

April 16 , 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: James Luehman, Acting Deputy Director
Division of Intergovernmental Liaison
and Rulemaking /RA/
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: DIRECT FINAL RULE TO AMEND 10 CFR 72.214 LIST OF
APPROVED SPENT FUEL STORAGE CASKS (NAC-MPC
AMENDMENT 5)

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 (NRC) regulations, by revising the cask system listing for the NAC International, Inc., NAC-Multi-Purpose Canister (MPC) system. This 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 Certificate of Compliance No. 1025 (CoC) will 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, and to incorporate guidance from NRC Interim Staff Guidance (ISG)-22 to replace all references to backfilling the cask with air with 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. Since the requirement for tamper-indicating devices is applicable to casks used for transporting radioactive material, it is acceptable to remove this requirement from CoC 1025, which applies only to the NAC-MPC system when used in a storage configuration, pursuant to the applicable regulatory requirements at 10 CFR Part 72. Also, several editorial changes are included to improve the clarity of the documents associated with the MPC system. 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: In FY 2007, 0.45 FTE (0.15 FSME, 0.1 NMSS, and 0.2 other) is currently budgeted and is sufficient to complete this rulemaking. No additional resources will be needed to implement the amendment to this rulemaking.

Coordination: The Offices of Administration, Federal and State Materials and Environmental Management Programs, and Nuclear Material Safety and Safeguards concur 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
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