February 8, 2007

MEMORANDUM TO: Francis Cameron, Assistant General Counsel
for Rulemaking and Fuel Cycle
Office of the General Counsel

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

FROM: Mark S. Delligatti, Chief
Rulemaking and Guidance Branch
Division of Industrial and **/RA/**
Medical Nuclear Safety, NMSS

SUBJECT: DIRECT FINAL RULE TO REVISE THE 10 CFR PART 72 LIST OF APPROVED SPENT FUEL STORAGE CASKS (NAC-MPC), AMENDMENT NO. 5

Your concurrence is requested on the enclosed direct final rule and associated proposed rule that will revise the list of approved spent fuel storage casks (10 CFR 72.214). The staff is amending its regulations containing the list of approved spent fuel storage cask designs to add an amendment to the NAC International, Inc., NAC-Multi-Purpose Canister (MPC) system.

The cask, when used in accordance with the conditions specified in the revised 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 cask amendment will allow holders of power reactor operating licenses to store spent fuel in the cask under the revised conditions. Amendment No. 5 to the NAC-MPC CoC would modify the cask design by revising Technical Specifications to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents in lieu of thermal monitoring. The amendment also incorporates guidance from NRC Interim Staff Guidance (ISG)-22 and replaces all references to backfilling the cask with air to backfilling with inert gas. A supplement to the amendment application revises the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks. Finally, this amendment includes several editorial changes to improve the clarity of the documents associated with the MPC system.

Since this rulemaking is an amendment to the NAC-MPC cask system which was previously approved, it is generally accepted by the staff as being “noncontroversial.” The changes in the amendment do not negatively impact public health and safety, and therefore, we are using the direct final rule approach to shorten the time before the rule becomes effective.

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

The following is a summary of this request:

1. Title: 10 CFR Part 72 - "List of Approved Spent Fuel Storage Casks: NAC-MPC Revision 5"

2. Task Leader: Jayne M. McCausland, FSME/DILR 415-6219

3. Working Group: Daniel T. Huang, NMSS/SFST 415-3381
   Andrew S. Pessin, OGC 415-1062

4. Steering Group: No

5. Enhanced Public Participation: No

6. Compatibility for Agreement States: No

7. Requested Action: Office Concurrence

8. Requested Completion Date: February 23, 2007.

9. Resources and Coordination: It is anticipated that 0.45 NRC FTEs will be needed to complete this action (0.15 FSME, 0.1 NMSS, and 0.2 all other). These resources are within existing budget allocations. Copies of this concurrence package have been forwarded to ACRS, ACNW, CRGR, NRR, CFO, CIO, OE, and IG for information. Time to review this package should be charged to TAC # JA0130.

Enclosure: Memo to EDO w/encl.

cc w/encl.: H. T. Bell, OIG
J. Larkins, ACRS & ACNW
S. Collins, Region I/ORA
W. Travers, Region II/ORA
J. Caldwell, Region III/ORA
B. Mallet, Region IV/ORA
C. Miller, FSME
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C. Carpenter, OE
E. Brenner, OPA
S. Bahadur, CRGR
J. Gray, OGC
J. Funches, CFO
M. Case, NRR
M. Janney, OIS

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