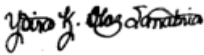




UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 21, 2026

MEMORANDUM TO: Jill Shepherd, Chief  
Materials Rulemaking  
and Project Management Branch  
Division of Rulemaking, Environmental,  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

FROM: Yoira Diaz-Sanabria, Chief  Signed by Diaz-Sanabria,  
on 04/21/26  
Storage and Transportation Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: USER NEED FOR RULEMAKING FOR AMENDMENT NO. 17, AND  
REVISION TO AMENDMENT NOS. 0 THROUGH 16, OF  
CERTIFICATE OF COMPLIANCE NO. 1031 FOR THE  
MAGNASTOR® SYSTEM

The purpose of this communication is to request support for rulemaking activities in the Division of Fuel Management (DFM) for the following Title 10, *Code of Federal Regulations* (10 CFR) Part 72 licensing action:

1. Changes to 10 CFR 72.214 rule text (changes appear in bold):

Certificate Number: 1031.

Initial Certificate Effective Date: February 4, 2009, superseded by Initial Certificate, Revision 1, on February 1, 2016, superseded by Initial Certificate, Revision 2, on October 16, 2023, superseded by Initial Certificate, Revision 3, on March 19, 2025, **superseded by Initial Certificate, Revision 4, on [insert 75 days from date of FR publication].**

Amendment Number 1 Effective Date: August 30, 2010, superseded by Amendment Number 1, Revision 1, on February 1, 2016, superseded by Amendment Number 1, Revision 2, on October 16, 2023, superseded by Amendment Number 1, Revision 3, on March 19, 2025, **superseded by Amendment Number 1, Revision 4, on [insert 75 days from date of FR publication].**

CONTACT: Kristina L. Banovac, NMSS/DFM  
301-415-7116

Amendment Number 2 Effective Date: January 30, 2012, superseded by Amendment Number 2, Revision 1, on February 1, 2016, superseded by Amendment Number 2, Revision 2, on October 16, 2023, superseded by Amendment Number 2, Revision 3, on March 19, 2025, **superseded by Amendment Number 2, Revision 4, on [insert 75 days from date of FR publication].**

Amendment Number 3 Effective Date: July 25, 2013, superseded by Amendment Number 3, Revision 1, on February 1, 2016, superseded by Amendment Number 3, Revision 2, on October 16, 2023, superseded by Amendment Number 3, Revision 3, on March 19, 2025, **superseded by Amendment Number 3, Revision 4, on [insert 75 days from date of FR publication].**

Amendment Number 4 Effective Date: April 14, 2015, superseded by Amendment Number 4, Revision 1, on October 16, 2023, superseded by Amendment Number 4, Revision 2, on March 19, 2025, **superseded by Amendment Number 4, Revision 3, on [insert 75 days from date of FR publication].**

Amendment Number 5 Effective Date: June 29, 2015, superseded by Amendment Number 5, Revision 1, on October 16, 2023, superseded by Amendment Number 5, Revision 2, on March 19, 2025, **superseded by Amendment Number 5, Revision 3, on [insert 75 days from date of FR publication].**

Amendment Number 6 Effective Date: December 21, 2016, superseded by Amendment Number 6, Revision 1, on October 16, 2023, superseded by Amendment Number 6, Revision 2, on March 19, 2025, **superseded by Amendment Number 6, Revision 3, on [insert 75 days from date of FR publication].**

Amendment Number 7 Effective Date: August 21, 2017, as corrected (ADAMS Accession No. ML19045A346), superseded by Amendment Number 7, Revision 1, on October 16, 2023, superseded by Amendment Number 7, Revision 2, on March 19, 2025, **superseded by Amendment Number 7, Revision 3, on [insert 75 days from date of FR publication].**

Amendment Number 8, Effective Date: March 24, 2020, superseded by Amendment Number 8, Revision 1, on October 16, 2023, superseded by Amendment Number 8, Revision 2, on March 19, 2025, **superseded by Amendment Number 8, Revision 3, on [insert 75 days from date of FR publication].**

