

(ii) If the project directly supports implementation of two of the plan's objectives, the application will receive 5 points.

(iii) If the project directly supports implementation of less than two of the plan's objectives, the application will receive no points.

(2) *Characteristics of a plan.* The Agency will score the plan associated with a Project based upon the characteristics of the plan, which are identified in paragraphs (b)(2)(i) through (v) of this section. Applicants must supply sufficient documentation that demonstrates to the Agency the criteria identified in paragraphs (b)(2)(i) through (v) of this section are met. The maximum score under this paragraph (b)(2) is 10 points.

(i) *Variety of activities.* If the plan contains a variety of activities which clearly show facilitation toward achieving the vision for the rural communities and/or region as expressed in the plan, two points will be awarded.

(ii) *Regional resources leverage.* If the plan demonstrates an understanding of the applicable regional asset resources and indicates leveraging of those resources to support the plan, including cultural resources, natural resources, human resources, infrastructure, and financial resources, two points will be awarded.

(iii) *Strategic partner investments.* If the Plan includes investments from strategic partners other than the U.S. Department of Agriculture, two points will be awarded.

(iv) *Participation by multiple stakeholders.* If the plan provides evidence of the involvement of multiple stakeholders from multiple jurisdictions and representing multiple sectors in the preparation, implementation, monitoring and/or evaluation of the plan, Rural Development (RD) will award two points.

(v) *Objectives, performance measures, and action steps.* If the plan contains clear, measurable objectives, the ability to track progress toward meeting the objectives and identifiable action steps for implementation, two points will be awarded.

\* \* \* \* \*

■ 18. Section 1980.1025 is revised to read as follows:

**§ 1980.1025 Award process.**

(a) Unless RD indicates otherwise in a notice, the award process for the applicable program identified in § 1980.1002 will be used to determine which Projects receive funding under this subpart.

(b) Projects not receiving funding under this subpart are eligible to

compete for funding under the applicable program identified in § 1980.1002. The scores for such Projects when competing for program funding will not include the score assigned to the application under § 1980.1020(b).

**§ 1980.1026 [Removed and Reserved]**

■ 19. Remove and reserve § 1980.1026.

**PART 3570—COMMUNITY PROGRAMS**

■ 20. The authority citation for part 3570 continues to read as follows:

**Authority:** 5 U.S.C. 301; 7 U.S.C. 1989.

**Subpart B—Community Facilities Grant Program**

■ 21. Section 3570.71 revised to read as follows:

**§ 3570.71 Strategic economic and community development.**

Applicants with projects that support the implementation of Strategic Community Investment Plans are encouraged to review and consider 7 CFR part 1980, subpart K, which contains provisions for providing priority to projects that support the implementation of Strategic Community Investment Plans on a multi-jurisdictional and multi-sectoral basis.

**PART 3575—GENERAL**

■ 22. The authority citation for part 3575 continues to read as follows:

**Authority:** 5 U.S.C. 301, 7 U.S.C. 1989.

**Subpart A—Community Program Guaranteed Loans**

■ 23. Section 3575.51 revised to read as follows:

**§ 3575.51 Strategic economic and community development.**

Applicants with projects that support the implementation of Strategic Community Investment Plans are encouraged to review and consider 7 CFR part 1980, subpart K, which contains provisions for providing priority to projects that support the implementation of strategic community investment plans on a multi-jurisdictional and multi-sectoral basis.

**PART 4279—GUARANTEED LOANMAKING**

■ 24. The authority citation for part 4279 continues to read as follows:

**Authority:** 5 U.S.C. 301; and 7 U.S.C. 1989; and Public Law 116–136, Division B, Title I.

**Subpart B—Business and Industry Loans**

■ 25. Section 4279.162 revised to read as follows:

**§ 4279.162 Strategic economic and community development.**

Applicants with projects that support the implementation of Strategic Community Investment Plans are encouraged to review and consider 7 CFR part 1980, subpart K, which contains provisions for providing priority to projects that support the implementation of Strategic Community Investment Plans on a multi-jurisdictional and multi-sectoral basis.

