February 10, 2005

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: DIRECT FINAL RULE TO AMEND 10 CFR 72.214 LIST OF APPROVED SPENT FUEL STORAGE CASKS (HI-STORM 100, AMENDMENT 2)

Attached, for your signature, is a direct final rule, along with the companion proposed rule (Attachments 1 and 2), amending U.S. Nuclear Regulatory Commission regulations, by revising the cask system listing for the Holtec International HI-STORM 100 cask system. This amendment will modify the cask design to include changes to materials used in construction, changes to the types of fuel that can be loaded, changes to shielding and confinement methodologies and assumptions, revisions to various temperature limits, changes in allowable fuel enrichments, and other changes to reflect current staff guidance and use of industry codes. This amendment is considered to be noncontroversial because it only amends a previously approved cask system. Therefore, we are using the direct final rule approach to simplify the process and to shorten the time before the rule becomes effective.

Notices: Notice that the Executive Director for Operations (EDO) has signed the Federal Register notices is provided for inclusion in the "Notice of Final Rule Signed by the EDO" and the "Weekly Report to the Commission" (Attachments 3 and 4). The "Approved for Publication," the Environmental Assessment, and the Small Business Regulatory Enforcement Fairness Act forms can be found in, respectively, Attachments 5 through 7 of this paper. The appropriate Congressional committees will be notified.

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

David W. Pstrak, NMSS/SFPO
(301) 415-8486

Resources: No additional resources will be needed to implement this rule, unless we receive significant adverse comments on the proposed rule.

Coordination: The Office of Administration concurs with this amendment. The Office of the General Counsel has no legal objection.

Attachments:
1. FRN for Direct Final Rule
2. FRN for Proposed Rule
3. "Notice of Final Rule Signed by the EDO"
4. "Weekly Report to the Commission"
5. "Approved for Publication"
6. Environmental Assessment
7. SBREFA Forms

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