

Approved For Publication

The Commission delegated to the EDO (10 CFR 1.32(c)) the authority to develop and promulgate rules as defined in the APA (5 U.S.C. 551(4)) subject to the limitations in NRC Management Directive 9.17, Organization and Functions, Office of the Executive Director for Operations, paragraphs 0213, 038, 039, and 0310.

The enclosed direct final rule entitled "List of Approved Spent Fuel Storage Casks: NAC-MPC Revision 5" amends 10 CFR Part 72 by revising the NAC International, Inc., NAC-MPC listing within the "List of approved spent fuel storage casks" to include Amendment No. 5. This amendment will modify the Certificate of Compliance (CoC) by revising the Technical Specifications (TS) to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents instead of thermal monitoring, revising the TS to incorporate guidance from NRC Interim Staff Guidance-22 and replace all references to backfilling the cask with air to backfilling with inert gas, revising the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks, and including several editorial changes to improve the clarity of the documents associated with the NAC-MPC system, under the general provisions of 10 CFR Part 72.

This direct final rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 7, 8, or 9, Subpart C, concerning matters of policy. I, therefore, find that this rule is within the scope of my rulemaking authority and am proceeding to issue it.

4/24/07
Date

/RA Martin J. Virgilio Acting for/
Luis A. Reyes,
Executive Director for Operations.