

June 18, 2010

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

FROM: Mark R. Shaffer, 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  
SYSTEM), AMENDMENT NO. 6

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), NAC-MPC System, Certificate of Compliance (CoC) No. 1025. Amendment No. 6 to the NAC-MPC CoC will include the following changes to the configuration of the NAC-MPC storage system as noted in Appendix B of the Technical Specifications (TS): (1) incorporation into the Transportable Storage Canister (TSC) design a single closure lid with a welded closure ring for redundant closure; (2) modification of the TSC and basket design to accommodate up to 68 La Crosse Boiling Water Reactor spent fuel assemblies (36 undamaged Exxon fuel assemblies and up to 32 damaged fuel cans (in a preferential loading pattern)) that may contain undamaged Exxon fuel assemblies, and damaged Exxon and Allis Chalmers fuel assemblies and/or fuel debris; (3) the addition of zirconium alloy shroud compaction debris to be stored with undamaged and damaged fuel assemblies; (4) minor design modifications to the Vertical Concrete Cask incorporating design features from the MAGNASTOR system for improved operability of the system while adhering to as low as is reasonably achievable principles; (5) a change to the concrete pad compression strength from 4000 psi to 6000 psi; (6) added justification for the 6-ft soil depth as being conservative; and (7) other changes to incorporate minor editorial corrections in CoC No. 1025 and Appendices A and B of the TS. Also, the Definitions in TS 1.1 will be revised to include modifications and newly defined terms, the Limiting Conditions for Operation and associated Surveillance Requirements in TS 3.1 and 3.2 will be revised, and editorial changes will be made to TS 5.2 and 5.4.

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This amendment is considered to be noncontroversial because it only amends the CoC for a previously approved cask system. In addition, the amended NAC-MPC 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 and the environment 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.

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: 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:

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2. FRN for Proposed Rule
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