

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 72**

**[NRC-2014-0261]**

**RIN 3150-AJ50**

**List of Approved Spent Fuel Storage Casks:**

**NAC International, Inc., MAGNASTOR<sup>®</sup> System; Certificate of Compliance No.**

**1031, Amendment No. 5**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the NAC International, Inc., MAGNASTOR<sup>®</sup> System listing within the “List of approved spent fuel storage casks” to include Amendment No. 5 to Certificate of Compliance (CoC) No. 1031. Amendment No. 5 makes numerous changes to the Technical Specifications (TSs) including adding a new damaged fuel assembly, revising the maximum or minimum enrichments for three fuel assembly designs, adding four-zone preferential loading for pressurized-water reactor fuel assemblies and increasing the maximum dose rates in limiting condition for operation (LCO) 3.3.1, and other editorial changes to Appendices A and B of the TSs.

**DATES:** The direct final rule is effective **[INSERT DATE 75 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]**, unless significant adverse comments are received by **[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]**. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the *Federal Register*. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the *Federal Register*.

**ADDRESSES:** You may submit comments by any one of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0261. Address questions about NRC dockets to Carol Gallagher, telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, please contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.
- **E-mail comments to:** [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive an automatic e-mail reply confirming receipt, then contact us at 301-415-1677.
- **Fax comments to:** Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.
- **Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff

- **Hand deliver comments to:** 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the SUPPLEMENTARY INFORMATION section of this document.

**FOR FURTHER INFORMATION CONTACT:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-3781; e-mail: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov).

## **SUPPLEMENTARY INFORMATION:**

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### I. Obtaining Information and Submitting Comments.

#### A. Obtaining Information.

Please refer to Docket ID NRC-2014-0261 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0261.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to: [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments.

Please include Docket ID NRC-2014-0261 in the subject line of your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Procedural Background.

This direct final rule is limited to the changes contained in Amendment No. 5 to CoC No. 1031 and does not include other aspects of the MAGNASTOR<sup>®</sup> System design. The NRC is using the “direct final rule procedure” to issue this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. This amendment to the rule will become effective on **[INSERT DATE 75 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]**. However, if the NRC receives significant adverse comments on this direct final rule by **[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL**

**REGISTER]**, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rule section of this issue of the *Federal Register*. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective without a change. A comment is adverse and significant if:

1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or TSs.

For detailed instructions on submitting comments, please see the ADDRESSES section of this document.

### III. Background.

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that “the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.” Section 133 of the NWPA states, in part, that “[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.”

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR) entitled, “General License for Storage of Spent Fuel at Power Reactor Sites” (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled, “Approval of Spent Fuel Storage Casks,” which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on November 21, 2008 (73 FR 70587), that approved the NAC International, Inc., MAGNASTOR® System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1031.

#### IV. Discussion of Changes.

By letter dated December 19, 2013, and as supplemented on March 19, May 15, and, June 13, 2014, NAC International submitted an application for Amendment No. 5 of CoC No. 1031. The amendment adds a new damaged fuel assembly; revises the maximum or minimum enrichments for three fuel assembly designs; adds four-zone preferential loading for pressurized-water reactor fuel assemblies; and increases the maximum dose rates in LCO 3.3.1.

Amendment No. 5 makes the following specific changes to Appendices A and B of the TSs:

- Page A3-11 – Increase the maximum surface gamma dose rate for LCO 3.3.1 from 95 to 120 mrem/hr.
- Page A4-1 – Change required minimum actual areal density for 10B from 0.334 g/cm<sup>2</sup> to the correct value of 0.0334 g/cm<sup>2</sup>.
- Page A4-4 – Authorize use of the MAGNASTOR<sup>®</sup> System at an independent spent fuel storage installation (ISFSI) where the maximum design basis earthquake (DBE) acceleration is greater than previously evaluated provided that the ISFSI pad is designed with bollards that prevents a cask from overturning and bollards are designed, fabricated, and installed such that they are capable of handling the combined loading of the DBE and any contact between the bollard and cask during the DBE.
- Page A4-5 – Move the lead paragraph and items a through e to page A4-5.
- Page B2-1 – Extend the number of tables specifying fuel characteristics to Table B2-41.