**PART 4280—LOANS AND GRANTS**

■ 26. The authority citation for part 4280 continues to read as follows:

**Authority:** 5 U.S.C. 301; 7 U.S.C. 940c and 7 U.S.C. 1932(c).

**Subpart E—Rural Business Development Grants**

■ 27. Section 4280.428 revised to read as follows:

**§ 4280.428 Strategic economic and community development.**

Applicants with projects that support the implementation of Strategic Community Investment Plans are encouraged to review and consider 7 CFR part 1980, subpart K, which contains provisions for providing priority to projects that support the implementation of Strategic Community Investment Plans on a multi-jurisdictional and multi-sectoral basis.

**Bette B. Brand,**  
*Deputy Undersecretary, Rural Development.*

**Richard Fordyce,**  
*Administrator, Farm Service Agency.*

[FR Doc. 2020–19825 Filed 9–21–20; 8:45 am]

BILLING CODE 3410–XV–P

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 72**

[NRC–2020–0166]

RIN 3150–AK50

**List of Approved Spent Fuel Storage Casks: NAC International, Inc. MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment No. 9**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the NAC International, Inc. MAGNASTOR® Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 9 to Certificate of Compliance No. 1031. Amendment No. 9 revises the certificate of compliance to add a new concrete storage overpack; four new heat load zone patterns and their associated decay heats that are specific to Babcock and Wilcox 15x15 fuel assemblies; a new Babcock & Wilcox 15x15 hybrid fuel assembly type (BW15H5); and a new maximum enrichment for the BW15H2 hybrid fuel assembly, including a new minimum soluble boron concentration during loading and unloading operations and neutron absorber areal density. In addition, Amendment No. 9 makes non-technical changes to reorganize Appendix B of the technical specifications. These changes are discussed in more detail in the “Discussion of Changes” section of this direct final rule.

**DATES:** This direct final rule is effective December 7, 2020, unless significant adverse comments are received by October 22, 2020. If this direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published 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. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

**ADDRESSES:** You may submit comments by any of the following methods:

- **Federal Rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0166. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Email comments to:** [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

- **Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

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 Material Safety and Safeguards; telephone: 301–415–6577; email: [Bernard.White@nrc.gov](mailto:Bernard.White@nrc.gov) or Angella Love Blair, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–3453; email: [Angella.LoveBlair@nrc.gov](mailto:Angella.LoveBlair@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
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- XI. Regulatory Analysis
- XII. Backfitting and Issue Finality
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**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC–2020–0166 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–2020–0166.

- **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](mailto: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.

- **Attention:** The Public Document Room (PDR), where you may examine and order copies of public documents,

is currently closed. You may submit your request to the PDR via email at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

*B. Submitting Comments*

Please include Docket ID NRC–2020–0166 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, 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**

This rule is limited to the changes contained in Amendment No. 9 to Certificate of Compliance No. 1031 and does not include other aspects of the NAC International, Inc. MAGNASTOR® Storage System design. The NRC is using the “direct final rule procedure” to issue this amendment because it represents a limited and routine change to an existing certificate of compliance that is expected to be non-controversial. The NRC has determined that, with the requested changes, adequate protection of public health and safety will continue to be ensured. The amendment to the rule will become effective on December 7, 2020. However, if the NRC receives any significant adverse comment on this direct final rule by October 22, 2020, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

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; or

(3) The comment causes the NRC to make a change (other than editorial) to the rule, certificate of compliance, or technical specifications.

### 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 which 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. Discussion of Changes

On October 9, 2019, as supplemented on April 9, 2020, and June 29, 2020, NAC International, Inc. submitted a request to amend Certificate of Compliance No. 1031 for the MAGNASTOR® Storage System. Amendment No. 9 revises the certificate of compliance as follows:

1. Adds a new concrete storage overpack, Concrete Cask Number 6 (CC6).

2. Adds four new heat load zone patterns (X, Y, Z, and Z-Prime) and their associated decay heats that are specific to Babcock and Wilcox (B&W) 15x15 fuel assemblies. These new heat load zone patterns are only authorized for use with the CC6 and MAGNASTOR® transfer cask number 2 (MTC2), which is a shortened, stainless steel version of the original MTC in the technical specifications.

