**From:** Donna Gilmore
**To:** CHAIRMAN Resource
**Cc:** Woollen, Mary; Mike Florio; Ken Alex; Sepideh Khosrowjah for Florio; Diane Curran
**Subject:** Urgent Request regarding NUHOMS 32PTH2-DSC Dry Canister approval Docket ID NRC–2013–0271
**Date:** Tuesday, June 24, 2014 2:45:45 PM
**Attachments:** 2014-05-15 comment letter to NRC re NUHOMS Cask Approval (corrected 2014-05-27).pdf
2014-04-15 Fed. Reg. Notice re NUHOMS cask approval.pdf

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The pending approval (June 30, 2014) of the NUHOMS 32PTH2-DSC dry canisters should be withdrawn. Southern California Edison appears poised to purchase these NUHOMS canisters as soon as possible, so this request is urgent. Comments have been submitted to NRC staff regarding problems with this canister approval.

HIGH BURNUP FUEL TRANSPORT
Attached are comments Mindy Goldstein and Diane Curran submitted to NRC on behalf of a group of environmental organizations opposing an NRC Direct Rule that approves a NUHOMS cask for storage and transport of high burnup fuel. This includes many concerned citizens who live near the San Onofre nuclear power plant. We are concerned that NRC has tried to slip this rule by without AEA and APA compliant procedures for public participation on the serious safety issues raised by transport of high burnup fuel. We asked the NRC to withdraw the Direct Rule and re-publish it as a proposed rule.

OTHER COMMENTS

ELIMINATION OF FAILED FUEL CANS COUNTER TO NRC AND DOE RETRIEVABILITY REQUIREMENTS
The design of this new canister eliminates failed fuel cans. Therefore, there appears to be no provision for the current NRC requirement to store damaged/failed fuel assemblies in separate containers. The NRC and DOE require this in order to ensure each fuel assembly is retrievable for transfer to another canister (in case of canister failure or for transport).

LONGER TERM DRY STORAGE REQUIRES BETTER DRY CASK SYSTEMS
Given the current NRC acknowledgement that fuel may need to remain on-site for 50 or 100+ years, canisters should be evaluated for the ability to store and transport fuel for longer storage periods than currently required. NRC's Drew Barto told me the NRC is currently evaluating the ability of dry canisters to be stored for longer periods of time. Other countries are now using canisters with superior specifications in order to deal with longer storage requirements. It is critical the NRC do the same. I urge the NRC to review canisters being purchased in other countries and compare them to those currently being procured in the U.S. This may help expedite the review and approval process of higher quality canisters.

In studying the history of canisters approved and used in the United States, it appears the original canisters approved (the Castor/V21 and Castor/V33) are of higher quality and designed to last for longer periods of time than later canister designs. For example, the Castor/V21 is made of nodular (ductile) cast iron and is 14.9 inches thick (ML033020117). In contrast ,the NUHOMS canister is made of stainless steel (316L) and is only 5/8ths of an inch thick. Also, the NRC and DOE are aware of issues of stress corrosion cracking of stainless steel in coastal environments occurring in less than 128 weeks, and have designated this a high priority issue.

The procurement of Castor canisters in the U.S. ended when assumptions were made that canisters only needed to last about 20 years, due to the planned Yucca Mountain permanent geological repository. Given this is no longer a valid assumption, it's urgent this NUHOMS approval be withdrawn.

CALIFORNIA IMPACT
San Onofre has 2776 spent fuel assemblies in the spent fuel pools -- the largest number to be moved to dry storage in the nation. We cannot afford to make the wrong decision for California or the rest of the nation.

Thank you for your consideration.