- Pages B2-2 and B2-4 – Add specific fuel characteristic tables for WE14×14 fuel assemblies in Tables B2-25 through B2-33 and for CE16×16 fuel assemblies in Tables B2-34 through B2-41; clarify that the assembly average burnup levels are for spent nuclear fuel; and add footnote a.
- Pages B2-2 and B2-5 – Delete information on order and location of empty cells for a basket that is not fully loaded and add footnote a.
- Page B2-3 – Add footnote a.
- Page B2-7 – Increase the maximum decay heat for WE14×14 and CE16×16 fuel assemblies to 1,800 watts and add footnote 2.
- Page B2-9 – Add CE16×16 fuel assembly to damaged fuel assembly portion of the table.
- Page B2-10 – Revise rod cluster control (RCC) cooling times; add cooling times for fuel hardware for three-zone and four-zone loading patterns; add Tables B2-25 through B2-41 to the note; and add footnotes a, b, and c.
- Pages B2-12 and B2-14 – Revise the table (figure) title to indicate more than one decay heat loading pattern definition, add three-zone title, and add four-zone heat load pattern table (figure).
- Pages B2-13 and B2-15 – Remove notation showing the canister alignment mark.
- Page B2-16 – Remove detail on description of how to block unused cells and indicate that unused cells must be physically blocked.
- Page B2-17 – Change item G to state that unirradiated (instead of unenriched) fuel assemblies are not authorized for loading, add item H for the 86 fuel assembly basket

configuration, renumber original item H to I, revise item I to indicate alternate loadings for 82 fuel assembly basket, and reference Figure B2-5 in item I.

- Page B2-18 – Reduce minimum average enrichment from 1.3 to 0.7 weight percent.
- Page B2-19 – Revise footnote 1 to refer to Figure B2-6 instead of B2-5.
- Page B2-20 – Add footnotes c and d.
- Page B2-21 – Add figure showing the 87 fuel assembly basket.
- Page B2-22 – Add alternate configuration for the 82 fuel assembly basket and increment figure number by 1.
- Page B2-23 – Renumber Figure B2-5 to be B2-6.
- Page B2-24 – Add row for maximum assembly average burnup of 5,000 MWd/MTU in Table B2-14.
- Pages B2-90 to B2-140 – Add tables B2-25 to B2-41, respectively, to include a new pressurized-water reactor preferential loading profile.

The revised TSs are identified in the safety evaluation report (SER). As documented in the SER, the NRC staff performed a detailed safety evaluation of the proposed CoC amendment request. There are no significant changes to cask design requirements in the proposed CoC amendment. Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of confinement, shielding, and criticality control. If there is no loss of confinement, shielding, or criticality control, the environmental impacts would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 5 would remain well within the 10 CFR Part 20 limits. Therefore, the proposed CoC changes will not result in any radiological or

non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or amounts of any effluent released, no significant increase in individual or cumulative radiation exposure, and no significant increase in the potential for or consequences of radiological accidents.

This direct final rule revises the MAGNASTOR® System listing in 10 CFR 72.214 by adding Amendment No. 5 to CoC No.1031. The amendment consists of the changes previously described, as set forth in the revised CoC and TSs. The revised TSs are identified in the SER.

The amended MAGNASTOR® System design, when used under the conditions specified in the CoC, the TSs, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be ensured. When this direct final rule becomes effective, persons who hold a general license under 10 CFR 72.210 may load spent nuclear fuel into MAGNASTOR® Systems that meet the criteria of Amendment No. 5 to CoC No. 1031 under 10 CFR 72.212.

#### **V. Voluntary Consensus Standards.**

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the MAGNASTOR® System design listed in 10 CFR 72.214. This action does not constitute the establishment of a standard that contains generally applicable requirements.

## **VI. Agreement State Compatibility.**

Under the “Policy Statement on Adequacy and Compatibility of Agreement State Programs” approved by the Commission on June 30, 1997, and published in the *Federal Register* on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category “NRC.” Compatibility is not required for Category “NRC” regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR. Although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements using a mechanism consistent with that particular State’s administrative procedure laws, but does not confer regulatory authority on the State.

## **VII. Plain Writing.**

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31883).

