

August 29, 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 **/RA/**
Office of Administration

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

SUBJECT: DIRECT FINAL RULE TO REVISE THE 10 CFR PART 72 LIST OF
APPROVED SPENT FUEL STORAGE CASKS (HI-STORM 100),
AMENDMENT NO. 4

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 Holtec International HI-STORM 100 cask 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. 4 to the HI-STORM 100 CoC would include changes to add site-specific options to the CoC to permit use of a modified HI-STORM 100 cask system at the Indian Point Unit 1 (IP1) Independent Spent Fuel Storage Installation. These options include the shortening of the HI-STORM 100S Version B, Multi-Purpose Canister (MPC)-32 and MPC-32F and the HI-TRAC 100D to accommodate site-specific restrictions. Additional changes address the Technical Specification (TS) definition of "Transport Operations" and associated language in the Safety Analysis Report; the soluble boron requirements for Array/Class 14x14E IP1 fuel; the helium gas backfill requirements for Array/Class 14x14E IP1 fuel; the addition of a fifth damaged fuel container design under the TS definition for Damaged Fuel Container; addition of separate burnup, cooling time, and decay heat limits for Array/Class 14x14 IP1 fuel for loading in an MPC-32 and MPC-32F; addition of antimony-beryllium secondary sources as approved contents; the loading of all IP1 fuel assemblies in damaged fuel containers; the preclusion of loading of IP1 fuel debris in the MPC-32 or MPC-32F; the reduction of the maximum enrichment for Array/Class 14x14E IP1 fuel from 5.0 to 4.5 weight percent uranium-234; changes to licensing drawings to differentiate the IP1 MPC-32 and

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MPC-32F from the previously approved MPC-32 and MPC-32F; and other editorial changes, including replacing all references to US Tool and Die with Holtec Manufacturing Division.

Since this rulemaking is an amendment to the HI-STORM 100 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.

The following is a summary of this request:

1. Title: 10 CFR Part 72 - “List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 4”
2. Task Leader: Jayne M. McCausland, FSME/DILR 415-6219
3. Working Group: Daniel T. Huang, NMSS/SFST 492-3315
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: Seven calendar days after the date of this memorandum.
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, OIS, OE, and OIG for information. Time to review this package should be charged to TAC # JA0155.

Enclosure: Memo to EDO w/encl.

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

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