

March 23, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Scott W. Moore, Chief
Rulemaking and Guidance Branch
Division of Industrial and **/RA/**
Medical Nuclear Safety, NMSS

SUBJECT: DIRECT FINAL RULE TO AMEND 10 CFR 72.214, LIST OF
APPROVED SPENT FUEL STORAGE CASKS
(FUELSOLUTIONS™, AMENDMENT 4)

Enclosed, for your signature, is a direct final rule, along with the companion proposed rule (Enclosures 1 and 2), amending U.S. Nuclear Regulatory Commission regulations, by revising the cask system listing for the BNG Fuel Solutions Corporation FuelSolutions™ cask system. This 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™ cask system Certificate of Compliance 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 to 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.

This amendment is considered to be noncontroversial because it only amends a previously approved cask system. Therefore, we are using the direct final rule approach to simplify the process and to shorten the time before the rule becomes effective.

Notices: Enclosure 3 ("EDO Daily Note") documents that the Executive Director for Operations (EDO) intends to sign the two Federal Register notices. Enclosure 4 ("Notice of Final Rule Signed by the EDO") and Enclosure 5 ("Weekly Report to the Commission") document that the EDO has signed the two Federal Register notices. The "Approved for Publication," the Environmental Assessment, and the Congressional Review Act forms can be found in, respectively, Enclosures 6 through 8 of this paper. The appropriate Congressional committees will be notified.

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Resources: No additional resources will be needed to implement this rule, unless we receive significant adverse comments on the proposed rule.

Coordination: The Office of Administration concurs with this amendment. The Office of the General Counsel has no legal objection.

Enclosures:

1. FRN for Direct Final Rule
2. FRN for Proposed Rule
3. "EDO Daily Note"
4. "Notice of Final Rule Signed by the EDO"
5. "Weekly Report to the Commission"
6. "Approved for Publication"
7. Environmental Assessment
8. Congressional Review Act Forms

L. Reyes

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Coordination: The Office of Administration concurs with this amendment. The Office of the General Counsel has no legal objection.

Enclosures:

9. FRN for Direct Final Rule
10. FRN for Proposed Rule
11. "EDO Daily Note"
12. "Notice of Final Rule Signed by the EDO"
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16. Congressional Review Act Forms

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