

# 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–2024–0096]

RIN 3150–AL17

#### List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM FW System, Certificate of Compliance No. 1032, Amendment No. 7

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel regulations by revising the Holtec International HI–STORM Flood/Wind Multi-purpose Canister Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 7 to Certificate of Compliance No. 1032. Amendment No. 7 revises the certificate of compliance to add a new overpack, add new multi-purpose canisters MPC–44 and MPC–37P, and add new fuel type 10x10J to approved content. Amendment No. 7 also incorporates other technical changes and several editorial changes.

**DATES:** Submit comments by August 12, 2024. 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–2024–0096 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-2024-0096>. 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:

Caylee Kenny, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–7150, email: [Caylee.Kenny@nrc.gov](mailto:Caylee.Kenny@nrc.gov); and Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1018, email: [Yen-Ju.Chen@nrc.gov](mailto:Yen-Ju.Chen@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–2024–0096 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–2024–0096. 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 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](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:** 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](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, 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–2024–0096 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 September 25, 2024. However, if the NRC receives any significant adverse comment by August 12, 2024, 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 June 8, 2011 (76 FR 33121), that approved the Holtec International HI-STORM Flood/Wind Multi-purpose Canister Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1032.

**IV. Plain Writing**

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and 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/ <b>Federal Register</b> citation
<b>Proposed Certificate of Compliance and Proposed Technical Specifications</b>	
Certificate of Compliance No.1032, Amendment No. 7 .....	ML23030B793.
Certificate of Compliance No. 1032, Amendment 7, Appendix A: Technical Specifications .....	ML23030B794.
Certificate of Compliance No. 1032, Amendment 7, Appendix B: Approved Contents and Design Features .....	ML23030B795.
Certificate of Compliance No. 1032, Amendment No. 7, Preliminary Safety Evaluation Report .....	ML23030B796.
<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,” dated March 8, 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,” dated May 3, 2010.	ML100710441.
Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel: Final Report (NUREG–2157, Volumes 1 and 2), dated September 30, 2014.	ML14198A440 (package).
“Storage of Spent Fuel In NRC-Approved Storage Casks at Power Reactor Sites” Final Rule, dated July 18, 1990	55 FR 29181.
<b>Holtec International HI–STORM FW Amendment 7 Request Documents</b>	
Holtec International—HI–STORM FW Amendment 7 Request, dated May 6, 2021 .....	ML21126A266 (package).
Holtec International HI–STORM FW Amendment 7 Request .....	ML21126A267.
Attachment 1—HI–STORM FW Amendment 7 Summary of Proposed Changes .....	ML21126A268.
Attachment 2—HI–STORM FW Amendment 7 Certificate of Compliance .....	ML21126A269.
Attachment 3—HI–STORM FW Amendment 7 Certificate of Compliance, Appendix A .....	ML21126A270.
Attachment 4—HI–STORM FW Amendment 7 Certificate of Compliance, Appendix B .....	ML21126A271.
Attachment 6—HI–STORM FW FSAR Proposed Revision 9 Revised Pages (Non-Proprietary) .....	ML21126A273.
Attachment 29: Affidavit of Kimberly Manzione in Accordance with 10 CFR 2.390 .....	ML21126A297.
HOLTEC International HI–STORM FW Amendment 7 Responses to Requests for Supplemental Information, dated October 15, 2021.	ML21288A521 (package).
Holtec International, HI–STORM FW Amendment 9 Request, dated February 17, 2022 .....	ML22048C221.
Holtec International, HI–STORM FW Amendment 7 Responses to Requests for Additional Information Part 1, dated July 11, 2022.	ML22192A215 (package).

