

March 8, 2006

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

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

FROM: Scott W. Moore, 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 (FUELSOLUTIONS™),
AMENDMENT NO. 4

Your concurrence is requested on the enclosed 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 BNG Fuel Solutions Corporation FuelSolutions™ Storage System.

The cask, when used in accordance with the conditions specified in the revised Certificate of Compliance (CoC) 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. 4 to the FuelSolutions™ Storage System Certificate of Compliance (CoC) would change Technical Specification (TS) requirements related to periodic monitoring during storage operations. Specifically, the amendment would revise the TS to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and permit visual inspection of the cask vent screens or measurement of the cask liner temperature to satisfy the periodic monitoring requirements of 10 CFR 72.122(h)(4). TS 3.3.1 would be deleted to remove daily monitoring requirements. TS 3.3.2 would be revised, for the W21 and W74 canisters, to permit either visual inspection of vent screens or liner thermocouple temperature monitoring. TS 5.3.8 would add a section for the Periodic Monitoring Program which establishes intervals for periodic monitoring that are less than the time required to reach the limiting short-term temperature limit. This program would establish administrative controls and procedures to assure that the licensee would be able to determine when corrective action is required. In addition, the amendment would update editorial changes associated with the company name change from BNFL Fuel Solutions Corporation to BNG Fuel Solutions Corporation and make other administrative changes.

CONTACT: Jayne M. McCausland, NMSS/IMNS
(301) 415-6219

Since this rulemaking is an amendment to the FuelSolutions™ cask 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.

The following is a summary of this request:

1. Title: 10 CFR Part 72 - “List of Approved Spent Fuel Storage Casks: FuelSolutions™ Cask System Revision 4”
2. Task Leader: Jayne McCausland, NMSS/IMNS 415-6219
3. Working Group: Robert Lewis, NMSS/SFPO 415-3567
 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 March 6, 2006. 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 cancelled.
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 # LA0291.

Enclosure: Memo to EDO w/encl.

cc w/encl.: H. T. Bell, OIG
 J. Larkins, ACRS & ACNW
 S. Collins, Region I/ORA
 W. Travers, Region II/ORA
 J. Caldwell, Region III/ORA
 B. Mallet, Region IV/ORA
 E. Strosnider, NMSS
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E. Brenner, OPA
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J. Gray, OGC
J. Funches, CFO
C. Grimes, NRR
B. Shelton, OIS

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S. Collins, RI/ORA J. Strosnider, NMSS J. Gray, OGC M. Johnson, OE
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