## **VIII. Environmental Assessment and Finding of No Significant Environmental Impact.**

### **A. The Action.**

The action is to amend 10 CFR 72.214 to revise the NAC International, Inc., MAGNASTOR® System listing within the “List of approved spent fuel storage casks” to include

Amendment No. 5 to CoC No. 1031. Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

#### B. The Need for the Action.

This direct final rule amends the CoC for the NAC International, Inc., MAGNASTOR<sup>®</sup> System design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, Amendment No. 5 makes numerous changes to the TSs including adding a new damaged fuel assembly, revising the maximum or minimum enrichments for three fuel assembly designs, adding four-zone preferential loading for pressurized-water reactor fuel assemblies and increasing the maximum dose rates in LCO 3.3.1, and other editorial changes to Appendices A and B of the TSs. The revised TSs are identified in the SER.

#### C. Environmental Impacts of the Action.

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was initially analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 5 tiers off of the environmental assessment for the

July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act.

The MAGNASTOR<sup>®</sup> System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an ISFSI, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fires, explosions, and other incidents.

Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. There are no significant changes to cask design requirements in the proposed CoC amendment. In addition, because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 5 would remain well within 10 CFR part 20 radiation safety limits. Therefore, the proposed CoC changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposures, and no significant increase in the potential for or consequences from radiological accidents. The staff documented these safety findings in the SER for this amendment.

D. Alternative to the Action.

The alternative to this action is to deny approval of Amendment No. 5 and terminate the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into MAGNASTOR<sup>®</sup> System casks in accordance with the changes described in proposed Amendment No. 5 would have to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden on the NRC and the costs to each licensee. Therefore, the environmental impacts would be the same or less than the action.

E. Alternative Use of Resources.

Approval of Amendment No. 5 to CoC No. 1031 would result in no irreversible commitments of resources.

F. Agencies and Persons Contacted.

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact.

The environmental impacts of the action have been reviewed under the requirements in 10 CFR part 51. Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled, "List of Approved Spent Fuel Storage Casks: NAC International, Inc., MAGNASTOR<sup>®</sup> System; Certificate of Compliance No. 1031, Amendment No. 5," will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

## **IX. Paperwork Reduction Act Statement.**

This rule does not contain any information collection requirements, and is therefore not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

### **Public Protection Notification.**

The NRC may not conduct or sponsor, and a person is not required to respond to a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

## **X. Regulatory Flexibility Certification.**

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and NAC International, Inc. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

## **XI. Regulatory Analysis.**

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use casks with NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, the

spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214. On November 21, 2008 (73 FR 70687), the NRC issued an amendment to 10 CFR part 72 that approved the MAGNASTOR<sup>®</sup> System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214.

On December 19, 2013, and as supplemented on March 19, May 15, and June 13, 2014, NAC International, Inc., submitted an application to amend the MAGNASTOR<sup>®</sup> System as described in Section IV, "Discussion of Changes," of this document.

The alternative to this action is to withhold approval of Amendment No. 5 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into the MAGNASTOR<sup>®</sup> System cask under the changes described in Amendment No. 5 to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden on the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the SER and the environmental assessment, the direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact on other Government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and therefore, this action is recommended.

## **XII. Backfitting and Issue Finality.**

The NRC has determined that the backfit rule (10 CFR 72.62) does not apply to this direct final rule. Therefore, a backfit analysis is not required. This direct final rule revises CoC No. 1031 for the NAC International, Inc., MAGNASTOR<sup>®</sup> System, as currently listed in 10 CFR 72.214, "List of approved spent fuel storage casks." The revision consists of Amendment No. 5, which adds a new damaged fuel assembly; revises the maximum or minimum enrichments for three fuel assembly designs; adds four-zone new preferential loading for pressurized-water reactor fuel assemblies; increases the maximum dose rates in LCO 3.3.1; and makes other editorial changes to Appendices A and B to the TSs. The revised TSs are identified in the SER.

Amendment No. 5 to CoC No. 1031 for the NAC International, Inc., MAGNASTOR<sup>®</sup> System was not submitted in response to new NRC requirements, or an NRC request for amendment. Amendment No. 5 applies only to new casks fabricated and used under Amendment No. 5. These changes do not affect existing users of the MAGNASTOR<sup>®</sup> System, and the current amendments continue to be effective for existing users. While any current CoC users may comply with the new requirements in Amendment No. 5, this would be a voluntary decision on the part of current users. For these reasons, Amendment No. 5 to CoC No. 1031 does not constitute backfitting under 10 CFR 72.62, 10 CFR 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, no backfit analysis or additional documentation addressing issue finality criteria in 10 CFR part 52 has been prepared by the staff.

