Approved For Publication

The Commission delegated to the EDO (10 CFR 1.32(c)) the authority to develop and promulgate rules as defined in the APA (5 U.S.C. 551(4)) subject to the limitations in NRC Management Directive 9.17, Organization and Functions, Office of the Executive Director for Operations, paragraphs 0213, 038, 039, and 0310.

The enclosed direct final rule, entitled "List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 3," amends 10 CFR Part 72 by revising the Holtec International HI-STORM 100 cask system listing within the "List of approved spent fuel storage casks." This amendment will allow the holders of power reactor operating licenses to store spent fuel in the cask under the revised conditions under a general license. Amendment No. 3 will revise 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 will be made to incorporate minor editorial corrections.

This direct 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. I, therefore, find that this rule is within the scope of my rulemaking authority and am proceeding to issue it.

09/22/06
Date

/RA/
Martin J. Virgilio,
Acting Executive Director for Operations.