3. Adds a new hybrid B&W 15x15 fuel assembly type (BW15H5).

4. Adds a new maximum enrichment for the BW15H2 hybrid fuel assembly of 5.0 weight percent of uranium-235, a new required minimum soluble boron concentration of 2650 parts per million of boron-10 during loading and unloading operations, and neutron absorber panels that have a required minimum areal density 0.036 grams of boron-10 per cubic centimeter.

In addition, Amendment No. 9 makes non-technical changes to reorganize Appendix B of the technical specifications to limit duplication of material and increase ease of use.

As documented in the preliminary safety evaluation report, the NRC performed a safety evaluation of the proposed certificate of compliance amendment request. The NRC determined that this amendment does not reflect a significant change in design or fabrication of the cask. Specifically, the NRC determined that the design of the cask would continue to prevent loss of containment, shielding, and criticality control in the event of each evaluated accident condition. This amendment does not reflect a significant change in design or fabrication of the cask. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 9 would remain well

within the limits specified by 10 CFR part 20, “Standards for Protection Against Radiation.” Thus, the NRC found there will be no significant change in the types or amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

The NRC determined that the amended NAC International, Inc. MAGNASTOR® Storage System cask design, when used under the conditions specified in the certificate of compliance, the technical specifications, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be reasonably assured. When this direct final rule becomes effective, persons who hold a general license under § 72.210 may, consistent with the license conditions under § 72.212, load spent nuclear fuel into NAC International, Inc. MAGNASTOR® Storage System casks that meet the criteria of Amendment No. 9 to Certificate of Compliance No. 1031.

### V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC revises the NAC International, Inc. MAGNASTOR® Storage System design listed in § 72.214, “List of approved spent fuel storage casks.” This action does not constitute the establishment of a standard that contains generally applicable requirements.

### VI. Agreement State Compatibility

Under the “Agreement State Program Policy Statement” approved by the Commission on October 2, 2017, and published in the **Federal Register** on October 18, 2017 (82 FR 48535), this rule is classified as Compatibility Category NRC—Areas of Exclusive NRC Regulatory Authority. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR chapter I. Therefore, compatibility is not required for program elements in this category. Although an Agreement State may not adopt program elements reserved to the NRC, and the Category “NRC” does not

confer regulatory authority on the State, the State may wish to inform its licensees of certain requirements by means consistent with the particular State's administrative procedure laws.

## VII. 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).

## VIII. Environmental Assessment and Finding of No Significant Impact

Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” the NRC has determined that this direct final rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

### A. The Action

The action is to amend § 72.214 to revise the NAC International, Inc. MAGNASTOR® Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 9 to Certificate of Compliance No. 1031.

### B. The Need for the Action

This direct final rule amends the certificate of compliance for the NAC International, Inc. MAGNASTOR® Storage System design within the list of approved spent fuel storage casks to allow power reactor licensees to store spent fuel at reactor sites in casks with the approved modifications under a general license. Specifically, Amendment No. 9 revises the certificate of compliance to add (1) a new concrete storage overpack; (2) four new heat load zone patterns and their associated decay heats that are specific to B&W 15x15 fuel assemblies; (3) a new B&W 15x15 hybrid fuel assembly type (BW15H5); and (4) a new maximum enrichment for the BW15H2 hybrid fuel assembly, including a new minimum soluble boron concentration during loading and unloading operations and neutron absorber areal density. In addition, Amendment No. 9 makes non-technical

changes to reorganize Appendix B of the technical specifications.

### C. Environmental Impacts of the Action

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for Amendment No. 9 tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act of 1969, as amended.

The NAC International, Inc. MAGNASTOR® Storage System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an independent spent fuel storage installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, can include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

The design of the cask would prevent loss of confinement, shielding, and criticality control in the event of each evaluated accident condition. If there is no loss of confinement, shielding, or criticality control, the environmental impacts resulting from an accident would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. Because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 9 would remain well within the 10 CFR part 20 limits. Therefore, the proposed certificate of compliance changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposures, and no significant increase

in the potential for or consequences from, radiological accidents. The NRC documented its safety findings in the preliminary safety evaluation report.

### D. Alternative to the Action

The alternative to this action is to deny approval of Amendment No. 9 and not issue the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into the NAC International, Inc. MAGNASTOR® Storage System in accordance with the changes described in proposed Amendment No. 9 would have to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. The environmental impacts would be the same as the proposed action.

