

January 9, 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Dennis K. Rathbun, Director
Division of Intergovernmental Liaison
and Rulemaking, FSME **/RA/**

SUBJECT: DIRECT FINAL RULE TO AMEND 10 CFR 72.214 LIST OF
APPROVED SPENT FUEL STORAGE CASKS (STANDARDIZED
NUHOMS[®] SYSTEM, AMENDMENT NO. 9)

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 Standardized NUHOMS[®] System. This amendment will allow holders of power-reactor operating licenses to store spent fuel in the cask under the revised conditions. Amendment 9 will modify the Certificate of Compliance by revising Technical Specifications 1.2.1 and 1.2.14, to add the Framatome-ANP, Version 9x9-2 fuel assemblies, as approved contents for storage, in the NUHOMS[®]-61BT dry-shielded canister. 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.

Resources: In FY 2007, 0.45 FTE (0.25 FSME/NMSS and 0.2 other) is currently budgeted and is sufficient to complete this rulemaking. No additional resources will be needed to implement amendment to this rulemaking.

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(301) 415-3381

Coordination: The Offices of Administration, Chief Financial Officer, Federal and State Materials and Environmental Management Programs, and Nuclear Material Safety and Safeguards concur 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

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ML070080378

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