

September 20, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Scott W. Moore, Chief /RA/
Rulemaking and Guidance Branch
Division of Industrial and
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 3)

Enclosed, for your signature, is a direct final rule, along with the companion proposed rule (Enclosures 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 allow holders of power-reactor operating licenses to store spent fuel in the cask under the revised conditions. Amendment No. 3 to the HI-STORM 100 Certificate of Compliance would modify the cask design by revising: (1) Technical Specification (TS) 3.1.3, to eliminate cooling of the Multi-Purpose Canister (MPC) cavity before reflood with water, as part of cask unloading operations; (2) TS 3.3.1, to allow linear interpolation between minimal soluble boron concentrations for certain fuel enrichments in the MPC-32/32F; (3) Appendix B, Section 1, to make modifications to the definitions of fuel debris, damaged fuel assembly, and non-fuel hardware; and (4) Appendix B, Section 2, to permit the storage of pressurized-water-reactor fuel assemblies with annular fuel pellets in the top and bottom 12 inches of the active fuel length. Other changes would be made to incorporate minor editorial corrections.

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: Enclosure 3 ("EDO Daily Note") documents that the Executive Director for Operations (EDO) intends to sign the two Federal Register notices. Enclosure 4 ("Notice of Final Rule Signed by the EDO") and Enclosure 5 ("Weekly Report to the Commission") document that the EDO has signed the two Federal Register notices. The "Approved for Publication," the Environmental Assessment, and the Congressional Review Act forms can be found in, respectively, Enclosures 6 through 8 of this paper. The appropriate Congressional committees will be notified.

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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.

Enclosures:

1. FRN for Direct Final Rule
2. FRN for Proposed Rule
3. "EDO Daily Note"
4. "Notice of Final Rule Signed by the EDO"
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