

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2019-0126]

RIN 3150-AK35

**List of Approved Spent Fuel Storage Casks: Holtec International Storage,
Transport and Repository (HI-STAR) 100 Storage System,
Certificate of Compliance No. 1008, Amendment No. 3**

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 Holtec International Storage, Transport and Repository 100 Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 3 to Certificate of Compliance No. 1008. Amendment No. 3 revises the technical specifications to: include multipurpose canister (MPC)-32 for storage of pressurized-water reactor spent fuel in the Holtec International HI-STAR 100 Storage System; include the Metamic neutron absorber for MPC-32, MPC-24, and MPC-68; credit the soluble boron in criticality analyses for both MPC-32 and MPC-24; incorporate standard system features and ancillaries such as the forced helium dehydration; allow for horizontal storage of the casks; provide updated drawings; and revise the MPC design pressure for accident condition to 200 pounds per square inch

gauge. Amendment No. 3 also makes other administrative changes to the technical specifications.

DATES: Submit comments by September 23, 2019. 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 <http://www.regulations.gov> and search for Docket ID NRC-2019-0126. 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.

- **Fax comments to:** Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

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

- **Hand deliver comments to:** 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

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 H. White, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-6577; e-mail: Bernard.White@nrc.gov or Solomon Sahle, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-3781; e-mail: Solomon.Sahle@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-2019-0126 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 <http://www.regulations.gov> and search for Docket ID NRC-2019-0126.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://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 pdresource@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:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2019-0126 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 <http://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 November 5, 2019. However, if the NRC receives significant adverse comments on this proposed rule by September 23, 2019, 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 received in response to these proposed revisions 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. 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 procedural information and the regulatory analysis, 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 “the 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 [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 September 3, 1999, that approved the Holtec International Storage, Transport and Repository (HI-STAR) 100 Storage System design and added it to the list of NRC-approved cask designs provided in § 72.214 as Certificate of Compliance No. 1008 (64 FR 48259).

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 through one or more of the following methods, as indicated.

DOCUMENT	ADAMS ACCESSION NO.
Holtec International, Submittal of Certificate of Compliance Amendment Request (1008-3), dated September 25, 2015	ML15280A182
Holtec International, Certificate of Compliance Amendment 1008-3 – Summary of Proposed Changes, dated September 25, 2015	ML15280A219
Holtec International, Certificate of Compliance Amendment 1008-3 – Revision 4 of the HI-STAR Final Safety Analysis Report, dated September 25, 2015	ML15280A220
Holtec International, Certificate of Compliance Amendment 1008-3 – Final Safety Analysis Report on HI-STAR 100 MPC Storage System, dated September 25, 2015	ML15280A223
Certificate of Compliance for Spent Fuel Storage Casks, NRC Form 561, dated September 25, 2015	ML15280A224
Certificate of Compliance No. 1008, Appendix A, Technical Specifications for the HI-STAR 100 Cask System, Amendment 3, dated September 25, 2015	ML15280A225

Certificate of Compliance No. 1008, Appendix B, Approved Contents and Design Features for the HI-STAR 100 Cask System, Amendment 3, dated September 25, 2015	ML15280A222
Holtec International – Supplemental Information for HI-STAR 100 System, Amendment Request (1008-3), dated January 15, 2016	ML16041A041
Submittal of Response to Request for Additional Information for Revision Request (1008-3) to HI-STAR 100 Certificate of Compliance, dated April 29, 2016	ML16133A503
Submittal of Response to Request for Additional Information for Revision Request (1008-3) to HI-STAR 100 Certificate of Compliance, Attachment 1 – Request for Additional Information Responses on HI-STAR 100 - Nonproprietary, dated April 29, 2016	ML16133A509
Submittal of Response to Request for Additional Information for Revision Request (1008-3) to HI-STAR 100 Certificate of Compliance, Attachment 3 – HI-STAR 100 Certificate of Compliance Appendix A Request for Additional Information Markup, dated April 29, 2016	ML16133A511
Submittal of Response to Request for Additional Information for Revision Request (1008-3) to HI-STAR 100 Certificate of Compliance, Attachment 4 – HI-STAR 100 Certificate of Compliance Appendix B Request for Additional Information Markup, dated April 29, 2016	ML16133A512
Submittal of Response to Request for Additional Information for Revision Request (1008-3) to HI-STAR 100 Certificate of Compliance, Attachment 5 – Final Safety Analysis Report Changed Pages, dated April 29, 2016	ML16133A513
Holtec International Submittal of Responses to NRC's 2nd Round Requests for Additional Information for HI-STAR 100 Amendment Number 3, dated December 15, 2017	ML17360A162
Holtec International – Submittal of Supplemental Changes for HI-STAR 100 Certificate of Compliance Amendment Request 1008-3, dated July 2, 2018	ML18183A448
Holtec International – Supplemental Changes for HI-STAR 100 Certificate of Compliance Amendment Request 1008-3, dated July 2, 2018	ML18183A449
Holtec International – HI-STAR 100 Amendment Request (1008-3), Removal of Preferential Fuel Loading Requirement from Certificate of Compliance, dated February 6, 2019	ML19037A152
User Need for Rulemaking for Amendment No. 3 to the Holtec International Storage, Transport and Repository (HI-STAR) 100 Storage System, Enclosure 1: Proposed Certificate of Compliance No. 1008, Amendment No. 3	ML19137A303
User Need for Rulemaking for Amendment No. 3 to the Holtec International Storage, Transport and Repository (HI-STAR) 100 Storage System, Enclosure 2: Proposed	ML19137A300

Technical Specifications Appendix A	
User Need for Rulemaking for Amendment No. 3 to the Holtec International Storage, Transport and Repository (HI-STAR) 100 Storage System, Enclosure 3: Proposed Technical Specifications Appendix B	ML19137A301
User Need for Rulemaking for Amendment No. 3 to the Holtec International Storage, Transport and Repository (HI-STAR) 100 Storage System, Enclosure 4: Preliminary Safety Evaluation Report	ML19137A302

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking Web site at <http://www.regulations.gov> under Docket ID NRC-2019-0126. 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-2019-0126); 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).

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.

Dated at Rockville, Maryland, this 9th day of August, 2019.

For the Nuclear Regulatory Commission.

/RA/

Margaret M. Doane,
Executive Director for Operations.