



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001**

November 14, 2018

Mr. Gerard van Noordennen  
Vice President of Regulatory Affairs  
ZionSolutions, LLC  
101 Shiloh Boulevard  
Zion, Illinois 60099

**SUBJECT:** EXEMPTION FROM CERTAIN PROVISIONS OF TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* SECTIONS 72.212 AND 72.214 REGARDING MAGNASTOR® SYSTEM TRAINING REQUIREMENTS FOR ZIONSOLUTIONS, LLC, FOR THE ZION NUCLEAR POWER STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION (CAC NO. 001028, DOCKET NOS. 50-295, 50-304, AND 72-1037, EPID: L-2017-LLE-0030)

Dear Mr. Noordennen:

This is in response to your letter dated November 2, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17311A148), requesting an exemption from Title 10 of the *Code of Federal Regulations* (CFR) 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(5), 10 CFR 72.212(b)(11), and 10 CFR 72.214, which state that the licensee shall comply with the terms, conditions, and specifications of the certificate of compliance (CoC) being utilized, specifically, CoC No. 1031, Amendment No. 6, for the MAGNASTOR® storage system.

The NAC International Inc. MAGNASTOR® Cask System, CoC No. 1031, specifies requirements, conditions, and operating limits in Appendix A, Technical Specifications and Design Features for the MAGNASTOR® System. Since 2014, ZionSolutions LLC (ZS) has been loading spent fuel in the MAGNASTOR® Cask System for storage at the Zion Nuclear Power Station (ZNPS) Independent Spent Fuel Storage Installation (ISFSI) under CoC No. 1031, Amendment No. 3, as authorized by the general license provisions of 10 CFR Part 72. In 2015, the U.S. Nuclear Regulatory Commission (NRC) granted ZS an exemption from the CoC conditions requiring the general license to meet all the requirements of the technical specifications for the MAGNASTOR® Cask System. Specifically, the 2015 exemption permits ZS, under CoC No. 1031, Amendment No. 3, from the requirement to develop training modules under the general licensee's systematic approach to training (SAT) that include comprehensive instructions for the operation and maintenance of the ISFSI Structures, Systems, and Components (SSCs), which are not important to safety as defined in 10 CFR 72.3 (80 FR 53347). On April 17, 2017, ZS re-registered to load and store spent fuel in MAGNASTOR® storage casks under CoC No. 1031, Amendment No. 6 (ML17116A314). Thus, ZS is requesting similar exemption from CoC No. 1031, Amendment No. 6, Appendix A, Technical Specifications and Design Features for the MAGNASTOR® System, Section 5.7 "Training Program," to allow ZS to provide training for ISFSI SSCs that are not important to safety in accordance with manufacturer's instructions and ZS approved procedures in lieu of training developed under the SAT program.

The NRC staff reviewed ZS' exemption request for the ZNPS ISFSI. The details of the NRC staff's review are included in the *Federal Register* Notice (ADAMS Accession No. ML18277A267). Based on the staff's evaluation, the NRC has determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. The NRC staff has also determined that this proposed action meets the categorical exclusion criteria in 10 CFR 51.22(c)(25)(i)-(v). Since the exemption relates solely to training requirements, this exemption is categorically excluded from further analysis under 10 CFR 51.22(c)(25)(vi)(E). Pursuant to 10 CFR 51.22(c), no environmental impact statement or environmental assessment needs to be prepared in connection with the approval of this exemption request. Therefore, the NRC granted ZS an exemption from the requirements in 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214, only with regard to the requirements of CoC No. 1031, Amendment No. 6, Appendix A, Technical Specifications and Design Features for the MAGNASTOR® System, Section 5.7 "Training Program," and only with regard to developing training modules under the SAT that include comprehensive instructions for the operation and maintenance of the ISFSI SSCs that are not important to safety. This exemption only permits ZS to provide training/instructions for SSCs not important to safety in accordance with manufacturer's instructions and ZS approved procedures, instead of developing such training and instructions using the SAT methods. The SAT training requirements are still applicable to all important to safety SSCs as defined in 10 CFR 72.3, as required by the CoC. This exemption is effective as of November 7, 2018, as indicated in the *Federal Register* Notice (ADAMS Accession No. ML18277A267).

In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-5722, or Yen-Ju Chen of my staff at (301) 415-1018. Any future correspondence related to this action should reference CAC No. 001028, Docket Nos. 50-295, 50-304, and 72-1037, and EPID: L-2017-LLE-0030.

Sincerely,

/RA/

John McKirgan, Chief  
Spent Fuel Licensing Branch  
Division of Spent Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

CAC No. 001028  
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Note: This letter closes out EPID L-2017-LLE-0030.

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**ADAMS No.: ML18320A011**

\*via email

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