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[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2026-2047]

RIN 3150-AL68

List of Approved Spent Fuel Storage Casks: NAC International, Inc., MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment Nos. 16 and 17 and Revisions to Amendment Nos. 0 through 16

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the NAC International, Inc. (NAC) MAGNASTOR® System listing within the "List of approved spent fuel storage casks" to include Amendment Nos. 16 and 17 and revisions to Amendment Nos. 0 through 16 to Certificate of Compliance (CoC) No. 1031. Amendment No. 16 revises the CoC to permit alternate methods for determining the free volume inside a loaded canister and for measuring helium to ensure that Technical Specification limits are met. It also clarifies that mixed loadings of different assembly types or subtypes within a single Transportable Storage Cask are acceptable. Amendment No. 17 and revisions to Amendment Nos. 0 through 16 revise the CoC to incorporate 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.

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 of only comments received on or before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2026-2047, at https://www.regulations.gov. If your material cannot be submitted using https://www.regulations.gov, call or email the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on https://www.regulations.gov to view public comments.

You can read a plain language description of this proposed rule at https://www.regulations.gov/docket/NRC-2026-2047. 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: Caylee Kenny, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-7150, email: Caylee.Kenny@nrc.gov.

SUPPLEMENTARY INFORMATION:

TABLE OF CONTENTS:

I. Obtaining Information and Submitting Comments
II. Rulemaking Procedure
III. Background
IV. Plain Writing
V. Regulatory Planning and Review
VI. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2026-2047 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-2026-2047. Address questions about NRC dockets to Helen Chang, telephone: 301-415-3228, email: Helen.Chang@nrc.gov. For technical questions contact the individual 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 ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 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-2026-2047 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, CoC, or technical specifications.

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 MAGNASTOR® 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 this proposed rule with respect to clarity and effectiveness of the language used.

V. Regulatory Planning and Review

Executive Order (E.O.) 12866

Executive Order (E.O.) 12866, as amended by E.O. 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA determined that this proposed rule is not a significant regulatory action under E.O. 12866.

Review Under E.O.s 14154, 14192, 14215, and 14300

NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy,” E.O. 14192, “Unleashing Prosperity Through Deregulation,” E.O. 14215 “Ensuring Accountability for All Agencies,” and E.O. 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” This proposed rule is not considered an E.O. 14192 deregulatory action.

VI. Availability of Documents

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

DOCUMENT	ADAMS ACCESSION NO. / WEB LINK / *FEDERAL REGISTER* CITATION
Documents Related to Initial Certificate (Amendment No. 0), Revision 4	
Proposed CoC 1031 Amendment No. 0 Revision 4	ML26098A208
Proposed CoC 1031 Amendment No. 0 Revision 4 Technical Specifications (TS) Appendix A	ML26098A209
Proposed CoC 1031 Amendment No. 0 Revision 4 TS Appendix B	ML26098A210
Documents Related to Amendment No. 1, Revision 4	
Proposed CoC 1031 Amendment No. 1 Revision 4	ML26098A211
Proposed CoC 1031 Amendment No. 1 Revision 4 TS Appendix A	ML26098A212
Proposed CoC 1031 Amendment No. 1 Revision 4 TS Appendix B	ML26098A213
Documents Related to Amendment No. 2, Revision 4	
Proposed CoC 1031 Amendment No. 2 Revision 4	ML26098A214
Proposed CoC 1031 Amendment No. 2 Revision 4 TS Appendix A	ML26098A215
Proposed CoC 1031 Amendment No. 2 Revision 4 TS Appendix B	ML26098A216
Documents Related to Amendment No. 3, Revision 4	
Proposed CoC 1031 Amendment No. 3 Revision 4	ML26098A217
Proposed CoC 1031 Amendment No. 3 Revision 4 TS Appendix A	ML26098A218
Proposed CoC 1031 Amendment No. 3 Revision 4 TS Appendix B	ML26098A219
Documents Related to Amendment No. 4, Revision 3	
Proposed CoC 1031 Amendment No. 4 Revision 3	ML26098A220
Proposed CoC 1031 Amendment No. 4 Revision 3 TS Appendix A	ML26098A221
Proposed CoC 1031 Amendment No. 4 Revision 3 TS Appendix B	ML26098A222
Documents Related to Amendment No. 5, Revision 3	
Proposed CoC 1031 Amendment No. 5 Revision 3	ML26098A223