### **XIII. Congressional Review Act.**

This action is not a major rule as defined in the Congressional Review Act (5 U.S.C. 801-808).

### **XIV. Availability of Documents.**

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

<b>DOCUMENT</b>	<b>ADAMS ACCESSION NO./WEB LINK/ FEDERAL REGISTER CITATION</b>
Proposed CoC No. 1031, Amendment No. 5	ML14216A197
Proposed TS, Appendix A	ML14216A257
Proposed TS, Appendix B	ML14216A270
Preliminary SER	ML14216A310
Request to Amend Reference 1 Dated December 19, 2013	ML13361A144
Request to Amend Reference 3 Dated March 19, 2014	ML14079A525
Request for Additional Information (RAI) Dated May 15, 2014	ML14140A239
Supplemental Information for Proposed Action Dated June 13, 2014	ML14170A032

The NRC may post materials related to this document, including public comments, on the Federal rulemaking Web site at <http://www.regulations.gov> under Docket ID NRC-2014-0261. The Federal rulemaking Web site allows you to receive alerts when changes

or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder (NRC-2014-0261); 2) click the "Sign up for E-mail Alerts" link; and 3) enter your e-mail address and select how frequently you would like to receive e-mails (daily, weekly, or monthly).

### **List of Subjects in 10 CFR Part 72**

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

### **PART 72 - LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE**

1. The authority citation for part 72 continues to read as follows:

**Authority:** Atomic Energy Act secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282, 2021); Energy Reorganization Act secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act sec. 102 (42 U.S.C. 4332); Nuclear Waste Policy Act secs. 131, 132, 133, 135, 137, 141,

148 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 549 (2005).

Section 72.44(g) also issued under Nuclear Waste Policy Act secs. 142(b) and 148(c), (d) (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under Atomic Energy Act sec. 189 (42 U.S.C. 2239); Nuclear Waste Policy Act sec. 134 (42 U.S.C. 10154). Section 72.96(d) also issued under Nuclear Waste Policy Act sec. 145(g) (42 U.S.C. 10165(g)). Subpart J also issued under Nuclear Waste Policy Act secs. 117(a), 141(h) (42 U.S.C. 10137(a), 10161(h)). Subpart K also issued under Nuclear Waste Policy Act sec. 218(a) (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance No. 1031 is revised to read as follows:

**§ 72.214 List of approved spent fuel storage casks.**

\* \* \* \* \*

Certificate Number: 1031.

Initial Certificate Effective Date: February 4, 2009.

Amendment Number 1 Effective Date: August 30, 2010.

Amendment Number 2 Effective Date: January 30, 2012.

Amendment Number 3 Effective date: July 25, 2013.

Amendment Number 4 Effective Date: April 14, 2015.

Amendment Number 5 Effective Date: **[INSERT DATE 75 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]**.

SAR Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the MAGNASTOR<sup>®</sup> System.

Docket Number: 72-1031.

Certificate Expiration Date: February 4, 2029.

Model Number: MAGNASTOR®.

\* \* \* \* \*

Dated at Rockville, Maryland, this 29th day of January, 2015.

For the Nuclear Regulatory Commission.

***/RA/***

Mark A. Satorius  
Executive Director  
for Operations

Certificate Expiration Date: February 4, 2029.

Model Number: MAGNASTOR®.

\* \* \* \* \*

Dated at Rockville, Maryland, this 29<sup>th</sup> day of January, 2015.

For the Nuclear Regulatory Commission.

*/RA/*

Mark A. Satorius  
Executive Director  
for Operations

**ADAMS Accession No.: ML14357A043**

OFC	NMSS/MSTR	NMSS/MSTR	NMSS/SFST	ADM
NAME	SSahle	JDanna	MSampson	CBladey
DATE	11/14/14	11/21/14	11/ 26/14	12/ 05/14
OFC	OGC	Tech Ed	NMSS/MSTR	EDO
NAME	ACoggins	CPoland	LDudes	MSatorius
DATE	12/17/14	1/16/15	1/20/15	1/ 29/15

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