



[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2019-0250]

RIN 3150-AK41

**List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM
Flood/Wind Multipurpose Canister Storage System, Certificate of Compliance
No. 1032, Amendment No. 4**

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations by revising the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 4 to Certificate of Compliance No. 1032. Amendment No. 4 revises the certificate of compliance to: add multipurpose canister (MPC)-32ML for storage and allow the fuel assembly class 16x16D as content for MPC-32ML; add the fuel assembly class 16X16E as content for MPC-37; and make changes to the final safety analysis report to separate the design pressure for the short-term operation from the off-normal condition (to provide clarity in Table 2.2.1), add cautionary notes to Sections 9.2.1 and 9.2.3, update a definition, and replace a test program.

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

- **Federal Rulemaking Web Site:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2019-0250. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **E-mail comments to:** Rulemaking.Comments@nrc.gov. If you do not receive an automatic e-mail 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: Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-1018; e-mail: Yen-Ju.Chen@nrc.gov or Vanessa Cox, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-8342; e-mail: Vanessa.Cox@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-2019-0250 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 Web Site:** Go to <https://www.regulations.gov> and

search for Docket ID NRC-2019-0250.

- **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 e-mail 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.

B. Submitting Comments

Please include Docket ID NRC-2019-0250 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. You should also inform those persons 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. 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. Responses are considered substantive 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;

c) The comment raises a relevant issue that was not previously addressed or considered by the NRC; or

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 “[the 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 March 28, 2011 (76 FR 17019), that approved the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1032.

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 31883). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V.

Availability o

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 NUMBER
Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment Request 1032-4 dated March 11, 2016	ML16190A158 (package)
Holtec International - Transmittal of Amendment 4 Response to Request for Supplemental Information date September 16, 2016	ML16265A519 (package)
Holtec International - HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment 4 Supplemental Response to Request for Supplemental Information dated January 31, 2017	ML17032A414 (package)
Holtec International - HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment 4 Response to Request for Additional Information dated April 27, 2018	ML18117A471 (package)
Supplement to HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment 4 Requests for Additional Information Responses dated July 27, 2018	ML18208A636 (package)
Holtec International - HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment 4 Response to Second Request for Additional Information dated April 12, 2019	ML19109A181

Supplement to HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment 4 Second Round Request for Additional Information Response dated June 11, 2019	ML19162A102 (package)
Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment 4 Second Supplement to 2nd Round Requests for Additional Information dated July 5, 2019	ML19186A209 (package)
Memorandum to J. Cai re: User Need for Rulemaking for the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment No. 4 dated December 20, 2019	ML19158A272
Proposed Certificate of Compliance 1032 Amendment No. 4 [Memorandum to J. Cai re: User Need for Rulemaking for the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment No. 4]	ML19158A273
Proposed Certificate of Compliance 1032 Amendment No. 4 Appendix A [Memorandum to J. Cai re: User Need for Rulemaking for the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment No. 4]	ML19158A274
Proposed Certificate of Compliance 1032 Amendment No. 4 Appendix B [Memorandum to J. Cai re: User Need for Rulemaking for the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment No. 4]	ML19158A275
Preliminary Certificate of Compliance 1032 Amendment No. 4 Safety Evaluation Report [Memorandum to J. Cai re: User Need for Rulemaking for the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment No. 4]	ML19158A276

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking Web site at <https://www.regulations.gov> under Docket ID NRC-2019-0250. The Federal Rulemaking Web site allows you to receive

alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder (NRC-2019-0250); 2) click the “Sign up for E-mail Alerts” link; and 3) enter your e-mail address and select how frequently you would like to receive e-mails (daily, weekly, or monthly).

Dated this 7th day of April, 2020.

For the Nuclear Regulatory Commission.

Margaret M. Doane,
Executive Director for Operations.

[FR Doc. 2020-08348 Filed: 4/29/2020 8:45 am; Publication Date: 4/30/2020]