

September 26, 2007

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Dennis K. Rathbun, Director  
Division of Intergovernmental Liaison  
and Rulemaking **/RA PB for/**  
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 (HI-STORM 100,  
AMENDMENT 4)

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 Holtec International HI-STORM 100, Certificate of Compliance (CoC) No. 1014, cask system. This 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 Canister, 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-235; changes to licensing drawings to differentiate the IP1 MPC-32 and 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.

This amendment is considered to be noncontroversial because it only amends the CoC for a previously approved cask system. In addition, the amended HI-STORM 100 cask design, when used under the conditions specified in the CoC, the TS, and NRC regulations, will meet the requirements of Part 72; thus, adequate protection of public health and safety will continue to be ensured. Therefore, we are using the direct final rule approach to simplify the process and to shorten the time before the rule becomes effective.

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

Daniel Huang, NMSS/SFST

(301) 492-3315

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.

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 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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FSME r/f

A. Pessin, OGC

D. Huang, SFST

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