Amendment Number 9, Effective Date: December 7, 2020, superseded by Amendment Number 9, Revision 1, on October 16, 2023, superseded by Amendment Number 9, Revision 2, on March 19, 2025, **superseded by Amendment Number 9, Revision 3, on [insert 75 days from date of FR publication].**

Amendment Number 10, Effective Date: January 18, 2023, superseded by Amendment Number 10, Revision 1, on March 19, 2025, **superseded by Amendment Number 10, Revision 2, on [insert 75 days from date of FR publication].**

Amendment Number 11, Effective Date: October 16, 2023, superseded by Amendment Number 11, Revision 1, on March 19, 2025, **superseded by Amendment Number 11, Revision 2, on [insert 75 days from date of FR publication].**

Amendment Number 12, Effective Date: October 16, 2023, superseded by Amendment Number 12, Revision 1, on March 19, 2025, **superseded by Amendment Number 12, Revision 2, on [insert 75 days from date of FR publication].**

Amendment Number 13, Effective Date: November 19, 2024, superseded by Amendment Number 13, Revision 1, on March 19, 2025, **superseded by Amendment Number 13, Revision 2, on [insert 75 days from date of FR publication].**

Amendment Number 14, Effective Date: March 19, 2025, **superseded by Amendment Number 14, Revision 1, on [insert 75 days from date of FR publication]**.

Amendment Number 15, Effective Date: June 3, 2025, **superseded by Amendment Number 15, Revision 1, on [insert 75 days from date of FR publication]**.

**Amendment Number 16, Effective Date: TBD, superseded by Amendment Number 16, Revision 1, on [insert 75 days from date of FR publication]**

**Amendment Number 17, Effective Date: [insert 75 days from date of FR publication]**

Safety Analysis Report (SAR) Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the MAGNASTOR® System.

Docket Number: 72-1031.

Certificate Expiration Date: February 4, 2029.

Model Number: MAGNASTOR®.

2. Purpose and scope of the amendment and revisions:

By application dated July 30, 2025 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML25211A197), as supplemented on March 4, 2026 (ML26064A039) and March 13, 2026 (ML26075E865), NAC International, Inc (NAC, or the applicant) submitted a request for Amendment No. 17, and Revision to Amendment Nos. 0 through 16, of the Certificate of Compliance (CoC) No. 1031 for the MAGNASTOR® storage system. The application requests changes to the design basis for the MAGNASTOR® storage system to correct an error with M5 fuel cladding material yield strength that was introduced in CoC No. 1031, Amendment No. 14 and the associated revisions to Amendment Nos. 0 through 13.

3. Proposed Backfitting Discussion for the Direct Final Rule for the Revisions to CoC No. 1031, Amendment Nos. 0 through 16

This direct final rule revises CoC No. 1031 for the MAGNASTOR® storage system, as currently listed in 10 CFR 72.214, "List of approved spent fuel storage casks." Revision to Amendment Nos. 0 through 16 (specifically, Initial Certificate, Revision 4; Amendment No. 1, Revision 4; Amendment No. 2, Revision 4; Amendment No. 3, Revision 4; Amendment No. 4, Revision 3; Amendment No. 5, Revision 3; Amendment No. 6, Revision 3; Amendment No. 7, Revision 3; Amendment No. 8, Revision 3; Amendment No. 9, Revision 3; Amendment No. 10, Revision 2; Amendment No. 11, Revision 2; Amendment No. 12, Revision 2; Amendment No. 13, Revision 2; Amendment No. 14, Revision 1; Amendment No. 15, Revision 1; and Amendment No. 16, Revision 1), changes the design basis for the MAGNASTOR® storage system to correct an error with M5 fuel cladding material yield strength that was introduced in CoC No. 1031, Amendment No. 14 and the associated revisions to Amendment Nos. 0 through 13. For the reasons set forth in this section, the NRC has determined that this direct final rule does not constitute backfitting under 10 CFR 72.62, "Backfitting."

As stated in 10 CFR 72.62, "backfitting" means the "addition, elimination or modification, after the license has been issued, of: (1) Structures, systems, or components of an ISFSI ..., or (2) Procedures or organization required to operate an ISFSI." NAC is not within the scope of the backfitting provisions in 10 CFR 72.62 because the provisions of 10 CFR 72.62 are applicable to the NRC actions that affect general licensees, not vendors.

