

October 24, 2006

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

Michael T. Lesar, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Mark S. Delligatti, Chief
Rulemaking Branch B **/RA/**
Division of Intergovernmental Liaison
and Rulemaking, FSME

SUBJECT: FINAL RULE TO REVISE THE 10 CFR PART 72 LIST OF
APPROVED SPENT FUEL STORAGE CASKS
(NUHOMS® HD) ADDITION

On May 2, 2006, a direct final rule, along with its companion proposed rule, was published in the Federal Register which would have amended Part 72 to add the Transnuclear, Inc., NUHOMS® HD cask system to the list of approved spent fuel storage casks to add Certificate of Compliance Number 1030. 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response to the request for public comments, a significant adverse comment was received, and the direct final rule was withdrawn as a result.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 enclosed final rule that will amend the list of approved spent fuel storage casks (10 CFR 72.214) to add the Transnuclear, Inc., NUHOMS® HD 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 final rule will allow the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

The following is a summary of this request:

1. Title: 10 CFR Part 72 - "List of Approved Spent Fuel Storage Casks: NUHOMS® HD Addition"

CONTACT: Jayne M. McCausland, FSME/DILR
(301) 415-6219

2. Task Leader: Jayne M. McCausland, FSME/DILR 415-6219
3. Working Group: Daniel Huang, NMSS/SFST 415-3381
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.
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 TAC # LA0207.

Attachment: Memo to EDO w/encl.

cc w/encl.: H. T. Bell, OIG
J. Larkins, ACRS & ACNW
S. Collins, Region I/ORR
W. Travers, Region II/ORR
J. Caldwell, Region III/ORR
B. Mallet, Region IV/ORR
J. Strosnider, NMSS
C. Miller, NMSS
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S. Bahadur, CRGR
J. Gray, OGC
J. Funches, CFO
D. Matthews, NRR
C. Haney, NRR
M. Janney, OCIO
F. Congel, OE

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ML062970245

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