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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2024-0180]

RIN 3150-AL21

List of Approved Spent Fuel Storage Casks: NAC International, Inc. MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment No. 14 and Revisions to Amendment Nos. 0 through 13

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 No. 14 and revisions to Amendment Nos. 0 through 13 to Certificate of Compliance No. 1031. Amendment No. 14 and revisions to Amendment Nos. 0 through 13 revise the certificate of compliance to add a revised method of evaluation for the non-mechanistic tipover accident, clarify in the technical specifications that damaged missing grid spacers only apply to pressurized-water reactor fuel assemblies, clarify inlet and outlet vent blockage and surveillance requirements in limiting condition for operation 3.1.2 in Appendix A to the certificate of compliance and associated technical specification bases, and remove the reference to Type II Portland cement in the description of the certificate of compliance. The NRC is also correcting typographical errors in Revision 1 to Amendment Nos. 11 to 13 and Amendment No. 14 to Certificate of Compliance No. 1031.

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-2024-0180, 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.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2024-0180>. 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: Irene Wu, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-1951, email: Irene.Wu@nrc.gov, and Nishka Devaser, telephone: 301-415-5196, email: Nishka.Devaser@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-2024-0180 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-2024-0180. Address questions about NRC dockets to Helen Chang, telephone: 301-415-3228, email: Helen.Chang@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:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. 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

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0180 in 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 <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, and 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. / WEB LINK / <i>FEDERAL REGISTER</i> CITATION
Proposed Certificate of Compliance and Proposed Technical Specifications	
Proposed Certificate of Compliance No. 1031, Amendment No. 14	ML24211A240
Proposed Certificate of Compliance No. 1031, Amendment No. 14, Appendix A: Technical Specifications and Design Features	ML24211A241
Proposed Certificate of Compliance No. 1031, Amendment No. 14, Appendix B: Approved Contents	ML24211A242
Proposed Certificate of Compliance No. 1031, Amendment No. 0, Revision 3	ML24211A244
Proposed Certificate of Compliance No. 1031, Amendment No. 0, Revision 3, Appendix A: Technical Specifications and Design Features	ML24211A245
Proposed Certificate of Compliance No. 1031, Amendment No. 0, Revision 3, Appendix B: Approved Contents	ML24211A246
Proposed Certificate of Compliance No. 1031, Amendment No. 1, Revision 3	ML24211A247
Proposed Certificate of Compliance No. 1031, Amendment No. 1, Revision 3, Appendix A: Technical Specifications and Design Features	ML24211A248
Proposed Certificate of Compliance No. 1031, Amendment No. 1, Revision 3, Appendix B: Approved Contents	ML24211A249
Proposed Certificate of Compliance No. 1031, Amendment No. 2, Revision 3	ML24211A250
Proposed Certificate of Compliance No. 1031, Amendment No. 2, Revision 3, Appendix A: Technical Specifications and Design Features	ML24211A251

Proposed Certificate of Compliance No. 1031, Amendment No. 2, Revision 3, Appendix B: Approved Contents	ML24211A252
Proposed Certificate of Compliance No. 1031, Amendment No. 3, Revision 3	ML24211A253
Proposed Certificate of Compliance No. 1031, Amendment No. 3, Revision 3, Appendix A: Technical Specifications and Design Features	ML24211A254
Proposed Certificate of Compliance No. 1031, Amendment No. 3, Revision 3, Appendix B: Approved Contents	ML24211A255
Proposed Certificate of Compliance No. 1031, Amendment No. 4, Revision 2	ML24211A256
Proposed Certificate of Compliance No. 1031, Amendment No. 4, Revision 2, Appendix A: Technical Specifications and Design Features	ML24211A257
Proposed Certificate of Compliance No. 1031, Amendment No. 4, Revision 2, Appendix B: Approved Contents	ML24211A258
Proposed Certificate of Compliance No. 1031, Amendment No. 5, Revision 2	ML24211A259
Proposed Certificate of Compliance No. 1031, Amendment No. 5, Revision 2, Appendix A: Technical Specifications and Design Features	ML24211A260
Proposed Certificate of Compliance No. 1031, Amendment No. 5, Revision 2, Appendix B: Approved Contents	ML24211A261
Proposed Certificate of Compliance No. 1031, Amendment No. 6, Revision 2	ML24211A262
Proposed Certificate of Compliance No. 1031, Amendment No. 6, Revision 2, Appendix A: Technical Specifications and Design Features	ML24211A263
Proposed Certificate of Compliance No. 1031, Amendment No. 6, Revision 2, Appendix B: Approved Contents	ML24211A264
Proposed Certificate of Compliance No. 1031, Amendment No. 7, Revision 2	ML24211A265
Proposed Certificate of Compliance No. 1031, Amendment No. 7, Revision 2, Appendix A: Technical Specifications and Design Features	ML24211A266
Proposed Certificate of Compliance No. 1031, Amendment No. 7, Revision 2, Appendix B: Approved Contents	ML24211A267
Proposed Certificate of Compliance No. 1031, Amendment No. 8, Revision 2	ML24211A268
Proposed Certificate of Compliance No. 1031, Amendment No. 8, Revision 2, Appendix A: Technical Specifications and Design Features	ML24211A269

