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: MAGNASTOR Addition," amends 10 CFR Part 72 by adding the MAGNASTOR System listing within the "List of approved spent fuel storage casks." The MAGNASTOR System is a vertical, canister-based, dry cask storage system designed for interim storage of up to 37 pressurized water reactor spent fuel assemblies or 87 boiling water reactor spent fuel assemblies**.** The MAGNASTOR System consists of a transportable storage canister (TSC) with welded closure, a concrete cask to contain the canister during the storage period, and a transfer cask to contain the canister during loading, transfer, and unloading operations. In the storage configuration, the TSC is placed in the central cavity of the concrete cask. The concrete cask provides structural protection, radiation shielding, and internal airflow paths that remove the decay heat from the TSC contents by natural air circulation. The other principal component of the MAGNASTOR System is the transfer cask. The transfer cask provides radiation shielding and structural protection for the TSC and the spent fuel contents during canister loading and preparation activities, and during transfer of the TSC to, or from, the concrete cask.

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.

10/31/08
Date

***/RA/***
R. W. Borchardt,
Executive Director for Operations.