### E. Alternative Use of Resources

Approval of Amendment No. 9 to Certificate of Compliance No. 1031 would result in no irreversible commitment of resources.

### F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

### G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.” Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled “List of Approved Spent Fuel Storage Casks: NAC International, Inc. MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment No. 9” will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

## IX. Paperwork Reduction Act Statement

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of

information were approved by the Office of Management and Budget, approval number 3150–0132.

**Public Protection Notification**

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

**X. Regulatory Flexibility Certification**

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and NAC International, Inc. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

**XI. Regulatory Analysis**

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if (1) it notifies the NRC in advance, (2) the spent fuel is stored under the conditions specified in the cask’s certificate of compliance, and (3) the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On November 21, 2008 (73 FR 70587), the NRC issued an amendment to 10 CFR part 72 that approved the NAC International, Inc. MAGNASTOR® Storage System design

by adding it to the list of NRC-approved cask designs in § 72.214.

On October 9, 2019, as supplemented on April 9, 2020, and June 29, 2020, NAC International, Inc. submitted a request to amend the MAGNASTOR® Storage System as described in Section IV, “Discussion of Changes,” of this document.

The alternative to this action is to withhold approval of Amendment No. 9 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into the NAC International, Inc. MAGNASTOR® Storage System under the changes described in Amendment No. 9 to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the preliminary safety evaluation report and environmental assessment, this direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of this direct final rule are commensurate with the NRC’s responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and therefore, this action is recommended.

**XII. Backfitting and Issue Finality**

The NRC has determined that the backfit rule (§ 72.62) does not apply to

this direct final rule. Therefore, a backfit analysis is not required. This direct final rule revises Certificate of Compliance No. 1031 for the NAC International, Inc. MAGNASTOR® Storage System, as currently listed in § 72.214. The revision consists of the changes in Amendment No. 9 previously described, as set forth in the revised certificate of compliance and technical specifications.

Amendment No. 9 to Certificate of Compliance No. 1031 for the NAC International, Inc. MAGNASTOR® Storage System was initiated by NAC International, Inc. and was not submitted in response to new NRC requirements, or an NRC request for amendment. Amendment No. 9 applies only to new casks fabricated and used under Amendment No. 9. These changes do not affect existing users of the NAC International, Inc. MAGNASTOR® Storage System, and previous amendments continue to be effective for existing users. While current users of this storage system may comply with the new requirements in Amendment No. 9, this would be a voluntary decision on the part of current users.

For these reasons, Amendment No. 9 to Certificate of Compliance No. 1031 does not constitute backfitting under § 72.62 or § 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, the NRC has not prepared a backfit analysis for this rulemaking.

**XIII. Congressional Review Act**

This direct final rule is not a rule as defined in the Congressional Review Act.

**XIV. Availability of Documents**

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./web link/ Federal Register citation
Redacted SAR for MAGNASTOR® Amendment 9, dated October 29, 2019 ..... Submission of Responses to the U.S. Nuclear Regulatory Commission Request for Additional Information for Amendment No. 9 to Certificate of Compliance No. 1031 for the NAC International MAGNASTOR® Cask System, dated April 9, 2020.	ML19302F268 (package). ML20108F319 (package).
Submission of a Supplement to NAC’s Request for Amendment No. 9 to Certificate of Compliance No. 1031 for the NAC International MAGNASTOR® Cask System, dated June 29, 2020.	ML20192A118.
Memo—User Need for Rulemaking for the NAC International MAGNASTOR® Cask System Certificate of Compliance No. 1031, Amendment No. 9, dated July 28, 2020.	ML20174A551.
Draft Proposed Certificate of Compliance No. 1031, Amendment 9 .....	ML20174A552.
Proposed Certificate of Compliance No. 1031, Amendment 9—Appendix A, Technical Specifications .....	ML20174A553.
Proposed Certificate of Compliance No. 1031, Amendment 9—Appendix B, Technical Specifications .....	ML20174A554.
Certificate of Compliance No. 1031, Amendment 9—Preliminary Safety Evaluation Report .....	ML20174A555.