Donna Gilmore

SanOnofreSafety.org
San Clemente, CA
949-204-7794

See SanOnofreSafety.org Nuclear Waste web page for additional information and sources:
http://sanonofresafety.org/nuclear-waste/

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May 15, 2014 (CORRECTED 5/27/14)

Annette Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
By e-mail to: Annette.Vietti-Cook@nrc.gov

SUBJECT: *Comments on Direct Rule re List of Approved Storage Casks (79 Fed. Reg. 21,121 (April 15, 2014), Request for Rescission of the Direct Rule, and Request for Publication of a New and Revised Notice of Proposed Rulemaking, Docket No. 13-0271*

Dear Ms. Vietti-Cook:

On behalf of 20 environmental organizations and individuals[1], we are writing to urge you to withdraw and reconsider the direct final rule, issued on April 15, 2014, which adds "32PTH2," a "new transportable dry shielded canister (DSC)," to the NUHOMS® Storage System that previously was approved by the U.S. Nuclear Regulatory Commission ("NRC"). *See* Direct Final Rule, List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3, 79 Fed. Reg. 2,112 (April 15, 2014) ("Direct Rule").

The Direct Rule flagrantly violates the requirements of the Atomic Energy Act and the Administrative Procedure Act for prior notice and opportunity for public participation in NRC decisions affecting public safety and the environment. *Citizens Awareness Network v. NRC,* 59 F.3d 284 (1st Cir. 1995). Equally troubling, the notice is grossly misleading, and appears designed to lull the public into a false sense of confidence.

According to the preamble to the Direct Rule, the rulemaking is "limited," "routine," and "noncontroversial." 79 Fed. Reg. at 21,122. Furthermore, the NRC asserts that [a]dequate protection of public health and safety continues to be ensured, and that the rule will cause "no significant increase in the potential for or consequences from radiological accidents" in comparison to accident risks analyzed in a previous environmental assessment ("EA") for the 1990 version of the rule. 79 Fed. Reg. at 21,122, 21,123.

To the contrary, the Direct Rule approves a significant and unprecedented change to the permissible uses of the 32PTH2 DSC: the *transportation of high burnup fuel.* This information

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[1] Beyond Nuclear, Citizens' Alliance for Safe Energy, Citizens' Environmental Coalition, Don't Waste Michigan, Kay Drey, Ecology Party of Florida, Captain Dan Kipnis, Missouri Coalition for the Environment, NC WARN, Nevada Nuclear Waste Task Force, Northwest Environmental Advocates, Nuclear Information and Resource Service, Nuclear Watch South, Public Health and Sustainable Energy, San Clemente Green, San Luis Obispo Mothers for Peace, San Onofre Safety, Susan Shapiro, Sierra Club Nuclear Free Campaign, and Southern Alliance for Clean Energy.

is completely absent from the Federal Register notice and may only be discovered by reviewing the accompanying Preliminary Safety Evaluation Report ("SER"), which states:

> Appendix M of the FSAR describes an expansion of the authorized contents of the NUHOMS® 32PT DSC to *add high burn-up fuel assemblies up to 55 GWd/MTU.*[2] The 32PT DSC system is designed to store 32 intact standard PWR fuel assemblies with or without CCs. The application also describes the addition of two additional basket types based on the 24-poison plate 0 poison rod assemblies (PRA) design.

Preliminary Safety Evaluation Report, Transnuclear, Inc. Standardized Nuhoms® Horizontal Modular Storage System for Irradiated Nuclear Fuel, Docket No. 72-1004, Amendment No. 13 at 4 (Date) (ML13290A205) (emphasis added). As acknowledge in the SER, the 32PTH DCS "consists of a *dual purpose storage and transportation 32PTH DSC*." *Id.* at 15 (emphasis added). Thus, it is intended to be used for transportation of high burnup spent fuel.

To our knowledge, the NRC has not previously approved *any* cask system for transportation of high burnup fuel, because of significant questions regarding its safety. Moreover, the NRC has explicitly stated that it will not give generic approval to transportation of high burnup fuel because it does not have enough technical information about its behavior or the conditions under which it can be safely transported:

> The staff is currently reevaluating the technical basis for the transportation of spent fuel including assemblies with average assembly burnups exceeding 45 GWd/MTU. The staff is reviewing data and technical reports to further understand the mechanical and fracture toughness properties of spent fuel cladding in relation to the transportation of high burnup fuel under 10 CFR 71.55. *Therefore, until further guidance is developed, the transportation of high burnup commercial spent fuel will be handled on a case-by-case basis using the criteria given in 10 CFR 71.55, 10 CFR 71.43(f), and 10 CFR 71.51.*

