

November 13, 2003

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

Michael T. Lesar, Chief
Rules and Directive Branch
Office of Administration

FROM: Scott W. Moore, Chief
Rulemaking and Guidance Branch
Division of Industrial and **/RA/**
Medical Nuclear Safety, NMSS

SUBJECT: FINAL RULE TO REVISE THE 10 CFR PART 72 LIST OF
APPROVED SPENT FUEL STORAGE CASKS
(NUHOMS® -24P, -52B, AND -61BT), AMENDMENT NO. 5

On August 19, 2003, a direct final rule, along with its companion proposed rule, was published in the Federal Register which would have amended Part 72 to revise the Transnuclear, Inc., Standardized NUHOMS® -24P, -52B, and -61BT cask system listing within the list of approved spent fuel storage casks to include Amendment 5 to Certificate of Compliance (CoC) Number 1004. In response to the request for public comments, a significant adverse comment was received, and the direct final rule was withdrawn as a result.

Your concurrence is requested on the attached final rule that will amend the list of approved spent fuel storage casks (10 CFR 72.214) to add an amendment to the Transnuclear, Inc., Standardized NUHOMS® -24P, -52B, and -61BT cask system.

The cask, when used in accordance with the conditions specified in the Certificate of Compliance (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. 5 adds another Dry Shielded Canister (DSC), designated the NUHOMS®-32PT DSC, to the authorized contents of the Standardized NUHOMS® -24P, -52B, and -61BT cask system. This canister is designed to accommodate 32 pressurized water reactor assemblies with or without Burnable Poison Rod Assemblies. It is designed for use with the existing NUHOMS® Horizontal Storage Module and NUHOMS® Transfer Cask.

The following is a summary of this request:

1. Title: 10 CFR Part 72 - "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® -24P, -52B, and -61BT Revision"

CONTACT: Jayne M. McCausland, NMSS/IMNS
(301) 415-6219

2. Task Leader: Jayne M. McCausland NMSS/IMNS 415-6219
3. Working Group: David W. Pstrak, NMSS/SFPO 415-8486
E. 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 November 20, 2003. 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 0.25 NRC FTEs will be needed to complete this action (0.15 NMSS, and 0.1 all other). These resources are within existing budget allocations. Copies of this concurrence package have been forwarded to ACRS, ACNW, NRR, CFO, CIO, OE, and IG for information. Time to review this package should be charged to RITs # 308270GA and TAC# XXXXX.

Attachment: Memo to EDO w/encl.

cc w/att: H. T. Bell, OIG
J. Larkins, ACRS & ACNW
H. Miller, Region I/ORA
L. Reyes, Region II/ORA
J. Caldwell, Region III/ORA
B. Mallett, Region IV/ORA
M. Virgilio, NMSS
M. Federline, NMSS
W. Beecher, OPA
C. Ader, CRGR
J. Gray, OGC
C. Haney, NRR
B. Shelton, CIO
F. Congel, OE
J. Funches, CFO

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- J. Caldwell, RIII/ORA
- T. Gwynn, RIV/ORA
- M. Federline, NMSS
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