According to NAC, no general licensees have purchased or use the system under CoC No. 1031, Amendment Nos. 0-5, Amendment No. 8, Amendment Nos. 10-12, Amendment No. 14, and Amendment No. 16, which is the subject of this revision. This NRC action would not result in an addition, elimination, or modification of a structure, system, or component of a general licensee's ISFSI or the procedures or organization required to operate a general licensee's ISFSI. Therefore, the changes in Amendment No. 0, Revision 4; Amendment No. 1, Revision 4; Amendment No. 2, Revision 4; Amendment No. 3, Revision 4; Amendment No. 4, Revision 3; Amendment No. 5, Revision 3; Amendment No. 8, Revision 3; Amendment No. 10, Revision 2; Amendment No. 11, Revision 2; Amendment No. 12, Revision 2; Amendment No. 14, Revision 1; and Amendment No. 16, Revision 1 that are approved in this direct final rule do not fall within the definition of backfitting under 10 CFR 72.62.

According to NAC, two general licensees have purchased or use casks from NAC under existing CoC No. 1031, Amendment No. 6, Revision 2, which is the subject of this revision. This NRC action would result in a change in procedures or organization required to operate an ISFSI and, therefore, would constitute backfitting under 10 CFR 72.62(a)(2). However, in this instance, the general licensees (Kewaunee Solutions for the Kewaunee ISFSI, and Constellation Energy Generation LLC for the Zion Nuclear Power Station, Units 1 and 2 ISFSI) indicated their willingness to voluntarily comply with the revised CoC and implement the CoC revision after approval (ML26064A039 and ML26075E865). Because the general licensees intend to voluntarily implement the revision, the NRC's action would not be imposing the technical change on the licensees, thereby eliminating the potential backfitting. Therefore, the issuance of Revision 3 to Amendment No. 6 does not fall within the definition of backfitting under 10 CFR 72.62.

According to NAC, one general licensee has purchased or uses casks from NAC under existing CoC No. 1031, Amendment No. 7, Revision 2, which is the subject of this revision. This NRC action would result in a change in procedures or organization required to operate an ISFSI and, therefore, would constitute backfitting under 10 CFR 72.62(a)(2). However, in this instance, the general licensee (Arizona Public Service for the Palo Verde Generating Station ISFSI) indicated its willingness to voluntarily comply with the revised CoC and implement the latest Amendment No. 17 when approved (ML26064A039 and ML26075E865). Because the general licensee intends to voluntarily implement the latest Amendment No. 17, the NRC's action would not be imposing the technical change on the licensee, thereby eliminating the potential backfitting. Therefore, the issuance of Revision 3 to Amendment No. 7 does not fall within the definition of backfitting under 10 CFR 72.62.

According to NAC, one general licensee has purchased or uses casks from NAC under existing CoC No. 1031, Amendment No. 9, Revision 2, which is the subject of this revision. This NRC action would result in a change in procedures or organization required to operate an ISFSI and, therefore, would constitute backfitting under 10 CFR 72.62(a)(2). However, in this instance, the general licensee (Constellation Energy Generation LLC for Christopher M. Crane Clean Energy Center, Unit 1 ISFSI) indicated its willingness to voluntarily comply with the revised CoC and implement the CoC revision after approval (ML26064A039 and ML26075E865). Because the general licensee intends to voluntarily implement the revision, the NRC's action would not be imposing the technical change on the licensee, thereby eliminating the potential backfitting. Therefore, the issuance of Revision 3 to Amendment No. 9 does not fall within the definition of backfitting under 10 CFR 72.62.

According to NAC, one general licensee has purchased or uses casks from NAC under existing CoC No. 1031, Amendment No. 13, Revision 1, which is the subject of this revision. This NRC action would result in a change in procedures or organization required to operate an ISFSI and, therefore, would constitute backfitting under 10 CFR 72.62(a)(2). However, in this instance, the general licensee (Three Mile Island Nuclear Station, Unit 2 Solutions for the Three Mile Island Nuclear Station, Unit 2 ISFSI) indicated its willingness to voluntarily comply with the revised CoC and implement the CoC revision after approval (ML26064A039 and ML26075E865). Because the general licensee intends to voluntarily implement the revision, the NRC's action would not be imposing the technical change on the licensee, thereby eliminating the potential backfitting. Therefore, the issuance of Revision 2 to Amendment No. 13 does not fall within the definition of backfitting under 10 CFR 72.62.

