



NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2023-0085]

RIN 3150-AK99

List of Approved Spent Fuel Storage Casks: NAC International, Inc. MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment Nos. 11 and 12 and Revisions to Amendment Nos. 0 through 9

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel regulations by revising the NAC International, Inc. MAGNASTOR® Storage System listing within the “List of approved spent fuel storage casks” to include Amendment Nos. 11 and 12 and revisions to Amendment Nos. 0 through 9 to Certificate of Compliance No. 1031. Amendment No. 11 amends the certificate of compliance to add a new concrete cask, transfer cask, fuel baskets and revised contents. Amendment No. 11 also adds a definition for the concrete cask lid, revises the definition for the concrete cask to exclude the lid, adds a definition for the storage cask, and provides alternate fabrication criteria and techniques for the concrete cask lid. Amendment No. 12 and revisions to Amendment Nos. 0 through 9 add definitions for the storage cask and concrete cask lid, revise the definition of the concrete cask, and provide alternate fabrication criteria and techniques for the concrete cask lid to the certificate of compliance.

DATES: Submit comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2023-0085, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

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: Bernard White, Office of Nuclear Materials Safety and Safeguards, telephone: 301-415-6577, email: Bernard.White@nrc.gov and Irene Wu, Office of Nuclear Materials Safety and Safeguards, telephone: 301-415-1951, email: Irene.Wu@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2023-0085 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 Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0085. Address questions about NRC dockets to Dawn Forder, telephone: 301-415-3407, email: Dawn.Forder@nrc.gov. For technical questions contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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 email to 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, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC-2023-0085 in your comment submission. The NRC requests that you submit comments through the Federal rulemaking website at <https://www.regulations.gov>. If your material cannot be submitted using

<https://www.regulations.gov>, call or email the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

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 <https://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. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the *Federal Register*. The direct final rule will become effective on **[INSERT DATE 75 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. However, if the NRC receives any significant adverse comment by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. In general, absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

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 or unacceptable 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 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.

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 to make a change (other than editorial) to the rule.

For a more detailed discussion of the proposed rule changes and associated analyses, see the direct final rule published in the Rules and Regulations section of this issue of the *Federal Register*.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that “[t]he 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 Nuclear Waste Policy Act states, in part, that “[t]he 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 that 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® Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1031.

IV. 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 31885). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

DOCUMENT	ADAMS ACCESSION NO. / FEDERAL REGISTER CITATION
Documents Related to Initial Certificate (Amendment No. 0), Revision 2	
Proposed Certificate of Compliance No. 1031, Amendment No. 0, Revision 2	ML22220A151
Proposed Certificate of Compliance No. 1031, Amendment No. 0, Revision 2, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A152
Proposed Certificate of Compliance No. 1031, Amendment No. 0, Revision 2, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A154
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0–8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 1, Revision 2	
Proposed Certificate of Compliance No. 1031, Amendment No. 1, Revision 2	ML22220A156
Proposed Certificate of Compliance No. 1031, Amendment No. 1, Revision 2, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A157
Proposed Certificate of Compliance No. 1031, Amendment No. 1, Revision 2, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A158
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0–8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197

NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 2, Revision 2	
Proposed Certificate of Compliance No. 1031, Amendment No. 2, Revision 2	ML22220A159
Proposed Certificate of Compliance No. 1031, Amendment No. 2, Revision 2, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A160
Proposed Certificate of Compliance No. 1031, Amendment No. 2, Revision 2, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A161
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0–8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 3, Revision 2	
Proposed Certificate of Compliance No. 1031, Amendment No. 3, Revision 2	ML22220A163
Proposed Certificate of Compliance No. 1031, Amendment No. 3, Revision 2, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A164
Proposed Certificate of Compliance No. 1031, Amendment No. 3, Revision 2, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A165
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0–8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769

NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 4, Revision 1	
Proposed Certificate of Compliance No. 1031, Amendment No. 4, Revision 1	ML22220A166
Proposed Certificate of Compliance No. 1031, Amendment No. 4, Revision 1, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A167
Proposed Certificate of Compliance No. 1031, Amendment No. 4, Revision 1, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A168
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0-8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 5, Revision 1	
Proposed Certificate of Compliance No. 1031, Amendment No. 5, Revision 1	ML22220A169
Proposed Certificate of Compliance No. 1031, Amendment No. 5, Revision 1, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A170
Proposed Certificate of Compliance No. 1031, Amendment No. 5, Revision 1, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A171
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0-8	ML22227A174

NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 6, Revision 1	
Proposed Certificate of Compliance No. 1031, Amendment No. 6, Revision 1	ML22220A172
Proposed Certificate of Compliance No. 1031, Amendment No. 6, Revision 1, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A173
Proposed Certificate of Compliance No. 1031, Amendment No. 6, Revision 1, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A174
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0–8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 7, Revision 1	
Proposed Certificate of Compliance No. 1031, Amendment No. 7, Revision 1	ML22220A175
Proposed Certificate of Compliance No. 1031, Amendment No. 7, Revision 1, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A176
Proposed Certificate of Compliance No. 1031, Amendment No. 7, Revision 1, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A177

Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0–8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 8, Revision 1	
Proposed Certificate of Compliance No. 1031, Amendment No. 8, Revision 1	ML22220A178
Proposed Certificate of Compliance No. 1031, Amendment No. 8, Revision 1, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A179
Proposed Certificate of Compliance No. 1031, Amendment No. 8, Revision 1, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A180
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment Nos. 0–8	ML22227A174
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 9, Revision 1	
Proposed Certificate of Compliance No. 1031, Amendment No. 9, Revision 1	ML22220A181
Proposed Certificate of Compliance No. 1031, Amendment No. 9, Revision 1, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A182

Proposed Certificate of Compliance No. 1031, Amendment No. 9, Revision 1, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A183
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Revision to Amendment No. 9	ML22220A184
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
NAC International, MAGNASTOR® Cask System Users CoC Amendments 0 thru 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Documents Related to Amendment No. 11	
Proposed Certificate of Compliance No. 1031, Amendment No. 11	ML22220A185
Proposed Certificate of Compliance No. 1031, Amendment No. 11, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A186
Proposed Certificate of Compliance No. 1031, Amendment No. 11, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A187
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Amendment No. 11	ML22220A188
NAC International, Submission of a Request to Amend Certificate of Compliance No. 1031 for the NAC International MAGNASTOR® Cask System, Docket No. 72-1031, dated July 14, 2020	ML20210M079 (package)
NAC International, Submission of RAI Responses for the NAC International MAGNASTOR® Cask System Amendment No. 11, Docket No. 72-1031, dated August 23, 2021	ML21242A053 (package)
NAC International, Submission of Supplemental Information to the RAI for the NAC International MAGNASTOR® Cask System Amendment No. 11, Docket No. 72-1031, dated January 11, 2022	ML22018A059
NAC International, Submission of Supplemental Information to the RAI for the NAC International MAGNASTOR® Cask System Amendment No. 11, Docket No. 72-1031, dated July 15, 2022	ML22196A022 (package)

NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
Documents Related to Amendment No. 12	
Proposed Certificate of Compliance No. 1031, Amendment No. 12	ML22220A189
Proposed Certificate of Compliance No. 1031, Amendment No. 12, Appendix A: Technical Specifications for the MAGNASTOR® Storage System	ML22220A190
Proposed Certificate of Compliance No. 1031, Amendment No. 12, Appendix B: Technical Specifications for the MAGNASTOR® Storage System	ML22220A191
Preliminary Safety Evaluation Report for NAC International, Inc. MAGNASTOR® Storage System: Certificate of Compliance No. 1031, Docket No. 72-1031, Amendment No. 12	ML22220A192
NAC International, Submission of an Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated January 24, 2022	ML22024A374
NAC International, Supplement to NAC's Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 12, dated March 18, 2022	ML22077A769
NAC International, Submittal of RAI Response to Amendment Request for NAC International MAGNASTOR® Cask System Amendment No. 12, dated April 18, 2022	ML22108A197
Other Documents	
User Need Memorandum for Amendment Nos. 11 and 12, and Revision to Amendment Nos. 0 through 9 for the MAGNASTOR® Storage System, dated March 7, 2023	ML22220A150
Final Rule, "Storage of Spent Fuel in NRC-Approved Storage Casks at Power Reactor Sites," published July 18, 1990	55 FR 29181
Final Rule, "List of Approved Spent Fuel Storage Casks: MAGNASTOR Addition," published November 21, 2008	73 FR 70587
Revision to Policy Statement, "Agreement State Program Policy Statement; Correction," published October 18, 2017	82 FR 48535
Presidential Memorandum, "Plain Language in Government Writing," published June 10, 1998	63 FR 31885

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2023-0085. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder (NRC-2023-0085); 2) click the “Subscribe” link; and 3) enter an email address and click on the “Subscribe” link.

Dated: July 18, 2023.

For the Nuclear Regulatory Commission.

Daniel H. Dorman,
Executive Director for Operations.

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