

# 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–2020–0257]

RIN 3150–AK53

### List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 15

**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 HI–STORM 100 Cask System listing within the “List of approved spent fuel storage casks” to include Amendment No. 15 to Certificate of Compliance No. 1014. Amendment No. 15 amends the certificate of compliance to add a new overpack and a new transfer cask, revise allowed content for storage, and make other changes to the storage system.

**DATES:** Submit comments by April 28, 2021. 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 Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2020–0257. 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.

- *Email comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

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

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:** 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) or Vanessa Cox, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–8342; email: [Vanessa.Cox@nrc.gov](mailto:Vanessa.Cox@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–2020–0257 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 <http://www.regulations.gov> and search for Docket ID NRC–2020–0257.
- *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 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.
- *Attention:* The Public Document Room (PDR), where you may examine

and order copies of public documents, is currently closed. You may submit your request to the PDR via email at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), 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–2020–0257 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, 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 June 14, 2021. However, if the NRC receives any significant adverse comment by April 28, 2021, 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 May 1, 2000 (65 FR 25241), that approved the Holtec International HI-STORM 100 Cask System and added it to the list of NRC-approved cask designs in § 72.214, “List of approved spent fuel storage casks,” as Certificate of Compliance No. 1014.

### 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.
Submission of Holtec International HI-STORM 100 Cask System Certificate of Compliance No. 1014, Amendment 15 request, dated March 20, 2019.	ML19092A192 (package).
Submission of Response to the U.S. Nuclear Regulatory Commission Request for Supplemental Information for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated September 16, 2019.	ML19277G818 (package).
Submission of Response to the U.S. Nuclear Regulatory Commission for Request for Additional Information for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated April 28, 2020.	ML20128J292 (package).
Submission of Response to the U.S. Nuclear Regulatory Commission for Requests for Additional Information 3–1 and 3–6 for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated May 15, 2020.	ML20136A475 (package).
Submission of Response to the U.S. Nuclear Regulatory Commission for Request for Additional Information 8–1 for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated June 12, 2020.	ML20164A294 (package).
Submission of Response to the U.S. Nuclear Regulatory Commission for Request for Additional Information 4–9 for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated June 22, 2020.	ML20174A397 (package).
Submission of Response to the U.S. Nuclear Regulatory Commission for Requests for Additional Information 6–1, 6–2, 6–7, 6–8 and 11–1 for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated July 30, 2020.	ML20213C679 (package).
Submission of Response to the U.S. Nuclear Regulatory Commission for Request for Additional Information for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated August 14, 2020.	ML20229A001 (package).
Submission of Supplement to Holtec International's Request for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated September 1, 2020.	ML20245E462 (package).
Submission of Supplement to Holtec International's Request for Amendment 15 to Certificate of Compliance No. 1014 for Holtec International HI-STORM 100 Cask System, dated September 25, 2020.	ML20269A425 (package).
User Need Memorandum for Rulemaking for the Holtec International HI-STORM 100 Cask System, Amendment No. 15 to Certificate of Compliance No. 1014, dated January 27, 2021.	ML20295A413.
Proposed CoC 1014 Amendment No. 15 CoC .....	ML20295A415.
Proposed CoC 1014 Amendment No. 15 Appendix A .....	ML20295A416.
Proposed CoC 1014 Amendment No. 15 Appendix B .....	ML20295A417.
Proposed CoC 1014 Amendment No. 15 Appendix C .....	ML20295A418.
Proposed CoC 1014 Amendment No. 15 Appendix D .....	ML20295A419.
Proposed CoC 1014 Amendment No. 15 Appendix A–100U .....	ML20295A420.

Document	ADAMS accession No.
Proposed CoC 1014 Amendment No. 15 Appendix B–100U .....	ML20295A421.
Preliminary CoC 1014 Amendment No. 15 Safety Evaluation Report .....	ML20295A422.

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking website at <http://www.regulations.gov> under Docket ID NRC–2020–0257.

Dated March 16, 2021.

For the Nuclear Regulatory Commission.

