

STP ACTION 2-151

**From:** Spiros Droggitis  
**To:** A List  
**Date:** 7/22/02 7:20AM  
**Subject:** Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations

**STATE LIAISON OFFICERS AND OTHER STATE OFFICIALS**

**SUBJECT:** Proposed Rule on Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations

The United States Nuclear Regulatory Commission (NRC) has published in the Federal Register the attached proposed amendment to the Commission's rules in 10 CFR Part 72. These amendments resulted from the need to address uncertainties in seismic hazard analysis and make the seismic design criteria more risk-informed.

These amendments would require a new specific license applicant, for a dry cask storage facility located in either the western U.S. or in areas of known seismic activity in the eastern U.S., and not co-located with a nuclear power plant, to address uncertainties in seismic hazard analysis by using appropriate analyses, such as a probabilistic seismic hazard analysis (PSHA) or suitable sensitivity analyses, for determining the design earthquake ground motion. All other new specific license applicants for dry cask storage facilities would have the option of complying with the proposed requirement to use a PSHA or other suitable sensitivity analyses to address uncertainties in seismic hazard analysis, or other options compatible with the existing regulation. The proposed changes would allow a dry cask independent spent fuel storage installation (ISFSI) or U.S. Department of Energy (DOE) monitored retrievable storage installation (MRS) applicant to use a design earthquake ground motion based on a lower risk associated with an ISFSI or MRS, relative to a nuclear power plant, and thus are risk-informed. The proposed amendments would also require general licensees to design cask storage pads and areas to adequately account for dynamic loads, in addition to static loads. These proposed amendments would make the requirements more effective and efficient and reduce the burden on licensees and on NRC, without an adverse effect on public health and safety or the environment.

Also attached is an Environmental Assessment (EA) that has been prepared in support of the proposed rule. The conclusion of the EA is the Commission's finding that no significant environmental impact will result from the proposed rule. The EA and Federal Register notice are provided for your review and comment. If you have any comments on the rule and its environmental impact, please send them by October 7, 2002. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

You can use the following methods to transmit your comments: (1) you can mail your written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff; (2) you can fax your comments to (301) 415-1672; or (3) you can also provide comments via NRC's interactive rulemaking website at <http://ruleforum.nrc.gov>. This site provides capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: [cag@nrc.gov](mailto:cag@nrc.gov)).

For additional information on this action, contact Keith McDaniel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-5252, e-mail [kkm@nrc.gov](mailto:kkm@nrc.gov).

**Attachments:**

1. Proposed Federal Register Notice
2. Draft Environmental Assessment

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002\\_register&docid=02-18436-filed.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-18436-filed.pdf)

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