

# Rules and Regulations

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

RIN 3150-AI51

[NRC-2008-0568]

#### List of Approved Spent Fuel Storage Casks: MAGNASTOR Addition, Confirmation of Effective Date

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule: Confirmation of effective date.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is confirming the effective date of February 4, 2009, for the direct final rule that was published in the *Federal Register* on November 21, 2008. This direct final rule amended the NRC's regulations to add the NAC International Inc. MAGNASTOR cask system to the list of approved spent fuel storage casks in 10 CFR 72.214.

**DATES:** *Effective Date:* The effective date of February 4, 2009, is confirmed for direct final rule published in the *Federal Register* on November 21, 2008 (73 FR 70587).

**ADDRESSES:** Documents related to this rulemaking, including any comments received, may be examined at the NRC Public Document Room, Room O-1F23, 11555 Rockville Pike, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6219, e-mail [Jayne.McCausland@nrc.gov](mailto:Jayne.McCausland@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On November 21, 2008 (73 FR 70587), the NRC published a direct final rule amending its regulations at 10 CFR 72.214 to add the MAGNASTOR cask

system to the "List of Approved Spent Fuel Storage Casks" as Certificate of Compliance Number 1031. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on February 4, 2009. The NRC did not receive any comments on the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 27th day of January 2009.

For the Nuclear Regulatory Commission,  
**Michael T. Lesar,**  
*Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration.*  
 [FR Doc. E9-2370 Filed 2-3-09; 8:45 am]  
**BILLING CODE 7590-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2008-1191]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Upper Mississippi River, Dubuque, IA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operations of the Illinois Central Railroad Drawbridge across the Upper Mississippi River, mile 579.9, at Dubuque, Iowa. The deviation is necessary to allow time for conducting needed maintenance and repairs to the bridge. This deviation allows the bridge to open on signal if at least 24 hours advance notice is given.

**DATES:** This deviation is effective from 12:01 a.m., January 15, 2009 until 8 a.m., March 1, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-1191 and are available online at [www.regulations.gov](http://www.regulations.gov). They are also available for inspection or copying at two locations: The Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground

Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Robert A. Young Federal Building, Room 2.107f, 1222 Spruce Street, St. Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator, (314) 269-2378.

**SUPPLEMENTARY INFORMATION:** The Canadian National Railway Company requested a temporary deviation for the Illinois Central Railroad Drawbridge, across the Upper Mississippi River, Mile 579.9, at Dubuque, Iowa to open on signal if at least 24 hours advance notice is given to facilitate critical bridge repair and annual maintenance. The Illinois Central Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart. In order to facilitate the needed bridge work, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the bridge to open on signal if at least 24 hours advance notice is given from 12:01 a.m., January 15, 2009 until 8 a.m., March 1, 2009.

Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted due to the reduced navigation in winter months. Winter conditions on the Upper Mississippi River will preclude any significant navigation demands for the drawspan opening.

The Illinois Central Railroad Drawbridge navigation span has a vertical clearance of 19.9 feet above normal pool in the closed to navigation position. Performing maintenance on the bridge and pier protection during the winter, when the number of vessels likely to be impacted is minimal, is preferred to the bridge closure or advance notification requirements during the navigation season. This temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.