

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 System Revision 1" amends 10 CFR Part 72 by revising the NAC International, Inc., MAGNASTOR System listing to include Amendment No. 1 to Certificate of Compliance (CoC) No. 1031. Amendment No. 1 will modify the CoC to change the Technical Specifications (TS) related to neutron absorber qualification and acceptance testing. Specifically, the amendment will 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 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.

05/25/10

Date

/RA/

R. W. Borchardt,
Executive Director for Operations.