

May 12, 2010

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

FROM: Mark R. Shaffer, Director */RA/*  
Division of Intergovernmental Liaison  
and Rulemaking  
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 (MAGNASTOR  
SYSTEM), AMENDMENT NO. 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 NAC International, Inc., MAGNASTOR System, Certificate of Compliance (CoC) No. 1031. This amendment will allow holders of power-reactor operating licenses to load spent fuel into a cask meeting the revised conditions. Amendment No. 1 to the MAGNASTOR System CoC will modify the cask design by changing Technical Specifications (TS) related to neutron absorber qualification and acceptance testing. Specifically, the amendment would revise TS 4.1.1.b and incorporate by reference into the MAGNASTOR CoC, Sections 10.1.6.4.5, 10.1.6.4.6, 10.1.6.4.7, and 10.1.6.4.8 of the Final Safety Analysis Report regarding the acceptance testing of borated aluminum alloy and borated metal matrix composite neutron absorber material. The amendment will also include other changes in Appendices A and B of the TS to incorporate minor editorial corrections.

This amendment is considered to be noncontroversial because it only amends the CoC for a previously approved cask system. In addition, the amended MAGNASTOR cask design, when used under the conditions specified in the CoC, the TS, and NRC regulations, will meet the requirements of Part 72; thus, adequate protection of public health and safety and the environment 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.

CONTACTS: Jayne M. McCausland, FSME/DILR  
(301) 415-6219

Daniel T. Huang, NMSS/SFST  
(301) 492-3315

Resources: No additional resources will be needed to implement the amendment to this rule.

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"
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

Resources: No additional resources will be needed to implement the amendment to this rule.

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"
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

Distribution: EDATS: FSME-2010-0076

RGordon R/F  
 APessin, OGC  
 DHuang, NMSS  
 PLongmire, NMSS

**ML101180338**

OFC	DILR	DILR	NMSS	DILR
NAME	JMcCausland	PTressler	DHuang	KO'Sullivan
DATE	04 / 27 /10	05 / 05 /10	03 / 10 / 10	4/ 28 / 10
OFC	DILR:D			
NAME	MShaffer			
DATE	05/12 /10			

**OFFICIAL RECORD COPY**