

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 274

[FNS 2016–0074]

RIN 0584–AE02

#### **Supplemental Nutrition Assistance Program (SNAP): 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes: Delay of Implementation Date for Certain Provisions**

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** This interim final rule delays from September 24, 2021, until September 24, 2022, the implementation date of certain provisions of the final rule entitled, “Supplemental Nutrition Assistance Program (SNAP): 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes” (“the Final Rule”), which was published in the **Federal Register** on August 24, 2020 and became effective on September 23, 2020. The original implementation date for the final rule was September 24, 2021. For reasons explained below, mostly arising from the burden on State agency resources caused by the COVID–19 pandemic, FNS is changing the implementation date for certain provisions of the final rule to September 24, 2022, effective immediately.

#### **DATES:**

**Effective date:** This interim final regulation regarding the delay of the implementation date is effective July 29, 2021.

**Comments due date:** To be considered, written comments on this interim final rule must be received on or before August 30, 2021.

**Implementation date:** State agencies must fully implement the requirements at 7 CFR parts 274.2(h) and 274.2(i)(1)–(3) as established by the final rule published August 24, 2020 (85 FR 52025), no later than September 24, 2022.

**ADDRESSES:** Comments may be submitted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov> and follow the instructions for submitting comments electronically. Comments may be submitted via email to [Shanta.Swezy@usda.gov](mailto:Shanta.Swezy@usda.gov). You may also mail comments to: Shanta Swezy, Chief, Issuance Support Branch, Retailer and Issuance Policy and Innovation Division, Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA), 1320 Braddock Place, Alexandria, Virginia 22314.

**FOR FURTHER INFORMATION CONTACT:** Shanta Swezy at the address above or (703) 305–2238, [Shanta.Swezy@usda.gov](mailto:Shanta.Swezy@usda.gov).

**SUPPLEMENTARY INFORMATION:** The final rule, in part, amended SNAP regulations at 7 CFR 274.2(h) and 274.2(i)(1)–(3) to implement provisions of the Food, Conservation and Energy Act of 2008 (Pub. L. 110–234) (2008 Farm Bill) and the Agriculture Improvement Act of 2018 (Pub. L. 115–334) (2018 Farm Bill) regarding storage of benefits off-line and permanent expungement of unused benefits. Due to the extenuating circumstances of COVID–19, State agencies have been focusing efforts on the programming necessary for the 15 percent Thrifty Food Plan increase authorized by the Consolidated Appropriations Act, 2021 (Pub. L. 116–133), Pandemic EBT (P–EBT) authorized by the Families First Coronavirus Response Act (FFCRA, Pub. L. 116–127), and Emergency Allotments authorized by FFCRA, which have been essential to providing households additional support during the COVID–19 pandemic. As such, the September 24, 2021 implementation date poses administrative and management information system challenges for State agencies, and efforts to meet it would divert resources from other, more pressing programs and the nutrition assistance that they provide at this critical time. The new implementation date of September 24, 2022, as established by this interim final rule, is

intended to result in more effective and efficient implementation of the new requirements for offline storage and expungement, and enable State agencies to better manage any cost adjustments arising from the changes.

#### **Administrative Procedure Act Statement**

Pursuant to the Administrative Procedure Act (APA), notice and comment are not required prior to the issuance of a rule if an agency, for good cause, finds that “notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(B). USDA recognizes that courts have held that the good cause exception to notice and comment rulemaking is to be narrowly construed and only reluctantly countenanced.

Following these principles, the Department finds for good cause that notice and public comment is impracticable, unnecessary, and contrary to the public interest for this rule. Due to the extenuating circumstances of the COVID–19 pandemic, State agencies have intently been working to meet multiple essential pandemic-related requirements. This has limited their ability to implement the final rule, necessitating an implementation date change for certain provisions of the final rule. A notice and public comment period would be impracticable because it would consume time before certainty about the implementation date could be achieved, when State agencies need to know immediately whether the September 24, 2021 implementation date still stands, as it is fast approaching. During a notice and comment period, States would face challenges regarding how best to use their resources. States likely would divert resources from other pandemic-related requirements to ensure they can meet an implementation date that might, after the notice and comment period, not be sustained. Accordingly, the purpose of delaying the implementation date—averting the States’ diversion of resources—would be impeded by waiting until after a notice and comment period to determine if the implementation date would be delayed. In addition, being informed of the implementation date change is critical to State agency planning and allocation of resources, and having to divide those

resources between COVID-19 needs and implementation of this final rule could potentially compromise important State efforts related to COVID-19. Thus, it is in the best interest of the public to proceed to change the implementation date immediately without notice-and-comment rulemaking.