Interim Staff Guidance – 11, Rev. 3 at 1 (2003) (ML033230335) (emphasis added). The issuance of the Direct Rule is completely inconsistent with ISG-11, because the rule grants generic approval of the safety of transporting high burnup fuel in the 32PT DSC. Under these circumstances, it is reasonable to predict that any member of the public seeking to challenge the adequacy of the 32PT DSC design for transportation of high burnup spent fuel in the future will be precluded from making that challenge by the promulgation of this rule. *See, e.g., Kelly v. Selin,* 42 F.3d 1501 (6th Cir. 1995). And yet the NRC has provided absolutely no notice in the Federal Register that transportation of high burnup fuel is a subject of the rule.

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[2] We note that the 55 GWd/MTU burnup limit in the SER is inconsistent with the Technical Specifications, which state that the maximum burnup limit is 62.5 GWd/MTU. Technical Specifications at 2-31 (ML13290A182).

Because the Direct Rule provides misleading and incomplete information, and because it takes significant substantive action with safety and environmental implications, it should be withdrawn. If the NRC decides to go ahead with the proposed approval of the expanded use of the 32PT DSC, it should publish a *proposed* rule and seek public comment in advance of taking action. The proposed rule should fully describe the nature of the proposed licensing action and explain its safety and environmental implications, including preparation of a SER and an EA. The proposed rule should address the inconsistency of the proposed generic approval of the 32PT DSC for storage and transportation of high burnup spent fuel with ISG-11.[3]

Sincerely,

*Signed (electronically) by:*
Diane Curran

*Signed (electronically) by:*
Mindy Goldstein
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404-727-3432
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Email: magolds@emory.edu

Cc: NRC Commissioners c/o hearingdocket@nrc.gov
Naiem S. Tanious, NRC Staff: Naiem.Tanious@nrc.gov

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[3] The NRC suggests that if commenters raise significant enough concerns about the Direct Rule, it may be appropriate to provide a second opportunity for comment on the Direct Rule. 79 Fed. Reg. at 21,112. Given the serious substantive and procedural defects in the Direct Rule, such a remedy is the minimum response required, although it would be grossly insufficient.

# Rules and Regulations

Federal Register

Vol. 79, No. 72

Tuesday, April 15, 2014



## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

**RIN 3206–AM78**

### Prevailing Rate Systems; North American Industry Classification System Based Federal Wage System Wage Surveys

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Correcting amendment.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) published a final rule in the **Federal Register** on September 23, 2013 (78 FR 58153), updating the 2007 North American Industry Classification System (NAICS) codes used in Federal Wage System wage survey industry regulations with the 2012 NAICS revisions published by the Office of Management and Budget. The final rule inadvertently omitted deleting two NAICS codes from the list of required NAICS codes in the Electronics specialized industry in 5 CFR 532.313. This document corrects this error.

**DATES:** *Effective Date:* April 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Madeline Gonzalez, by telephone at (202) 606–2838 or by email at *pay-performance-policy@opm.gov.*

**SUPPLEMENTARY INFORMATION:** In a final rule published in the **Federal Register** on September 23, 2013 (78 FR 58153), OPM inadvertently omitted deleting two NAICS codes from the list of required NAICS codes in the Electronics specialized industry in 5 CFR 532.313.

In the supplementary information section of the proposed rule published on March 26, 2013 (78 FR 18252), OPM proposed to delete NAICS codes 334414 (Electronic capacitor manufacturing) and 334415 (Electronic resistor manufacturing) from the list of required NAICS codes in the Electronics specialized industry in 5 CFR 532.313, but inadvertently failed to include the deletions in the regulatory text section. This document corrects the error.

**List of Subjects in 5 CFR Part 532**

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

**Brenda L. Roberts,**

*Acting Deputy Associate Director for Pay and Leave.*

Accordingly, the U.S. Office of Personnel Management is correcting 5 CFR part 532 as follows:

## PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

**§ 532.313 [Amended]**

■ 2. In § 532.313(a), remove NAICS codes ''334414'' and ''334415'' in the first column and ''Electronic capacitor manufacturing'' and ''Electronic resistor manufacturing'' in the second column from the list of required NAICS codes for the Electronics Specialized Industry.