According to NAC, one general licensee has purchased or uses casks from NAC under existing CoC No. 1031, Amendment No. 15, which is the subject of this revision. This NRC action would result in a change in procedures or organization required to operate an ISFSI and, therefore, would constitute backfitting under 10 CFR 72.62(a)(2). However, in this instance, the general licensee (Duke Energy for the Catawba ISFSI and McGuire ISFSI) indicated its willingness to voluntarily comply with the revised CoC and implement the latest Amendment No. 17 when approved (ML26064A039 and ML26075E865). Because the general licensee intends to voluntarily implement the latest Amendment No. 17, the NRC's action would not be imposing the technical change on the licensee, thereby eliminating the potential backfitting. Therefore, the issuance of Revision 1 to Amendment No. 15 does not fall within the definition of backfitting under 10 CFR 72.62.

4. The proposed CoCs, Technical Specifications, and preliminary safety evaluation report have been placed in ADAMS (see ADAMS references below) and are available for your use in the rulemaking package. DFM will designate these documents as Official Agency Records after the Executive Director for Operations has approved the package (ML26098A205).

Docket No. 72-1031  
CAC No. 001028  
EPID: L-2025-LLA-0118

ADAMS References:

1. Rulemaking Memo Amendment No. 17, and Revision to Amendment Nos. 0 Through 16 for the MAGNASTOR® Storage System (ML26098A206)
2. Preliminary SER for CoC No. 1031 Issuance of Amendment No. 17 and Revision to Amendment Nos. 0-16 for the MAGNASTOR® Storage System (ML26098A207)
3. Proposed CoC 1031 Amendment No. 0 Revision 4 (ML26098A208)
4. Proposed CoC 1031 Amendment No. 0 Revision 4 TS Appendix A (ML26098A209)
5. Proposed CoC 1031 Amendment No. 0 Revision 4 TS Appendix B (ML26098A210)
6. Proposed CoC 1031 Amendment No. 1 Revision 4 (ML26098A211)
7. Proposed CoC 1031 Amendment No. 1 Revision 4 TS Appendix A (ML26098A212)
8. Proposed CoC 1031 Amendment No. 1 Revision 4 TS Appendix B (ML26098A213)
9. Proposed CoC 1031 Amendment No. 2 Revision 4 (ML26098A214)
10. Proposed CoC 1031 Amendment No. 2 Revision 4 TS Appendix A (ML26098A215)

