

July 17, 2007

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Dennis K. Rathbun, Director  
Division of Intergovernmental Liaison  
and Rulemaking **/RA/**  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: DIRECT FINAL RULE TO AMEND 10 CFR 72.214 LIST OF  
APPROVED SPENT FUEL STORAGE CASKS (TN-68,  
AMENDMENT 1)

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 (NRC) regulations, by revising the cask system listing for the Transnuclear, Inc. TN-68, Certificate of Compliance (CoC) No. 1027 dry storage 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. 1 to the TN-68 CoC No. 1027 will modify the cask design by revising several fuel parameters that include increasing fuel burnup to 60 gigawatts-day/metric ton of uranium, increasing total cask decay heat to 30 kilowatts, increasing maximum average fuel enrichment to 4.7 weight percent uranium-235, and decreasing minimum fuel assembly cooling time to 7 years. The amendment will also add up to eight damaged fuel assemblies as authorized contents of the cask and reduce the cask spacing on the storage pad. This amendment is considered to be noncontroversial because it only amends the CoC for a previously approved cask system. In addition, the amended TN-68 cask design, when used under the conditions specified in the CoC, the Technical Specifications, and NRC regulations, will meet the requirements of Part 72; thus, adequate protection of public health and safety will continue to be ensured. 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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(301) 492-3315

Resources: In FY 2007, 0.45 FTE (0.15 FSME, 0.1 NMSS, and 0.2 other) is currently budgeted and is sufficient to complete this rulemaking. No additional resources will be needed to implement the amendment to this rulemaking.

Coordination: The Offices of Administration 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"
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**ML071920325**

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DATE:	07 / 09 / 07	07/17/ 07	05/21 / 07	07/11/07	7/17/07

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