Proposed Certificate of Compliance No. 1031, Amendment No. 8, Revision 2, Appendix B: Approved Contents	ML24211A270
Proposed Certificate of Compliance No. 1031, Amendment No. 9, Revision 2	ML24211A271
Proposed Certificate of Compliance No. 1031, Amendment No. 9, Revision 2, Appendix A: Technical Specifications and Design Features	ML24211A272
Proposed Certificate of Compliance No. 1031, Amendment No. 9, Revision 2, Appendix B: Approved Contents	ML24211A273
Proposed Certificate of Compliance No. 1031, Amendment No. 10, Revision 1	ML24211A274
Proposed Certificate of Compliance No. 1031, Amendment No. 10, Revision 1, Appendix A: Technical Specifications and Design Features	ML24211A275
Proposed Certificate of Compliance No. 1031, Amendment No. 10, Revision 1, Appendix B: Approved Contents	ML24211A276
Proposed Certificate of Compliance No. 1031, Amendment No. 11, Revision 1	ML24211A277
Proposed Certificate of Compliance No. 1031, Amendment No. 11, Revision 1, Appendix A: Technical Specifications and Design Features	ML24211A278
Proposed Certificate of Compliance No. 1031, Amendment No. 11, Revision 1, Appendix B: Approved Contents	ML24211A279
Proposed Certificate of Compliance No. 1031, Amendment No. 12, Revision 1	ML24211A280
Proposed Certificate of Compliance No. 1031, Amendment No. 12, Revision 1, Appendix A: Technical Specifications and Design Features	ML24211A281
Proposed Certificate of Compliance No. 1031, Amendment No. 12, Revision 1, Appendix B: Approved Contents	ML24211A282
Proposed Certificate of Compliance No. 1031, Amendment No. 13, Revision 1	ML24211A283
Proposed Certificate of Compliance No. 1031, Amendment No. 13, Revision 1, Appendix A: Technical Specifications and Design Features	ML24211A284
Proposed Certificate of Compliance No. 1031, Amendment No. 13, Revision 1, Appendix B: Approved Contents	ML24211A285
Preliminary Safety Evaluation Report, Certificate of Compliance No. 1031, Amendment No. 14 and Revision to Amendment Nos. 0 through 13	ML24211A243
NAC International, Inc. MAGNASTOR® Storage System Amendment No. 14 and Revisions to Amendment Nos. 0 through 13 Request Documents	

NAC International, Inc., Submission of an Amendment Request for the MAGNASTOR® Cask System, Amendment No. 14, dated July 24, 2023	ML23205A238
NAC International, Inc., Submission of Data Files to Support the NRC Review of MAGNASTOR® Amendment No. 14, dated July 24, 2023	ML23208A062
NAC International, Inc., Submission of Responses to the NRC Request for Additional Information for MAGNASTOR® Cask System, Amendment No. 14, dated June 26, 2024	ML24179A071 (package)
NAC International, Inc., Supplement to the Amendment Request No. 14 for the MAGNASTOR® Cask System, dated October 18, 2023	ML23291A167
NAC International, Inc., Supplement to the Amendment Request No. 14 for the MAGNASTOR® Cask System, dated August 6, 2024	ML24219A227
NAC International, Inc., MAGNASTOR® Cask System Users Certificate of Compliance No. 1031 Amendment Nos. 0 through 9 Intent to Adopt Letters, dated August 4, 2022	ML22216A110
Other Documents	
Rulemaking Memorandum for Amendment No. 14 and Revision to Amendment Nos. 0 through 13 for the MAGNASTOR® Storage System, dated September 20, 2024	ML24211A239
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
Regulatory Issue Summary 2017-05, "Administration of 10 CFR Part 72 Certificate of Compliance Corrections and Revisions"	ML17165A183

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-2024-0180. 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-2024-0180); 2) click the "Subscribe" link; and 3) enter an email address and click on the "Subscribe" link.

Dated: December 20, 2024.

For the Nuclear Regulatory Commission.

Mirela Gavrilas,
Executive Director for Operations.

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