11. Proposed CoC 1031 Amendment No. 2 Revision 4 TS Appendix B (ML26098A216)
12. Proposed CoC 1031 Amendment No. 3 Revision 4 (ML26098A217)
13. Proposed CoC 1031 Amendment No. 3 Revision 4 TS Appendix A (ML26098A218)
14. Proposed CoC 1031 Amendment No. 3 Revision 4 TS Appendix B (ML26098A219)
15. Proposed CoC 1031 Amendment No. 4 Revision 3 (ML26098A220)
16. Proposed CoC 1031 Amendment No. 4 Revision 3 TS Appendix A (ML26098A221)
17. Proposed CoC 1031 Amendment No. 4 Revision 3 TS Appendix B (ML26098A222)
18. Proposed CoC 1031 Amendment No. 5 Revision 3 (ML26098A223)
19. Proposed CoC 1031 Amendment No. 5 Revision 3 TS Appendix A (ML26098A225)
20. Proposed CoC 1031 Amendment No. 5 Revision 3 TS Appendix B (ML26098A227)
21. Proposed CoC 1031 Amendment No. 6 Revision 3 (ML26098A228)
22. Proposed CoC 1031 Amendment No. 6 Revision 3 TS Appendix A (ML26098A229)
23. Proposed CoC 1031 Amendment No. 6 Revision 3 TS Appendix B (ML26098A230)
24. Proposed CoC 1031 Amendment No. 7 Revision 3 (ML26098A231)
25. Proposed CoC 1031 Amendment No. 7 Revision 3 TS Appendix A (ML26098A232)
26. Proposed CoC 1031 Amendment No. 7 Revision 3 TS Appendix B (ML26098A233)
27. Proposed CoC 1031 Amendment No. 8 Revision 3 (ML26098A234)
28. Proposed CoC 1031 Amendment No. 8 Revision 3 TS Appendix A (ML26098A235)
29. Proposed CoC 1031 Amendment No. 8 Revision 3 TS Appendix B (ML26098A236)
30. Proposed CoC 1031 Amendment No. 9 Revision 3 (ML26098A237)
31. Proposed CoC 1031 Amendment No. 9 Revision 3 TS Appendix A (ML26098A238)
32. Proposed CoC 1031 Amendment No. 9 Revision 3 TS Appendix B (ML26098A239)
33. Proposed CoC 1031 Amendment No. 10 Revision 2 (ML26098A240)
34. Proposed CoC 1031 Amendment No. 10 Revision 2, TS Appendix A (ML26098A241)
35. Proposed CoC 1031 Amendment No. 10 Revision 2, TS Appendix B (ML26098A242)
36. Proposed CoC 1031 Amendment No. 11 Revision 2 (ML26098A243)
37. Proposed CoC 1031 Amendment No. 11 Revision 2 TS Appendix A (ML26098A244)
38. Proposed CoC 1031 Amendment No. 11 Revision 2 TS Appendix B (ML26098A245)
39. Proposed CoC 1031 Amendment No. 12 Revision 2 (ML26098A246)
40. Proposed CoC 1031 Amendment No. 12 Revision 2 TS Appendix A (ML26098A247)
41. Proposed CoC 1031 Amendment No. 12 Revision 2 TS Appendix B (ML26098A248)
42. Proposed CoC 1031 Amendment No. 13 Revision 2 (ML26098A249)
43. Proposed CoC 1031 Amendment No. 13 Revision 2 TS Appendix A (ML26098A250)
44. Proposed CoC 1031 Amendment No. 13 Revision 2 TS Appendix B (ML26098A251)
45. Proposed CoC 1031 Amendment No. 14 Revision 1 (ML26098A252)
46. Proposed CoC 1031 Amendment No. 14 Revision 1 TS Appendix A (ML26098A253)
47. Proposed CoC 1031 Amendment No. 14 Revision 1 TS Appendix B (ML26098A254)
48. Proposed CoC 1031 Amendment No. 15 Revision 1 (ML26098A255)

49. Proposed CoC 1031 Amendment No. 15 Revision 1 TS Appendix A (ML26098A256)
50. Proposed CoC 1031 Amendment No. 15 Revision 1 TS Appendix B (ML26098A257)
  
51. Proposed CoC 1031 Amendment No. 16 Revision 1 (ML26098A258)
52. Proposed CoC 1031 Amendment No. 16 Revision 1 TS Appendix A (ML26098A259)
53. Proposed CoC 1031 Amendment No. 16 Revision 1 TS Appendix B (ML26098A260)
  
54. Proposed CoC 1031 Amendment No. 17 (ML26098A262)
55. Proposed CoC 1031 Amendment No. 17 TS Appendix A (ML26098A263)
56. Proposed CoC 1031 Amendment No. 17 TS Appendix B (ML26098A264)

SUBJECT: USER NEED FOR RULEMAKING FOR AMENDMENT NO. 17, AND REVISION TO AMENDMENT NOS. 0 THROUGH 16, OF CERTIFICATE OF COMPLIANCE NO. 1031 FOR THE MAGNASTOR® SYSTEM

DOCUMENT DATE: April 21, 2026

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**ADAMS Accession Nos.:**

**ML26098A205 (Package)**

**ML26098A206 (Memo)**

**ML26098A207 (SER)**

**ML26098A208 – ML26098A264 (CoC/TS Enclosures)**

**e-Concurrence case: 20260408-90012**