[FR Doc. 2014–08501 Filed 4–14–14; 8:45 am]

BILLING CODE 6325–39–P

## NUCLEAR REGULATORY COMMISSION

**[NRC–2013–0271]**

**RIN 3150–AJ31**

### List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3

**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 Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System (NUHOMS® Storage System) listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to Certificate of Compliance (CoC) No. 1029. Amendment No. 3 adds a new transportable dry shielded canister (DSC), 32PTH2, to the NUHOMS® Storage System; and makes editorial corrections.

**DATES:** The direct final rule is effective June 30, 2014, unless significant adverse comments are received by May 15, 2014. If the 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 staff is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Please refer to Docket ID NRC–2013–0271 when contacting the NRC about the availability of information for this direct final rule. You may access publicly-available information related to this direct final rule by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0271. Address questions about NRC dockets to Carol Gallagher, telephone: 301–287–3422; email: *Carol.Gallagher@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 access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then 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.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The proposed CoC, proposed technical specifications (TSs), and preliminary Safety Evaluation Report (SER) are available in ADAMS under Accession Nos. ML13290A176, ML13290A182, and ML13290A205, respectively.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Naiem S. Tanious, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6103, email: *Naiem.Tanious@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

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## I. Procedural Background

This direct final rule is limited to the changes contained in Amendment No. 3 to CoC No. 1029 and does not include other aspects of the NUHOMS® 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 CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The amendment to the rule will become effective on June 30, 2014. However, if the NRC receives significant adverse comments on this direct final rule by May 15, 2014, 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 Rule 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 staff 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 staff.

(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 staff to make a change (other than editorial) to the rule, CoC, or TSs.

For detailed instructions on submitting comments, please see the companion proposed rule published in the Proposed Rule section of this issue of the **Federal Register**.

## II. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the U.S. 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 [U.S. 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 NWPA 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 in part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste,'' which added a new subpart K within 10 CFR part 72 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 within 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 (68 FR 463; January 6, 2003) that approved the NUHOMS® Storage System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214, ''List of approved spent fuel storage casks,'' as CoC No. 1029.

## III. Discussion of Changes

On December 15, 2011 (ADAMS Accession No. ML120040478), Transnuclear, Inc. submitted an application to amend the NUHOMS® Storage System. Amendment No. 3 adds a new transportable DSC, 32PTH2, to the NUHOMS® Storage System; and makes editorial corrections. The NUHOMS® 32PTH2 System is designed to accommodate up to 32 intact (or up to 16 damaged and the balance intact) pressurized water reactor (PWR), Combustion Engineering (CE), 16 x 16 class spent fuel assemblies, with or without control components. The NUHOMS® 32PTH2 System also consists of a modified version of the Standardized NUHOMS® Advanced Horizontal Storage Module (AHSM), designated the AHSM–HS (high burnup and high seismic).

Numerous sections of the TSs were revised to add and update characteristics, specifications, and requirements related to the 32PTH2 DSC and the AHSM–HS storage module. Additional changes were made to definitions and other sections to improve completeness, consistency and clarity. Revised sections are indicated by side bars in the TSs.

As documented in the SER (ADAMS Accession No. ML13290A205), the NRC staff performed a detailed safety evaluation of the proposed CoC amendment request. There are no significant changes to cask design requirements in the proposed CoC amendment. Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would be insignificant. 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. 3 would remain well within the 10 CFR part 20, ''Standards for Protection Against Radiation,'' limits. Therefore, the proposed CoC 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 (55 FR 29181) that amended 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. 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 exposure, and no significant increase in the potential for or consequences from radiological accidents from those analyzed in that environmental assessment.

This direct final rule revises the NUHOMS® Storage System listing in 10 CFR 72.214 by adding Amendment No. 3 to CoC No. 1029. The amendment consists of the changes previously described, as set forth in the revised CoC and TSs. The revised TSs are identified in the SER.