**Margaret M. Doane,**

*Executive Director for Operations.*

[FR Doc. 2021–06329 Filed 3–26–21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### 15 CFR Part 7

[Docket No. 210325–0068]

RIN 0605–AA60

#### Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures

**AGENCY:** U.S. Department of Commerce.

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

**SUMMARY:** On January 19, 2021, the Department of Commerce (the Department) published a interim final rulemaking, “Securing the Information and Communications Technology and Services Supply Chain,” which became effective on March 22, 2021. It allows the Secretary of Commerce, in accordance with Executive Order 13873, to prohibit certain information and communications technology and services transactions (ICTS Transactions) to address national security threats. In the January 19 notice, the Department stated it would implement a licensing process by May 19th for entities seeking pre-approval before engaging in or continuing to engage in ICTS Transactions. The Department is now seeking public input on such a licensing or other pre-clearance process.

**DATES:** Comments must be received by April 28, 2021.

**ADDRESSES:** All comments must be submitted by one of the following methods:

- By the Federal eRulemaking Portal: <http://www.regulations.gov> at docket number [DOC–2021–DOC–2021–0004].

- By email directly to: [ICTsupplychain@doc.gov](mailto:ICTsupplychain@doc.gov). Include “RIN

0605–AA60: ANPRM” in the subject line.

- **Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. For those seeking to submit confidential business information (CBI), please clearly mark such submissions as CBI and submit by email or via the Federal eRulemaking Portal, as instructed above. Each CBI submission must also contain a summary of the CBI, clearly marked as public, in sufficient detail to permit a reasonable understanding of the substance of the information for public consumption. Such summary information will be posted on [regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Joe Bartels, U.S. Department of Commerce, telephone: (202) 482–1595. For media inquiries: Brittany Caplin, Deputy Director of Public Affairs and Press Secretary, U.S. Department of Commerce, telephone: (202) 482–4883, email [PublicAffairs@doc.gov](mailto:PublicAffairs@doc.gov).

**SUPPLEMENTARY INFORMATION:** On November 27, 2019, the Department of Commerce (the Department) published a notice of proposed rulemaking (84 FR 65316) seeking public comment on implementing Executive Order 13873 of May 15, 2019, “Securing the Information and Communications Technology and Services Supply Chain” (84 FR 22689). On January 19, 2021, the Department published a interim final rulemaking that is effective as of March 22, 2021 (86 FR 4909). In this document, in response to requests from various commenters, including multiple trade associations, to provide a pre-clearance process or similar program that would reduce uncertainty for entities seeking to engage in ICTS Transactions, the Department stated it would implement a licensing process by May 19, 2021 (86 FR 4909, at 4911).

However, it has become apparent additional public input is needed, and the Department does not expect to have a licensing or other pre-clearance process in place by May 19, 2021. With this ANPRM, the Department is seeking input into several aspects of a potential voluntary licensing or pre-clearance process. The Department will consider the public input as it drafts a Notice of Proposed Rulemaking.

Please note this ANPRM does not alter the effective date of the interim

final rule nor does it reopen or extend the deadline for submitting comments on the interim final rule. This ANPRM is solely seeking public input on the forthcoming licensing procedures.

In responding to this ANPRM, please refer to the definitions and the explanation of those definitions used in the interim rule. For ease of reference, some of the more important terms are re-stated below:

**ICTS Transaction** means any acquisition, importation, transfer, installation, dealing in, or use of any information and communications technology or service, including ongoing activities, such as managed services, data transmission, software updates, repairs, or the platforming or data hosting of applications for consumer download. An ICTS Transaction includes any other transaction, the structure of which is designed or intended to evade or circumvent the application of the Executive Order. The term ICTS Transaction includes a class of ICTS Transactions.

Note that ICTS Transactions include provision of services, and the term includes any and all transactions that occurred on or after January 19, 2021, by any person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary. Providing services, such as software updates, to U.S. persons may provide a foreign adversary an opportunity to engage in the types of activities that may threaten U.S. national security.

**Party or parties to a transaction** means a person engaged in an ICTS Transaction, including the person acquiring the ICTS and the person from whom the ICTS is acquired. Party or parties to a transaction include entities designed, or otherwise used with the intention, to evade or circumvent application of the Executive Order. For purposes of this rulemaking, this definition does not include common carriers, except to the extent that a common carrier knew or should have known (as the term “knowledge” is defined in 15 CFR 772.1) that it was providing transportation services of ICTS to one or more of the parties to a transaction that has been prohibited in a final written determination made by the Secretary or, if permitted subject to mitigation measures, in violation of such mitigation measures.

**Person** means an individual or entity.