

# 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-2022-0188]

RIN 3150-AK89

#### List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM 100 Cask System, Certificate of Compliance No. 1014, Renewed Amendment No. 17

**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 100 Cask System listing within the “List of approved spent fuel storage casks” to include Renewed Amendment No. 17 to Certificate of Compliance No. 1014. Because this amendment is subsequent to the renewal of the HI-STORM 100 Cask System Certificate of Compliance No. 1014 and, therefore, subject to the Aging Management Program requirements of the renewed certificate, NRC is referring to it as “Renewed Amendment No. 17.” Renewed Amendment No. 17 updates the HI-STORM 100 Cask System description in the certificate of compliance to indicate that only the portions of the components that contact the pool water need to be made of stainless steel or aluminum. This amendment also includes minor editorial and formatting changes to the technical specifications that do not change the substantive technical information of the certificate of compliance.

**DATES:** Submit comments by November 29, 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-2022-

0188, 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:** Kristina Banovac, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-7116, email: [Kristina.Banovac@nrc.gov](mailto:Kristina.Banovac@nrc.gov); and Irene Wu, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-1951, email: [Irene.Wu@nrc.gov](mailto:Irene.Wu@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-2022-0188 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 NRC-2022-0188. 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:** 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

Please include Docket ID NRC-2022-0188 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 January 16, 2024. However, if the NRC

receives any significant adverse comment by November 29, 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. 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, states 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 HI–STORM 100 Cask System design and added it to the list of NRC-approved cask designs in § 72.214 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./ Federal Register citation
Holtec International, Submittal of Application for Amendment 17 to HI–STORM 100 Cask System Certificate of Compliance No. 1014, dated July 30, 2021.	ML21211A603 (package).
User Need Memorandum for Amendment No. 17 to HI–STORM 100 Cask System, dated August 23, 2022 .....	ML22175A087.
Corrected User Need Memorandum for Amendment No. 17 to HI–STORM 100 Cask System, dated December 19, 2022.	ML22313A038.
Proposed Certificate of Compliance No. 1014, Amendment No. 17 .....	ML22175A085.
Preliminary Safety Evaluation Report for the HI–STORM 100 Cask System: Certificate of Compliance No. 1014, Amendment No. 17.	ML22175A086.
Proposed Certificate of Compliance No. 1014 Appendix A: Technical Specifications for the HI–STORM 100 Cask System Amendment No. 17.	ML22175A079.
Proposed Certificate of Compliance No. 1014 Appendix B: Technical Specifications for the HI–STORM 100 Cask System Amendment No. 17.	ML22175A080.
Proposed Certificate of Compliance No. 1014 Appendix C: Technical Specifications for the HI–STORM 100 Cask System Amendment No. 17.	ML22175A081.
Proposed Certificate of Compliance No. 1014 Appendix D: Technical Specifications for the HI–STORM 100 Cask System Amendment No. 17.	ML22175A082.
Proposed Certificate of Compliance No. 1014 Appendix A–100U: Technical Specifications for the HI–STORM 100 Cask System Amendment No. 17.	ML22175A083.
Proposed Certificate of Compliance No. 1014 Appendix B–100U: Technical Specifications for the HI–STORM 100 Cask System Amendment No. 17.	ML22175A084.
Final Rule, “Storage of Spent Fuel in NRC-Approved Storage Casks at Power Reactor Sites,” published July 18, 1990.	55 FR 29181.
Final Rule, “List of Approved Spent Fuel Storage Casks: Holtec HI–STORM 100 Addition,” published May 1, 2000	65 FR 25241.
Revision to Policy Statement, “Agreement State Program Policy Statement; Correction,” published October 18, 2017.	82 FR 48535.
Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 .....	63 FR 31885.

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–2022–0188. 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–2022–0188); (2) click the “Subscribe” link; and (3) enter an email address and click on the “Subscribe” link.

Dated: October 11, 2023.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

*Acting Executive Director for Operations.*

[FR Doc. 2023–23452 Filed 10–27–23; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

[NRC–2023–0172]

#### Draft Regulatory Guide: Preemption Authority, Enhanced Weapons Authority, and Firearms Background Checks

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft guide; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft Regulatory Guide (DG), DG–5081, “Preemption Authority, Enhanced Weapons Authority, and Firearms Background Checks.” This DG–5081 is proposed Revision 1 of Regulatory Guide (RG) 5.86 of the same name. This DG provides an approach acceptable to the NRC staff for use by licensees under NRC regulations, “Physical Protection of Plants and Materials,” regarding stand-alone preemption authority, combined preemption authority and enhanced weapons authority, and firearms background checks.

**DATES:** Submit comments by December 14, 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:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0172. Address

questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing 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:** Phil Brochman, Office of Nuclear Security and Incident Response, telephone: 301–287–3691; email: [Phil.Brochman@nrc.gov](mailto:Phil.Brochman@nrc.gov), or Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067; email: [Stanley.Gardocki@nrc.gov](mailto:Stanley.Gardocki@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC–2023–0172 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–2023–0172.
- *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, at 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). DG–5081, “Preemption Authority, Enhanced Weapons Authority, and Firearms Background Checks,” and its associated regulatory analysis are available in ADAMS under Accession No. ML23198A185 and ML23200A284, respectively.

- *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 (ET), 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–2023–0172 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. Additional Information

The NRC is issuing for public comment a DG in the NRC’s “Regulatory Guide” series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, entitled “Preemption Authority, Enhanced Weapons Authority, and Firearms Background Checks,” is temporarily identified by its task number, DG–5081.

Proposed Revision 1 to RG 5.86 is being revised on a limited-scope basis to provide additional guidance on preemption authority, enhanced weapons authority, and firearms background checks. These new requirements are part of the NRC’s final rule, titled “Enhanced Weapons, Firearms Background Checks, and Security Event Notifications” (hereafter the Enhanced Weapons rule), that was published in the **Federal Register** on