

June 18, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA by Andrew L. Bates
Acting For/**

SUBJECT: STAFF REQUIREMENTS - SECY-02-0043 - PROPOSED RULE:
GEOLOGICAL AND SEISMOLOGICAL CHARACTERISTICS
FOR THE SITING AND DESIGN OF DRY CASK INDEPENDENT
SPENT FUEL STORAGE INSTALLATIONS AND MONITORED
RETRIEVABLE STORAGE INSTALLATIONS - 10 CFR PART 72

The Commission has approved publication of the proposed amendments to Part 72 subject to the following comments and the changes noted in the attachment.

(EDO)

(SECY Suspense:

7/26/02)

The proposed rule should be revised to exclude wet modes of storage on the basis that new applications for this type of facility are not expected and, consequently, it is not cost-effective to allocate resources to develop the technical basis for such an expansion of the rulemaking. These changes should be applied to similar discussions in the Environmental Assessment and the draft Regulatory Guide DG-3021.

Attachment: Changes to the *Federal Register* Notice in SECY-02-0043

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

Changes to the *Federal Register* Notice in SECY-02-0043

1. On page 5, 1st full paragraph, remove the last sentence (Because the deterministic approach ... parameters.) and place it as the new item 1. prior to the last paragraph on the page. Add the following at the end of the new item 1. "Yet Appendix A to Part 100 does not allow this application."
2. On page 5, renumber item 1. as item 2. Revise the last line to read ' ... to new situations; ~~and Requiring the use of Appendix A has also~~'
3. On page 6, delete lines 1 and 2 (inhibited the use ... process; and) and renumber item 2. as item 3.
4. On page 7, 1st full paragraph, revise lines 7 and 8 to read ' ... are significantly lower in comparison to ~~than those that could arise at~~ a NPP.'
5. On page 10, 2nd full paragraph, revise line 4 to read ' ... storage because ~~the risk associated with potential accident scenarios for wet modes of storage~~ **applications for this means of storage are not expected and it is not cost-effective to allocate resources to develop the technical bases for such an expansion of the rulemaking.** Delete lines 5 through 8 (... is greater than the risk ... wet modes of storage.) Revise the last line to read ' ... lack of experience ~~gained~~ in licensing'