The amended NUHOMS® Storage System design, when used under the conditions specified in the CoC, the TSs, 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 ensured. When this direct final rule becomes effective, persons who hold a general license under 10 CFR 72.210, ''General license issued,'' may load spent nuclear fuel into NUHOMS® Storage Systems that meet the criteria of Amendment No. 3 to CoC No. 1029 under 10 CFR 72.212, ''Conditions of general license issued under § 72.212.''

## IV. 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 will revise the NUHOMS® Storage System design listed in 10 CFR 72.214. This action does not constitute the establishment of a standard that contains generally applicable requirements.

## V. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this direct final rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. 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. Although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

## VI. 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 that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has attempted to use plain language in promulgating this rule consistent with the Federal Plain Writing Act guidelines.

## VII. Finding of No Significant Environmental Impact: Availability

### *A. The Action*

The action is to amend 10 CFR 72.214 to revise the Transnuclear, Inc. NUHOMS® Storage System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to CoC No. 1029. Under 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,'' the NRC has determined that this 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.

### *B. The Need for the Action*

This direct final rule amends the CoC for the Transnuclear, Inc. NUHOMS® Storage System design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, Amendment No. 3 adds a new transportable DSC, 32PTH2, to the NUHOMS® Storage System; and makes editorial corrections.

### *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 initially analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 3 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.

NUHOMS® Storage Systems are 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, 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.

Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. There are no significant changes to cask design requirements in the proposed CoC amendment. In addition, because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 3 would remain well within the 10 CFR part 20 limits. Therefore, the proposed CoC 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 exposure, and no significant increase in the potential for or consequences from radiological accidents. The staff documented its safety findings in an SER which is available in ADAMS under Accession No. ML13290A205.

*D. Alternative to the Action*

The alternative to this action is to deny approval of Amendment No. 3 and end the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into NUHOMS® Storage Systems in accordance with the changes described in proposed Amendment No. 3 would have to request an exemption from the requirements of 10 CFR 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. Therefore, the environmental impacts would be the same or less than the action.

*E. Alternative Use of Resources*

Approval of Amendment No. 3 to CoC No. 1029 would result in no irreversible commitments 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 10 CFR part 51. Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled, ''List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3,'' will not have a significant effect on quality of the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

## VIII. Paperwork Reduction Act Statement

This direct final rule does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget (OMB), 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 OMB control number.

## IX. 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 it notifies the NRC in advance, the spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214. The NRC issued a final rule (68 FR 463; January 6, 2003) that approved the Standardized Advanced NUHOMS® Cask System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 ''List of approved spent fuel storage casks,'' as CoC No. 1029.

On December 15, 2011 (ADAMS Accession No. ML120040478), Transnuclear, Inc. submitted an application to amend the NUHOMS® Storage System.

The alternative to this action is to withhold approval of Amendment No. 3 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into the NUHOMS® Storage Systems under the changes described in Amendment No. 3 to request an exemption from the requirements of 10 CFR 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 SER and the environmental assessment, the 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 the 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.

## 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 Transnuclear, 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 (10 CFR 2.810).

## XI. Backfitting and Issue Finality

The NRC has determined that the backfit rule (10 CFR 72.62) does not apply to this direct final rule. Therefore, a backfit analysis is not required. This direct final rule revises the CoC No. 1029 for the Transnuclear, Inc. NUHOMS® Storage System, as currently listed in 10 CFR 72.214, ''List of Approved Spent Fuel Storage Casks.'' The revision consists of Amendment No. 3 which adds a new transportable DSC, 32PTH2, to the NUHOMS® Storage System; and makes editorial corrections.

Amendment No. 3 to CoC No. 1029 for the Transnuclear, Inc. NUHOMS® Storage System was initiated by Transnuclear, Inc. and was not submitted in response to new NRC requirements, or an NRC request for amendment. Amendment No. 3 applies only to new casks fabricated and used under Amendment No. 3. These changes do not affect existing users of the NUHOMS® Storage System, and the current Amendments continue to be effective for existing users. While current CoC users may comply with the new requirements in Amendment No. 3, this would be a voluntary decision on the part of current users. For these reasons, Amendment No. 3 to CoC No. 1029 does not constitute backfitting under 10 CFR 72.62, 10 CFR 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, no backfit analysis or additional documentation addressing the issue finality criteria in 10 CFR part 52 has been prepared by the staff.

