

October 3, 2001

MEMORANDUM TO: Stuart Treby, Assistant General Counsel  
for Rulemaking and Fuel Cycle  
Office of the General Counsel

Michael Lesar, Chief  
Rules and Directives Branch /RA/  
Division of Administrative Services  
Office of Administration

FROM: Patricia K. Holahan, Chief  
Rulemaking and Guidance Branch  
Division of Industrial and  
Medical Nuclear Safety, NMSS

SUBJECT: DIRECT FINAL RULE TO REVISE THE 10 CFR PART 72 LIST OF  
APPROVED SPENT FUEL STORAGE CASKS FOR THE  
FUELSOLUTIONS™ CASK SYSTEM AMENDMENT NO. 2 - SPENT  
FUEL POOL REQUIREMENT REMOVAL

Your concurrence is requested on the attached direct final rule and associated proposed rule that will revise the List of approved spent fuel storage casks (10 CFR 72.214). The staff is amending its regulations containing the list of approved spent fuel storage cask designs to add an amendment to the BNFL Fuel Solutions (FuelSolutions™) cask system.

The cask, when used in accordance with the conditions specified in the revised CoC and NRC regulations, will meet the requirements of 10 CFR Part 72; thus, adequate protection of public health and safety would be ensured. The cask amendment will allow holders of power reactor operating licenses to store spent fuel in the cask under the revised conditions. Amendment No. 2 to the FuelSolutions™ cask system CoC would modify the Technical Specifications (TS) to provide an alternative to returning the W74 canister to the spent fuel building, to clarify the description of the other non-fissile material permitted to be stored in the W74 canister, and to revise the temperatures to correspond to the liner thermocouples. Specific changes would be made to TS Tables 2.1-3 and 2.1-4; TS 3.3.2 and 3.3.3; and the bases for TS 3.3.2 and 3.3.3. No changes would be made to the conditions of the Certificate of Compliance. Since this

CONTACT: Merri Horn, NMSS/IMNS  
(301) 415-8126

rulemaking is an amendment to the FuelSolutions™ cask system which is generally accepted by the staff as being “noncontroversial”, and the changes in the amendment do not pose an increase to public health and safety, we are using the direct final rule approach to shorten the time before the rule becomes effective.

The following is a summary of this request:

1. Title: 10 CFR Part 72 - “ List of Approved Spent Fuel Storage Casks: FuelSolutions™ cask system Revision”
2. Task Leader: Merri Horn, NMSS/IMNS 415-8126
3. Working Group: Philip G. Brochman, NMSS/SFPO 415-8592  
Mary Jane Ross-Lee, NMSS/SFPO 415-3781  
Neil Jensen, OGC 415-1637
4. Steering Group: No
5. Enhanced Public Participation: No
6. Compatibility for Agreement States: No
7. Requested Action: Office Concurrence
8. Requested Completion Date: Seven calendar days after the date of this memorandum. To meet the due date, a meeting will be tentatively scheduled for the week of October 9, 2001. This meeting will be to discuss and resolve any issues and concerns that are delaying concurrence. Please plan to have an official who can concur for your Office available for this meeting. If no issues are identified and all concurrences received, this meeting will be canceled.

9. Resources and Coordination: It is anticipated that 0.45 NRC FTEs will be needed to complete this action (0.25 NMSS, and 0.2 all other). These resources are within existing budget allocations. Copies of this concurrence package have been forwarded to ACRS, ACNW, CRGR, NRR, CFO, CIO, OE, and IG for information. Time to review this package should be charged to RITs # 308105GA and TAC# L20741

Attachment: Memo to EDO w/encl.

cc w/encl.: H. T. Bell, OIG  
J. Larkins, ACRS & ACNW  
H. Miller, Region I/ORA  
L. Reyes, Region II/ORA  
J. Dyer, Region III/ORA  
E. Merschhoff, Region IV/ORA  
M. Federline, NMSS  
M. Virgilio, NMSS  
W. Beecher, OPA  
J. Murphy, CRGR  
J. Gray, OGC  
J. Funches, CFO  
D. Matthews, NRR  
B. Shelton, CIO  
F. Congel, OE

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**Distribution:**  
 RGordon R/F  
 Mary Jane Ross-Lee  
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 LRiani (e-mail)

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