Document	ADAMS accession No./web link/ <b>Federal Register</b> citation
Holtec International, HI–STORM FW Amendment 7 Responses to Requests for Additional Information Part 1—Additional Supporting Documents, dated July 13, 2022.	ML22194A954.
HI–STORM FW Amendment 7 Responses to Requests for Additional Information Part 2, dated July 29, 2022 .....	ML22210A145 (package).
Holtec International, HI–STORM FW Amendment 7 RAI Responses Part 1 Clarification Call Action Items, dated September 15, 2022.	ML22258A250 (package).
HI–STORM FW Amendment 7 Responses to Requests for Additional Information Part 3, dated October 3, 2022 ....	ML22276A281 (package).
HI–STORM FW Amendment 7 RAI 5–2 Response Clarification, dated December 1, 2022 .....	ML22336A132 (package).
Holtec International HI–STORM FW Amendment 7 Responses to Requests for Additional Information Part 4, dated January 6, 2023.	ML23006A263 (package).
Holtec International—HI–STORM FW Amendment 7 Responses to Requests for Additional Information Part 5, dated May 8, 2023.	ML23128A302 (package).
Holtec International HI–STORM FW Amendment 7 RAI Responses Part 5 Clarification Call Action Items, dated June 30, 2023.	ML23181A192 (package).
Holtec International, HI–STORM FW Amendment 7 RAI Responses Part 5 Clarification Corrected Attachments 4 and 5, dated July 11, 2023.	ML23192A031 (package).
Holtec International, HI–STORM FW Amendment 7 RAI 3–10 Response Clarification Call Action Items, dated August 15, 2023.	ML23227A248 (package).
HI–STORM FW Amendment 7 RAI Response Clarifications (Part 3), dated November 17, 2023 .....	ML23321A245 (package).
Holtec International, HI–STORM FW Amendment 7 RAI Response Clarifications (Part 4), dated February 16, 2024	ML24047A323 (package).
HI–STORM FW Amendment 7 RAI Response Clarifications (Part 5), dated April 8, 2024 .....	ML24100A027 (package).
<b>Other Documents</b>	
User Need Memo for Rulemaking for the Holtec HI–STORM Flood/Wind Multi-Purpose Canister Storage System, CoC No. 1032, Amendment 7, dated May 17, 2024.	ML23030B792.
“Agreement State Program Policy Statement; Correction,” dated October 18, 2017 .....	82 FR 48535.
Plain Language in Government Writing, dated June 10, 1998 .....	63 FR 31885.
Storage of Spent Fuel In NRC-Approved Storage Casks at Power Reactor Sites: Final Rule, dated July 18, 1990 ..	55 FR 29181.
List of Approved Spent Fuel Storage Casks: HI–STORM Flood/Wind Addition, dated June 8, 2011 .....	76 FR 33121.

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–2024–0096. 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–2024–0096); (2) click the “Subscribe” link; and (3) enter an email address and click on the “Subscribe” link.

Dated: June 26, 2024.

For the Nuclear Regulatory Commission.

**Raymond Furstenuau,**

*Acting Executive Director for Operations.*

[FR Doc. 2024–15131 Filed 7–11–24; 8:45 am]

**BILLING CODE 7590–01–P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**25 CFR Part 83**

[BIA–2022–0001; 245A2100DD/  
AAKC001030/A0A501010.999900]

**RIN 1076–AF67**

**Federal Acknowledgment of American Indian Tribes**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Second notice of proposed rulemaking.

**SUMMARY:** The United States Department of the Interior (Department) seeks input on a proposal to create a conditional, time-limited opportunity for denied petitioners to re-petition for Federal acknowledgment as an Indian Tribe.

**DATES:**

- *Proposed Regulations:* Please submit your comments by 11:59 p.m. ET on Friday, September 13, 2024.

- *Virtual Meetings:* Consultation sessions with federally recognized Indian Tribes will be held on August 19, 2024 and September 3, 2024. A listening session for present, former, and prospective petitioners will be held on September 5, 2024.

- *Information Collection Requirements:* If you wish to comment on the information collection requirements in this proposed rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this proposed rule in the **Federal Register**. Therefore, comments should be submitted to OMB (see “Information Collection Requirements” section below under **ADDRESSES**) by August 12, 2024.

**ADDRESSES:** All comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. You may submit comments by any of the following methods:

- *Federal rulemaking portal:* Please visit <https://www.regulations.gov>. Enter “RIN 1076–AF67” or “BIA–2022–0001” in the web page’s search box and follow the instructions for sending comments.

- *Email:* [consultation@bia.gov](mailto:consultation@bia.gov). Include “RIN 1076–AF67” or “25 CFR part 83” in the subject line of the message.

- *Hand Delivery/Courier:* Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Attention: Office of Federal Acknowledgment, Mail Stop 4071 MIB, 1849 C Street NW, Washington, DC 20240.

- *Consultation with Indian Tribes:* The Department will conduct two virtual consultation sessions and will accept oral and written comments. Federally recognized Indian Tribes may register for the August 19, 2024 consultation session at <https://www.zoomgov.com/meeting/register/vJltc-qqqTsiH8cfOkRl2UUOwkOq199siI>. Federally recognized Indian Tribes may register for the September 3, 2024 consultation session at <https://www.zoomgov.com/meeting/register/vJltduGorjsoHgUodFTHwBMMQNIw9RwlulA>.