## XII. Congressional Review Act

The Office of Management and Budget has not found this to be a major rule as defined in the Congressional Review Act.

## List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, 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 adopting the following amendments to 10 CFR part 72.

## 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 is revised to read as follows:

**Authority:** Atomic Energy Act 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, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282, 2021); Energy Reorganization Act secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act sec. 102 (42 U.S.C. 4332); Nuclear Waste Policy Act secs. 131, 132, 133, 135, 137, 141, 148 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 549 (2005).

Section 72.44(g) also issued under Nuclear Waste Policy Act secs. 142(b) and 148(c), (d) (42 U.S.C. 10162(b), 10168(c), (d)).

Section 72.46 also issued under Atomic Energy Act sec. 189 (42 U.S.C. 2239); Nuclear Waste Policy Act sec. 134 (42 U.S.C. 10154).

Section 72.96(d) also issued under Nuclear Waste Policy Act sec. 145(g) (42 U.S.C. 10165(g)).

Subpart J also issued under Nuclear Waste Policy Act secs. 117(a), 141(h) (42 U.S.C. 10137(a), 10161(h)).

Subpart K also issued under sec. 218(a) (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance No. 1029 is revised to read as follows:

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

* * * * *

Certificate Number: 1029.

Initial Certificate Effective Date: February 5, 2003.

Amendment Number 1 Effective Date: May 16, 2005.

Amendment Number 2 Effective date: Amendment not issued by the NRC.

Amendment Number 3 Effective Date: June 30, 2014.

SAR Submitted by: Transnuclear, Inc.

SAR Title: Final Safety Analysis Report for the Standardized Advanced NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel.

Docket Number: 72–1029.

Certificate Expiration Date: February 5, 2023.

Model Number: Standardized Advanced NUHOMS® –24PT1, –24PT4, and –32PTH2.

* * * * *

Dated at Rockville, Maryland, this 28th day of March, 2014.

For the Nuclear Regulatory Commission.

**Darren B. Ash,**

*Acting, Executive Director for Operations.*

[FR Doc. 2014–08346 Filed 4–14–14; 8:45 am]

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 14 CFR Parts 1260, 1273, and 1274

**RIN 2700–AE06**

## Removal of Procedures for Closeout of Grants and Cooperative Agreements

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** The National Aeronautics and Space Administration (NASA) is issuing a final rule removing from its regulation agency procedures for closeout of grants and cooperative agreements. Simultaneous with removal of the closeout procedures from the regulation, NASA will issue non-regulatory closeout procedures.

**DATES:** This final rule is effective April 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Jamiel C. Commodore, NASA Headquarters, Office of Procurement, Contract Management Division, Washington, DC 20546, (202) 358–0302; email: *Jamiel.C.Comodore@nasa.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Background

NASA published a proposed rule at 78FR68375–78FR68376 on November 14, 2013, to begin an effort to remove agency internal policy, practices, and procedures from the regulation that do not have an impact on the public. No comments were received on the proposed rule. This final rule is published without change to the proposed rule.

### II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### III. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because this final rule does not impose any additional requirements on small entities and, more importantly, this final rule serves to deregulate internal agency operating procedures which will eliminate unnecessary regulation.

### IV. Paperwork Reduction Act

The Paper Reduction Act (Pub. L. 104–13) is not applicable because the removal of the closeout procedures does not require the submission of any information by recipients that requires the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq*.

### List of Subjects in 14 CFR Parts 1260, 1273, and 1274

Colleges and universities, Business and industry, Grant programs, Grants administration, Cooperative agreements, State and local governments, Non-profit organizations, Commercial firms, Recipients, Closeout procedures, Recipient reporting.

**William P. McNally,**

*Assistant Administrator for Procurement.*

Accordingly, 14 CFR parts 1260, 1273, and 1274 are amended as follows:

## PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

■ 1. The authority citation for 14 CFR part 1260 is revised to read as follows:

**Authority:** 51 U.S.C. 20113(e), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301, et seq.), and 2 CFR Part 200.

### § 1260.77 [Removed and Reserved]

■ 2. Section 1260.77 is removed and reserved.