



NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2024-0034]

RIN 3150-AL07

List of Approved Spent Fuel Storage Casks: NAC International, Inc., NAC-UMS Universal Storage System, Certificate of Compliance No. 1015, Renewal of Initial Certificate and Amendment Nos. 1 through 9

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-UMS Universal Storage System listing within the “List of approved spent fuel storage casks” to renew the initial certificate and Amendment Nos. 1 through 9 of Certificate of Compliance No. 1015. The renewal of the initial certificate of compliance and Amendment Nos. 1 through 9 for 40 years changes the certificate’s conditions and technical specifications to address aging management activities related to the structures, systems, and components important to safety of the dry storage system to ensure that these will maintain their intended functions during the period of extended storage operations.

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: Submit your comments, identified by Docket ID NRC-2024-0034, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2024-0034>. 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: Christopher Markley, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-6293, email: Christopher.Markley@nrc.gov and Greg Trussell, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-6244, email: Gregory.Trussell@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-2024-0034, 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-2024-0034. 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 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. 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-2024-0034 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.

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 October 19, 2000 (65 FR 62581), that approved the NAC-UMS Universal Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance (CoC) No. 1015.

On August 28, 2007 (72 FR 49352), the NRC amended the scope of the general licenses issued under 10 CFR 72.210 to include the storage of spent fuel in an independent spent fuel storage installations (ISFSI) at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 52. On February 16, 2011 (76 FR 8872), the NRC amended subparts K and L in 10 CFR part 72, to extend and clarify the term limits for certificates of compliance and to revise the conditions for spent fuel storage cask renewals, including adding requirements for the safety analysis report to include time-limited aging analyses and a description of aging management programs. The NRC also clarified the terminology used in the regulations to use “renewal” rather than “reapproval” to better reflect that extending the term of a currently approved cask design is based on the cask design standards in effect at the time the CoC was approved rather than current standards.

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 31885). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V. Availability of Documents

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

DOCUMENT	ADAMS ACCESSION NO. / WEB LINK / <i>FEDERAL REGISTER</i> CITATION
Proposed Certificate of Compliance	
Proposed Renewed Certificate of Compliance No. 1015, Renewed Initial Certificate	ML23213A151
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 1	ML23213A152
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 2	ML23213A153
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 3	ML23213A154
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 4	ML23213A155
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 5	ML23213A156
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 6	ML23213A157
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 7	ML23213A158
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 8	ML23213A159
Proposed Renewed Certificate of Compliance No. 1015, Renewed Amendment 9	ML23213A160

Preliminary Safety Evaluation Report	
Preliminary Safety Evaluation Report for Renewed Certificate of Compliance No. 1015, Amendments Nos. 1 through 9	ML23213A161
Proposed Conditions for Cask Use and Technical Specifications	
Proposed Conditions for Cask Use and Technical Specifications, Renewed Initial Certificate	ML23213A164
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 1	ML23213A166
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 2	ML23213A168
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 3, Appendix A	ML23213A171
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 3, Appendix B	ML23213A178
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 4, Appendix A	ML23213A172
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 4, Appendix B	ML23213A179
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 5, Appendix A	ML23213A173
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 5, Appendix B	ML23213A180
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 6, Appendix A	ML23213A174
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 6, Appendix B	ML23213A181
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 7, Appendix A	ML23213A175
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 7, Appendix B	ML23213A182
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 8, Appendix A	ML23213A176
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 8, Appendix B	ML23213A183

Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 9, Appendix A	ML23213A177
Proposed Conditions for Cask Use and Technical Specifications, Renewed Amendment 9, Appendix B	ML23213A184
Environmental Documents	
“Environmental Assessment for Proposed Rule Entitled, “Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites.” (1989)	ML051230231
“Environmental Assessment and Findings of No Significant Impact for the Final Rule Amending 10 CFR Part 72 License and Certificate of Compliance Terms.” (2010)	ML100710441
Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel: Final Report (NUREG-2157, Volumes 1 and 2). (2014)	ML14198A440 (package)
NAC International, Inc., NAC-UMS Universal Storage System Renewal Application Documents	
NAC International, Inc., NAC-UMS Universal Storage System, Certificate of Compliance (CoC) Renewal Application, October 13, 2020	ML20293A102
NAC International, Inc., Request for Additional Information Responses NAC-UMS Cask System, Revision 22A, March 3, 2022	ML22062A764
Replacement Page for Responses to the Nuclear Regulatory Commission’s (NRC) Request for Additional Information for the Request to Renew the NAC-UMS Cask System Certificate of Compliance No. 1015, March 18, 2022	ML22077A076
NAC, Supplement to the NRC’s Request for Additional Information for the Request to Renew the NAC-UMS Cask System Certificate of Compliance No. 1015, July 28, 2022	ML22209A078 (package)
Request to Withdraw Administrative Controls for Adverse Weather Events During Operations from NAC-MPC CoC Renewal Application, December 21, 2022	ML22355A120
Other Documents	
“General License for Storage of Spent Fuel at Power Reactor Sites.” (July 18, 1990)	55 FR 29181
“Licenses, Certifications, and Approvals for Nuclear Power Plants.” (August 28, 2007)	72 FR 49352
“License and Certificate of Compliance Terms.” (February 16, 2011)	76 FR 8872

“Agreement State Program Policy Statement; Correction.” (October 18, 2017)	82 FR 48535
Nuclear Energy Institute NEI 14-03, Revision 2, “Format, Content and Implementation Guidance for Dry Cask Storage Operations-Based Aging Management.” (December 21, 2016)	ML16356A210
Regulatory Guide 3.76, Revision 0, “Implementation of Aging Management Requirements for Spent Fuel Storage Renewals.” (July 31, 2021)	ML21098A022
“List of Approved Spent Fuel Storage Casks: NAC-UMS Addition.” (October 19, 2000)	65 FR 62581
Presidential Memorandum, “Plain Language in Government Writing.” (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-2024-0034. 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-2024-0034); 2) click the “Subscribe” link; and 3) enter an email address and click on the “Subscribe” link.

Dated: April 9, 2024.

For the Nuclear Regulatory Commission.

Raymond Furstenau,
Acting Executive Director for Operations.

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