



## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 72**

**[NRC-2023-0107]**

### **Draft Regulatory Guide: Weather-Related Administrative Controls at Independent Spent Fuel Storage Installations**

**AGENCY:** Nuclear Regulatory Commission

**ACTION:** Draft guide; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-3057, “Weather-Related Administrative Controls at Independent Spent Fuel Storage Installations.” This DG is a proposed new regulatory guide (RG) 3.77 and provides licensees with methods that the NRC staff considers acceptable for specific or general licensees of an independent spent fuel storage installation and certificate of compliance holders to comply with protection against environmental conditions and natural phenomena.

**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; however, the NRC encourages electronic comment submission through the **Federal rulemaking website**:

- **Federal rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID **NRC-2023-0107**. Address questions about Docket IDs in Regulations.gov to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the “For Further Information Contact” section of this document.

- **Mail comments to:** Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing 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:** John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-0262; email: John-Chau.Nguyen@nrc.gov, or Matt Learn, Office of Nuclear Material Safety and Safeguards, telephone: 630-829-9603; email: Matthew.Learn@nrc.gov, or Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301-415-2493; email: Harriet.Karagiannis@nrc.gov. All are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Obtaining Information and Submitting Comments**

###### **A. Obtaining Information**

Please refer to Docket ID **NRC-2023-0107** 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-2023-0107**.

- **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).

- **NRC's PDR:** You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), 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-2023-0107** 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. Additional Information

The NRC is issuing for public comment a DG in the NRC's "Regulatory Guide" series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques

that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, entitled “Weather-Related Administrative Controls at Independent Spent Fuel Storage Installations,” (ADAMS Accession No. ML23089A012) is temporarily identified by its task number, DG-3057.

This DG-3057 is a proposed new RG 3.77, and provides the NRC staff and the industry with guidance that would provide licensees the option, in certain limited circumstances, to use administrative controls to ensure that the structures, systems, and components important to safety are designed to withstand the effects of weather-related wind and tornado natural phenomena without impairing their capability to perform their intended design functions during outdoor dry storage system handling activities. This DG is endorsing Nuclear Energy Institute 22-02, Revision 2, “Guidelines for Weather-Related Administrative Controls for Short Duration Outdoor Dry Cask Storage Operations,” with clarifications and exceptions.

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML23089A014). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

As noted in the *Federal Register* on December 9, 2022 (87 FR 75671), this document is being published in the “Proposed Rules” section of the *Federal Register* to comply with publication requirements under 1 CFR chapter I.

### **III. Backfitting, Forward Fitting, and Issue Finality**

Issuance of this draft regulatory guide would not constitute backfitting as defined in section 72.62 of title 10 of the *Code of Federal Regulations* (10 CFR), “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests” (ADAMS Accession No. ML18093B087); constitute forward fitting as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52. Further,

as explained in DG-3057, applicants and licensees would not be required to comply with the positions set forth in DG-3057.

#### **IV. Submitting Suggestions for Improvement of Regulatory Guides**

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the "Regulatory Guide" series.

Dated: May 31, 2023.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief,*

*Regulatory Guide and Programs*

*Management Branch,*

*Division of Engineering,*

*Office of Nuclear Regulatory Research.*

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