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–2020–0166. The Federal Rulemaking website allows you

to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder NRC–2020–0166; (2) click the “Sign up for Email Alerts” link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

#### List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is amending 10 CFR part 72 to read as follows:

#### PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1031 is revised to read as follows:

#### § 72.214 List of approved spent fuel storage casks.

\* \* \* \* \*

*Certificate Number:* 1031.

*Initial Certificate Effective Date:* February 4, 2009, superseded by Initial Certificate, Revision 1, on February 1, 2016.

*Initial Certificate, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 1 Effective Date:* August 30, 2010, superseded by Amendment Number 1, Revision 1, on February 1, 2016.

*Amendment Number 1, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 2 Effective Date:* January 30, 2012, superseded by Amendment Number 2, Revision 1, on February 1, 2016.

*Amendment Number 2, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 3 Effective Date:* July 25, 2013, superseded by Amendment Number 3, Revision 1, on February 1, 2016.

*Amendment Number 3, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 4 Effective Date:* April 14, 2015.

*Amendment Number 5 Effective Date:* June 29, 2015.

*Amendment Number 6 Effective Date:* December 21, 2016.

*Amendment Number 7 Effective Date:* August 21, 2017, as corrected (ADAMS Accession No. ML19045A346).

*Amendment Number 8, Effective Date:* March 24, 2020.

*Amendment Number 9, Effective Date:* December 7, 2020.

*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®.

\* \* \* \* \*

Dated this September 4, 2020.

For the Nuclear Regulatory Commission.

**Margaret M. Doane,**

*Executive Director for Operations.*

[FR Doc. 2020–20666 Filed 9–21–20; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. FAA–2020–0798; Notice No. 23–20–01–NOA]

#### Accepted Means of Compliance; Airworthiness Standards: Normal Category Airplanes

**AGENCY:** Federal Aviation Administration, DOT

**ACTION:** Notification of availability.

**SUMMARY:** This document announces the availability of means of compliance to the applicable airworthiness standards for normal category airplanes. The Administrator finds these means of compliance to be an acceptable means, but not the only means, of showing compliance to the applicable

airworthiness standards for normal category airplanes and that they provide an appropriate level of safety.

**DATES:** Effective September 22, 2020.

#### FOR FURTHER INFORMATION CONTACT:

Andy Supinie, Federal Aviation Administration, Policy and Innovation Division, Small Airplane Standards Branch, AIR–690, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone (316) 946–4150; facsimile: (316) 946–4107; email: [andrew.supinie@faa.gov](mailto:andrew.supinie@faa.gov).

#### SUPPLEMENTARY INFORMATION:

**Background:** Under the provisions of the National Technology Transfer and Advancement Act of 1995<sup>1</sup> and Office of Management and Budget (OMB) Circular A–119, “Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,” effective January 27, 2016, the FAA participates in the development of consensus standards and uses consensus standards as a means of carrying out its policy objectives where appropriate.

Consistent with the Small Airplane Revitalization Act of 2013,<sup>2</sup> the FAA has been working with industry and other stakeholders to develop consensus standards for use as a means of compliance in certifying small airplanes under Title 14, Code of Federal Regulations (14 CFR) part 23. In promulgating part 23, amendment 23–64<sup>3</sup> (81 FR 96572, December 30, 2016), the FAA explained that if it determined such consensus standards were acceptable means of compliance to part 23, it would publish a notice of availability of those consensus standards in the **Federal Register**.

Pursuant to FAA Advisory Circular 23.2010–1,<sup>4</sup> “FAA Accepted Means of Compliance Process for 14 CFR part 23,” section 3.1.1, this notice serves as a formal acceptance by the Administrator of means of compliance based on consensus standards developed by ASTM. The means of compliance accepted by this notice are one means, but not the only means of complying with part 23 regulatory requirements.

The FAA reviewed 35 published ASTM consensus standards, developed by ASTM Committee F44, as the basis for means of compliance to 65 sections

<sup>1</sup> Ref Public Law 104–113 as amended by Public Law 107–107.

<sup>2</sup> Ref Public Law 113–53.

<sup>3</sup> See <https://www.federalregister.gov/documents/2016/12/30/2016-30246/revision-of-airworthiness-standards-for-normal-utility-acrobatic-and-commuter-category-airplanes>.

<sup>4</sup> See <https://rgl.faa.gov/>.