 CFR Part 72.

Revisions to the Commission paper and rulemaking plan attached to your June 6, 2001, memo were made incorporating markups provided by Goutam Bagchi of NRR's Division of Engineering to Keith McDaniel. Based on our review of the June 22, 2001, version of these documents, we are satisfied that our comments have been appropriately incorporated. Therefore, NRR concurs.

If you need any further assistance in this matter, please contact Goutam Bagchi (415-3298).

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