

September 25, 2006

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: Luis A. Reyes **/RA By Martin J. Virgilio Acting For/**
Executive Director for Operations.

SUBJECT: COMMISSION NOTIFICATION OF A FINAL RULE SIGNED BY THE
ACTING EXECUTIVE DIRECTOR FOR OPERATIONS

Office of Nuclear Material Safety and Safeguards

On September 22, 2006, the Acting Executive Director for Operations approved a direct final rule that amends 10 CFR 72.214, "List of approved spent fuel storage casks" revising the Holtec International HI-STORM 100 cask system listing within the "List of approved spent fuel storage casks" to include Amendment No. 3 to Certificate of Compliance Number 1014. Amendment No. 3 revises Technical Specification (TS) 3.1.3 to eliminate cooling of the Multi-Purpose Canister (MPC) cavity prior to reflood with water as part of cask unloading operations; TS 3.3.1 to allow linear interpolation between minimal soluble boron concentrations for certain fuel enrichments in the MPC-32/32F; Appendix B, Section 1, to make modifications to the definitions of fuel debris, damaged fuel assembly, and non-fuel hardware; and 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 are made to incorporate minor editorial corrections.

This notice informs the Commission that, in accordance with the rulemaking authority delegated to the EDO, the EDO has signed this direct final rule and proposes to forward it on October 2, 2006, to the Office of the Federal Register for publication, unless otherwise directed by the Commission.

This final rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 7, 8, or 9, Subpart C, concerning matters of policy.

The direct final rule can be found in ADAMS at ML062610346.

ML062610435