

August 15, 2003

MEMORANDUM TO: Stuart Treby, Assistant General Counsel
for Rulemaking and Fuel Cycle
Office of the General Counsel

Michael Lesar, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Gary S. Janosko, Acting Chief
Rulemaking and Guidance Branch
Division of Industrial and **/RA/**
Medical Nuclear Safety, NMSS

SUBJECT: DIRECT FINAL RULE TO REVISE THE 10 CFR PART 72 LIST
OF APPROVED SPENT FUEL STORAGE CASKS (NUHOMS®-
24PHB), AMENDMENT NO. 6

Your concurrence is requested on the attached direct final rule and associated proposed rule that will revise the List of approved spent fuel storage casks (10 CFR 72.214). The staff is amending its regulations containing the list of approved spent fuel storage cask designs to add an amendment to the Transnuclear, Inc., Standardized NUHOMS® Horizontal Modular Storage System (Standardized NUHOMS® System).

The cask, when used in accordance with the conditions specified in the revised Certificate of Compliance and NRC regulations, will meet the requirements of 10 CFR Part 72; thus, adequate protection of public health and safety would be ensured. The cask amendment will allow holders of power reactor operating licenses to store spent fuel in the cask under the revised conditions. Amendment No. 6 would add the NUHOMS®-24PHB cask design to the Standardized NUHOMS® System. The NUHOMS®-24PHB cask would store high burnup Babcock & Wilcox 15x15 spent fuel assemblies with an average burnup of up to 55,000 megawatt-days/metric ton of uranium; enrichment equal to 4.5 weight percent uranium-235; maximum decay heat load of 1.3 kilowatt (kW) per assembly; and maximum heat load of 24 kW per cask.

Since this rulemaking is an amendment to the Standardized NUHOMS® System which was previously approved, it is generally accepted by the staff as being "noncontroversial". The changes in the amendment do not negatively impact public health and safety, and therefore, we are using the direct final rule approach to shorten the time before the rule becomes effective.

CONTACT: Margaret Stambaugh, NMSS/IMNS
(301) 415-5449

The following is a summary of this request:

1. Title: 10 CFR Part 72 - "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-24P, -52B, -61BT, -32PT, and -24PHB Revision"
2. Task Leader: Margaret Stambaugh, NMSS/IMNS 415-5449
3. Working Group: David W. Pstrak, NMSS/SFPO 415-8486
E. Neil Jensen, OGC 415-1637
4. Steering Group: No
5. Enhanced Public Participation: No
6. Compatibility for Agreement States: No
7. Requested Action: Office Concurrence
8. Requested Completion Date: Seven calendar days after the date of this memorandum. To meet the due date, a meeting will be tentatively scheduled for the week of August 25, 2003. This meeting will be to discuss and resolve any issues and concerns that are delaying concurrence. Please plan to have an official who can concur for your Office available for this meeting. If no issues are identified and all concurrences received, this meeting will be canceled.
9. Resources and Coordination: It is anticipated that 0.45 NRC FTEs will be needed to complete this action (0.25 NMSS, and 0.2 all other). These resources are within existing budget allocations. Copies of this concurrence package have been forwarded to ACRS, ACNW, CRGR, NRR, CFO, CIO, OE, and IG for information. Time to review this package should be charged to TAC# L20957.

Attachment: Memo to EDO w/encl.

cc w/encl.: H. T. Bell, OIG

J. Larkins, ACRS & ACNW
H. Miller, Region I/ORA
L. Reyes, Region II/ORA
J. Caldwell, Region III/ORA
T. Gwynn, Region IV/ORA
M. Federline, NMSS
M. Virgilio, NMSS

W. Beecher, OPA

C. Ader, CRGR
J. Gray, OGC
J. Funches, CFO
D. Matthews, NRR
C. Grimes, NRR
B. Shelton, CIO
F. Congel, OE

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