

July 2, 2010

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

FROM: Josephine M. Piccone, Director */RA Mark Thaggard for/*
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: WITHDRAWAL OF DIRECT FINAL RULE AND PROPOSED
RULE TO AMEND 10 CFR 72.214 LIST OF APPROVED SPENT
FUEL STORAGE CASKS (NUHOMS® HD SYSTEM),
AMENDMENT NO. 1

Enclosed, for your signature, are two *Federal Register* notices withdrawing the direct final rule “List of Approved Spent Fuel Storage Casks: NUHOMS® HD System Revision 1” and the companion proposed rule, which would have revised 10 CFR 72.214, List of Approved Spent Fuel Storage Casks. The rulemaking is being withdrawn because the applicant identified that a certain Technical Specification (TS) for Boral characterization was not written precisely. Specifically, the requirements for meeting TS 4.3.1, “Neutron Absorber Tests,” which references Section 9.1.7.3 of the Safety Analysis Report, are not precisely quantified in that it requires that “the average size of the boron carbide particles in the finished product is approximately 50 microns after rolling.” Use of language such as “average” and “approximately” is imprecise, and no ranges or statistical variations are specified. The NRC will publish a revised direct final rule along with its companion proposed rule after the necessary revisions to the TS are made.

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 Withdrawing Direct Final Rule
2. FRN Withdrawing Proposed Rule

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

Daniel T. Huang, NMSS/SFST
(301) 492-3315

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

FROM: Josephine M. Piccone, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: WITHDRAWAL OF DIRECT FINAL RULE AND PROPOSED
RULE TO AMEND 10 CFR 72.214 LIST OF APPROVED SPENT
FUEL STORAGE CASKS (NUHOMS® HD SYSTEM),
AMENDMENT NO. 1

Enclosed, for your signature, are two *Federal Register* notices withdrawing the direct final rule “List of Approved Spent Fuel Storage Casks: NUHOMS® HD System Revision 1” and the companion proposed rule, which would have revised 10 CFR 72.214, List of Approved Spent Fuel Storage Casks. The rulemaking is being withdrawn because the applicant identified that a certain Technical Specification (TS) for Boral characterization was not written precisely. Specifically, the requirements for meeting TS 4.3.1, “Neutron Absorber Tests,” which references Section 9.1.7.3 of the Safety Analysis Report, are not precisely quantified in that it requires that “the average size of the boron carbide particles in the finished product is approximately 50 microns after rolling.” Use of language such as “average” and “approximately” is imprecise, and no ranges or statistical variations are specified. The NRC will publish a revised direct final rule along with its companion proposed rule after the necessary revisions to the TS are made.

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 Withdrawing Direct Final Rule
2. FRN Withdrawing Proposed Rule

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

Daniel T. Huang, NMSS/SFST
(301) 492-3315

Distribution: EDATS: FSME-2010-0173
RGordon R/F
D Huang, NMSS
J. Davis, NMSS

ML101620015

OFC	DILR	DILR/Tech Editor	NMSS	DILR:BC	DILR:D
NAME	JMcCausland	CPoland	D Huang	K O’Sullivan	JMPiccone (MThaggard for)
DATE	06/29/10	07/1/10	06/30/10	06/29/10	07/02/10

OFFICIAL RECORD COPY