Proposed CoC 1031 Amendment No. 5 Revision 3 TS Appendix A	ML26098A225
Proposed CoC 1031 Amendment No. 5 Revision 3 TS Appendix B	ML26098A227
Documents Related to Amendment No. 6, Revision 3	
Proposed CoC 1031 Amendment No. 6 Revision 3	ML26098A228
Proposed CoC 1031 Amendment No. 6 Revision 3 TS Appendix A	ML26098A229
Proposed CoC 1031 Amendment No. 6 Revision 3 TS Appendix B	ML26098A230
Documents Related to Amendment No. 7, Revision 3	
Proposed CoC 1031 Amendment No. 7 Revision 3	ML26098A231
Proposed CoC 1031 Amendment No. 7 Revision 3 TS Appendix A	ML26098A232
Proposed CoC 1031 Amendment No. 7 Revision 3 TS Appendix B	ML26098A233
Documents Related to Amendment No. 8, Revision 3	
Proposed CoC 1031 Amendment No. 8 Revision 3	ML26098A234
Proposed CoC 1031 Amendment No. 8 Revision 3 TS Appendix A	ML26098A235
Proposed CoC 1031 Amendment No. 8 Revision 3 TS Appendix B	ML26098A236
Documents Related to Amendment No. 9, Revision 3	
Proposed CoC 1031 Amendment No. 9 Revision 3	ML26098A237
Proposed CoC 1031 Amendment No. 9 Revision 3 TS Appendix A	ML26098A238
Proposed CoC 1031 Amendment No. 9 Revision 3 TS Appendix B	ML26098A239
Documents Related to Amendment No. 10, Revision 2	
Proposed CoC 1031 Amendment No. 10 Revision 2	ML26098A240
Proposed CoC 1031 Amendment No. 10 Revision 2, TS Appendix A	ML26098A241
Proposed CoC 1031 Amendment No. 10 Revision 2, TS Appendix B	ML26098A242
Documents Related to Amendment No. 11, Revision 2	
Proposed CoC 1031 Amendment No. 11 Revision 2	ML26098A243
Proposed CoC 1031 Amendment No. 11 Revision 2 TS Appendix A	ML26098A244
Proposed CoC 1031 Amendment No. 11 Revision 2 TS Appendix B	ML26098A245
Documents Related to Amendment No. 12, Revision 2	

Proposed CoC 1031 Amendment No. 12 Revision 2	ML26098A246
Proposed CoC 1031 Amendment No. 12 Revision 2 TS Appendix A	ML26098A247
Proposed CoC 1031 Amendment No. 12 Revision 2 TS Appendix B	ML26098A248
Documents Related to Amendment No. 13, Revision 2	
Proposed CoC 1031 Amendment No. 13 Revision 2	ML26098A249
Proposed CoC 1031 Amendment No. 13 Revision 2 TS Appendix A	ML26098A250
Proposed CoC 1031 Amendment No. 13 Revision 2 TS Appendix B	ML26098A251
Documents Related to Amendment No. 14, Revision 1	
Proposed CoC 1031 Amendment No. 14 Revision 1	ML26098A252
Proposed CoC 1031 Amendment No. 14 Revision 1 TS Appendix A	ML26098A253
Proposed CoC 1031 Amendment No. 14 Revision 1 TS Appendix B	ML26098A254
Documents Related to Amendment No. 15, Revision 1	
Proposed CoC 1031 Amendment No. 15 Revision 1	ML26098A255
Proposed CoC 1031 Amendment No. 15 Revision 1 TS Appendix A	ML26098A256
Proposed CoC 1031 Amendment No. 15 Revision 1 TS Appendix B	ML26098A257
Documents Related to Amendment No. 16, Revision 0	
Proposed CoC 1031 Amendment No. 16, Revision 0	ML25217A298
Proposed CoC 1031 Amendment No. 16 Revision 0 TS Appendix A	ML25217A300
Proposed CoC 1031 Amendment No. 16 Revision 0 TS Appendix B	ML25217A302
Preliminary Safety Evaluation Report for CoC 1031 Amendment 16 Revision 0	ML25217A304
Initial Submission of an Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 16, March 21, 2025	ML25080A349
Supplement to NAC International's Request to Amendment MAGNASTOR® Cask System, Amendment No. 16, April 18, 2025	ML25108A159
Documents Related to Amendment No. 16, Revision 1	
Proposed CoC 1031 Amendment No. 16 Revision 1	ML26098A258
Proposed CoC 1031 Amendment No. 16 Revision 1 TS Appendix A	ML26098A259
Proposed CoC 1031 Amendment No. 16 Revision 1 TS Appendix B	ML26098A260

Documents Related to Amendment No. 17, Revision 0 and Revisions to Amendment Nos. 0 through 16	
Proposed CoC 1031 Amendment No. 17	ML26098A262
Proposed CoC 1031 Amendment No. 17 TS Appendix A	ML26098A263
Proposed CoC 1031 Amendment No. 17 TS Appendix B	ML26098A264
Preliminary Safety Evaluation Report, CoC No. 1031, Amendment 17 and Revisions to Amendments 0-16	ML26098A207
NAC International - Initial Submission of an Amendment Request for the NAC International MAGNASTOR® Cask System Amendment No. 17, July 30, 2025	ML25211A197
Submission of a Supplement to Amendment Request No. 17 for the NAC International MAGNASTOR® Cask System, March 4, 2026	ML26064A039
Submission of a Supplement to Amendment Request No. 17 for the NAC International MAGNASTOR® Cask System, March 13, 2026	ML26075E865
Other Documents	
User Need Memorandum for Amendment No. 16	ML25217A296
User Need Memorandum for Amendment No. 17 and Revisions to Amendment Nos. 0 through 16	ML26098A206
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-2026-2047. 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-2026-2047); 2) click the “Subscribe” link; and 3) enter an email address and click on the “Subscribe” link.

Dated: June 17, 2026.

For the Nuclear Regulatory Commission.

Michael King,
Executive Director of Operations.

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