

August 15, 2003

MEMORANDUM FOR: William D. Travers  
Executive Director for Operations

John F. Cordes, Director  
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 10:00 A.M.,  
FRIDAY, AUGUST 15, 2003, COMMISSIONERS' CONFERENCE  
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)<sup>1</sup>

I. SECY-03-0118 - Final 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 approved a final rule amending 10 CFR Part 72 to make it compatible with the 1996 revision to 10 CFR Part 100. The final rule requires a new specific-license applicant for a dry cask storage facility located in either the western U.S. or in areas of known seismic activity in the eastern U.S., and not co-located with a nuclear power plant, to address uncertainties in seismic hazard analysis by using appropriate analyses, such as a "probabilistic" seismic hazard analysis or other suitable sensitivity analyses, for determining the design earthquake ground motion. All other new specific-license applicants for dry cask storage facilities will have the option of complying with the final rule requirement to use a "probabilistic" seismic hazard analysis or other suitable sensitivity analyses to address uncertainties in seismic hazard analysis, or other options compatible with the existing regulation. The final rule will also revise the conditions of general licenses for storage of spent fuel at power reactor sites issued under Part 72. The final rule will require general licensees to address the dynamic loads of stored casks, in addition to the static loads. The requirements are changed because during a seismic event the cask experiences dynamic inertia loads in addition to the static loads, which are supported by the concrete pad. Consideration of the dynamic loads, in addition to the static loads, of the stored casks will ensure that the pad would perform satisfactorily during a seismic event.

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<sup>1</sup> Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners McGaffigan and Merrifield were present in the Conference Room. Chairman Diaz participated in the meeting via speakerphone.

The Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense:

9/19/03)

II. SECY-03-0129 - Private Fuel Storage (Independent Spent Fuel Storage Installation),  
Docket No. 72-22-ISFSI, LBP-03-08 (May 22, 2003)

The Commission approved a Memorandum and Order responding to the State of Utah's Petition for Review of a Board order addressing the seismic-related aspects of the application of Private Fuel Storage (PFS) to build and operate an independent spent fuel storage installation to house casks of spent fuel rods from nuclear reactors. In LBP-03-08, the Atomic Safety and Licensing Board rejected Utah's seismic contentions. The current Petition for Review seeks Commission review of numerous factual and legal rulings in LBP-03-08. The Memorandum and Order denies Utah's petition for review of LBP-03-08.

(Subsequently, on August 15, 2003, the Secretary signed the Memorandum and Order.)

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