**Timothy English,**

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. 2021-16123 Filed 7-28-21; 8:45 am]

**BILLING CODE 3410-30-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 70

[NRC-2015-0016]

RIN 3150-AJ53

### Spent Fuel Reprocessing

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Discontinuation of rulemaking activity.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is discontinuing a rulemaking activity that would have amended the NRC's regulations to add a new part to the existing regulatory framework specific to nuclear spent fuel reprocessing facilities. The purpose of this action is to inform members of the public that this rulemaking activity is being discontinued and to provide a brief discussion of the NRC's decision. This rulemaking activity will no longer be reported in the NRC's portion of the Unified Agenda of Regulatory and Deregulatory Actions (the Unified Agenda).

**DATES:** As of July 29, 2021 the rulemaking activity discussed in this document is discontinued.

**ADDRESSES:** Please refer to Docket ID NRC-2015-0016 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-2015-0016. 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.

- *Attention:* The 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. Eastern Standard Time (EST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Tom Boyce, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-7335; email: [Tom.Boyce@nrc.gov](mailto:Tom.Boyce@nrc.gov); U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Industry interest was the primary impetus for the NRC to update the regulatory framework for reprocessing light-water reactor spent fuel. In Staff Requirements Memorandum (SRM)—SECY-13-0093, "Staff Requirements—SECY-13-0093—Reprocessing Regulatory Framework—Status and Next Steps," the Commission approved the NRC staff's recommendation to develop a reprocessing-specific rule. It directed the staff's "continued development of the regulatory framework should be limited in scope—for the time being—to the resolution of Gap 5, 'Safety and Risk Assessment Methodologies and Considerations for a Reprocessing Facility.'" Gap 5 focused on the development of analytical methods for the quantitative assessment of risks associated with reprocessing facility accidents to inform the basis for the development of regulatory requirements and regulatory guidance.

From 2013 to 2016 the staff focused its efforts on assessing the quantitative risk associated with reprocessing facility accidents (*i.e.*, Gap 5). In 2016, the staff found that industry interest in constructing and operating a commercial light-water reactor spent fuel reprocessing facility had declined. As a result, in 2016, the NRC suspended work on the spent fuel reprocessing regulatory framework because of other

higher priorities related to spent fuel storage and transportation, as well as budgetary constraints.

#### II. Discussion

To inform its decision making, the NRC reached out to stakeholders to determine the degree of stakeholder interest in constructing, operating, and licensing a spent fuel reprocessing facility. Specifically, the NRC held a Category 3 public meeting on March 4, 2020; participating stakeholders included the Nuclear Energy Institute (NEI), the U.S. Department of Energy (DOE), the Union of Concerned Scientists (UCS), industry representatives, environmental groups, and private citizens. The NEI and industry representatives voiced their support for continuing the rulemaking primarily on the basis of a need for a clear and stable regulatory framework for reprocessing and to support advanced reactor licensing. However, no industry stakeholders indicated that they plan to submit an application to the NRC for a reprocessing facility in the foreseeable future. Other stakeholders, such as UCS and members of the public, indicated they do not support the continuation of the rulemaking because of proliferation and other concerns.

In May 2020, after the public meeting, the NEI and the American Nuclear Society (ANS) sent letters to the NRC with further feedback on the need for rulemaking. The NEI stated that developers with advanced reactor designs that may eventually source their fuel from the spent fuel of other reactors are generally not planning to do so in the near future. The NEI encouraged the NRC to assess the technologies for advanced reactors before making any decisions on the reprocessing rulemaking. It also suggested that the NRC should not charge existing facilities with fees for work on a reprocessing rule. ANS encouraged the NRC to continue with the rulemaking and stated that the lack of an efficient, technically robust, and technology-inclusive regulatory foundation for reprocessing and recycling is a barrier to innovation in advanced reactor designs.

The NRC also engaged organizations and vendors in the advanced reactor community to assess their interest in and specific needs for reprocessing, such as the use of fuel recovered from the existing spent fuel feedstock. Based on these interactions, the NRC concluded that, in addition to using fresh fuel obtained from enrichment and fabrication, some advanced reactor designs have the capability to eventually source their fuel from the spent fuel of other reactors, but there