

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC–2023–0080]

RIN 3150–AK98

#### List of Approved Spent Fuel Storage Casks: NAC Multi-Purpose Canister (NAC–MPC) System, Certificate of Compliance No. 1025, Renewal of Initial Certificate and Amendment Numbers 1 Through 8

**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 Multi-Purpose Canister (NAC–MPC) System listing within the “List of approved spent fuel storage casks” to renew, for 40 years, the initial certificate and Amendment Nos. 1 through 8 of Certificate of Compliance No. 1025. The renewal of the initial certificate and Amendment Nos. 1 through 8 would revise the certificate of compliance’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 September 5, 2023. 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–2023–0080, 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.

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:**

Chris Markley, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6293, email: [Christopher.Markley@nrc.gov](mailto:Christopher.Markley@nrc.gov) and Andrew Carrera, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1078, email: [Andrew.Carrera@nrc.gov](mailto:Andrew.Carrera@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Obtaining Information and Submitting Comments
- II. Rulemaking Procedure
- III. Background
- IV. Plain Writing
- V. Availability of Documents

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC–2023–0080 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–2023–0080. Address questions about NRC dockets to Dawn Forder, telephone: 301–415–3407, email: [Dawn.Forder@nrc.gov](mailto:Dawn.Forder@nrc.gov). For technical questions contact the individuals 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](mailto: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:* 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 8:00 a.m. and 4:00 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

*B. Submitting Comments*

Please include Docket ID NRC–2023–0080 in your comment submission. The NRC requests that you submit comments through the Federal rulemaking website 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.

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 October 17, 2023. However, if the NRC receives any significant adverse comment by September 5, 2023, 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. 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 April 10, 2000 (64 FR 12444), that approved the NAC Multi-Purpose Canister (NAC-MPC) System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1025. On August 28, 2007 (72 FR 49561), the NRC

amended the scope of the general licenses issued under § 72.210 to include the storage of spent fuel in an independent spent fuel storage installation at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.” 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 revised the conditions for spent fuel storage casks 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 certificate of compliance 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./ Federal Register citation
<b>Preliminary Certificates of Compliance and Preliminary Conditions for Cask Use and Technical Specifications</b>	
Preliminary Renewed Initial Certificate of Compliance No. 1025 .....	ML22297A272.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Initial Certificate .....	ML22297A281.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 1 .....	ML22297A273.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 1 .....	ML22297A282.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 2 .....	ML22297A274.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 2 .....	ML22297A283.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 3 .....	ML22297A275.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 3 .....	ML22297A284.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 4 .....	ML22297A276.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 4 .....	ML22297A285.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 5 .....	ML22297A277.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 5 .....	ML22297A286.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 6 .....	ML22297A278.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 6 .....	ML22297A287.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 7 .....	ML22297A279.
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 7 .....	ML22297A288.
Preliminary Renewed Certificate of Compliance No. 1025, Renewed Amendment No. 8 .....	ML22297A280.

Document	ADAMS Accession No./ Federal Register citation
Preliminary Conditions for Cask Use and Technical Specifications, Renewed Amendment No. 8 .....	ML22297A289.
<b>Preliminary Safety Evaluation Report</b>	
Preliminary Final Safety Evaluation Report for Renewal of Initial Certificate and Amendments Nos. 1 through 8, of CoC No. 1025 for the NAC Multi-Purpose Canister.	ML22297A270.
<b>Environmental Documents</b>	
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 Finding 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).
“Storage of Spent Fuel In NRC-Approved Storage Casks at Power Reactor Sites” Final Rule (July 18, 1990) .....	55 FR 29181.
<b>NAC Multi-Purpose Canister (NAC–MPC) System, Certificate of Compliance No. 1025, Renewal Application Documents</b>	
Preliminary Renewal Package for the NAC–MPC System, CoC 1025 .....	ML22297A269 (Package).
NAC International—Submission of a Request to Renew the U.S. Nuclear Regulatory Commission Certificate of Compliance No. 1025 for the NAC–MPC Cask System.	ML19357A178 (package).
NAC International, Inc.—Responses to the Nuclear Regulatory Commission’s (NRC) Request for Additional Information for the Request to Renew the NRC Certificate of Compliance No. 1025 for the NAC–MPC Cask System.	ML21231A154 (package).
NAC, Submittal of Responses to the Nuclear Regulatory Commission’s (NRC) Request for Additional Information for the Request to Renew the NRC Certificate of Compliance No. 1025 for the NAC–MPC Cask System.	ML22077A831 (package).
Supplement to the Submission of Responses to the Nuclear Regulatory Commission’s (NRC) Request for Additional Information for the Request to Renew the NRC Certificate of Compliance No. 1025 for the NAC–MPC Cask System.	ML22203A127.
User Need For Rulemaking For Certificate Of Compliance Renewal, Initial Issue (Amendment Number 0), Amendment Numbers 1 Through 8 To The NAC Multipurpose Canister System.	ML22297A271.
<b>Other Documents</b>	
“Standard Review Plan for Renewal of Specific Licenses and Certificates of Compliance for Dry Storage of Spent Nuclear Fuel.” NUREG–1927, Revision 1. Washington, DC. June 2016.	ML16179A148.
“Managing Aging Processes in Storage (MAPS) Report.” Final Report. NUREG–2214. Washington, DC. July 2019.	ML19214A111.
“Agreement State Program Policy Statement; Correction” (October 18, 2017) .....	82 FR 48535.
Regulatory Guide 3.76, Revision 0, “Implementation of Aging Management Requirements for Spent Fuel Storage Renewals.” July 2021.	ML21098A022.

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–2023–0080.

Dated: July 18, 2023.

For the Nuclear Regulatory Commission.

**Daniel H. Dorman,**

*Executive Director for Operations.*

[FR Doc. 2023–16161 Filed 8–2–23; 8:45 am]

**BILLING CODE 7590–01–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

**RIN 0648–BM12**

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Amendment 52**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Announcement of availability of fishery management plan amendment; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) submitted Amendment 52 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP) for review, approval, and implementation by NMFS. If approved

by the Secretary of Commerce, Amendment 52 to the FMP would revise the acceptable biological catch (ABC), overfishing limit (OFL), annual catch limits (ACLs), annual optimum yield (OY), sector allocations, commercial longline component fishing season, and recreational accountability measures (AMs) for golden tilefish. For blueline tilefish, Amendment 52 would reduce the recreational bag limit, modify the possession limits, and revise the recreational AMs. The purpose of Amendment 52 is to respond to the most recent stock assessment for golden tilefish and to prevent recreational landings from exceeding the recreational ACLs for golden tilefish and blueline tilefish.

**DATES:** Written comments must be received on or before October 2, 2023.

**ADDRESSES:** You may submit comments on Amendment 52, identified by “NOAA–NMFS–2023–0082,” by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the