

72.212(b)(5)(i), 72.212(b)(11), 72.214, 72.154(b), and 72.174 are applicable to CoC No. 1032, which was issued to Holtec. The condition of CoC No. 1032, appendix B, technical specifications, section 3.3, “Codes and Standards,” specifies American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code, 2007 Edition, as the governing B&PV Code for Holtec’s HI-STORM Flood/Wind (FW) Multi-Purpose Canister (MPC) Storage System, the dry cask spent fuel storage system in use at SQN ISFSI. The ASME B&PV Code requires that 100 percent of the weld seam joining shell-to-shell of the MPC be inspected by radiography test (RT) where RT is a form of non-destructive examination.

The licensee loaded spent fuel in the HI-STORM FW dry cask storage system MPC Type 37 (MPC-37), Serial No. 234, for storage in the ISFSI at SQN under CoC No. 1032, Amendment No. 3, and its general license. During a review of manufacturer’s documents, the CoC holder identified that MPC-37 Serial No. 234 at SQN ISFSI has a longitudinal

shell-to-shell weld for which no digital RT is available following a weld repair, which is inconsistent with the governing ASME B&PV code for this CoC system. When TVA was notified of this issue, MPC-37 Serial No. 234 was already put in use, and TVA registered it by letter dated February 24, 2022, entitled “Sequoyah Nuclear Plant Registration of Spent Fuel Storage Cask Pursuant to 10 CFR 72.212(b)(2).” TVA then submitted this exemption request to the NRC to allow continued storage of spent fuel in MPC-37 Serial No. 234 for the service life of the canister at SQN, despite the non-compliance with the ASME B&PV code.

Based on the NRC staff’s review of TVA’s analysis supporting the exemption request, the NRC staff determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC granted the licensee an exemption from the requirements of 10 CFR 72.212(a)(2), 10 CFR

72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.212(b)(11), 10 CFR 72.214, 10 CFR 72.154(b), and 10 CFR 72.174 with regard to: (1) meeting the requirement to repeat volumetric examination as required for the original weld on an approximately 7.5-inch portion of the repaired weld in conformance with section III, subsection NB, of the ASME B&PV Code, 2007 Edition, and (2) maintaining and having available documentary evidence of the test for the service life of the canister. The exemption allowed TVA to continue using MPC-37 Serial No. 234 to store spent fuel for the service life of the canister at SQN. All other relevant requirements of the CoC shall continue to be met. This exemption, including the supporting evaluation for issuance of it, can be found in the table as follows.

## II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	ADAMS Accession No.
Issuance of Certificate of Compliance No. 1032, Amendment No. 3 for the HI-STORM Flood/Wind Multipurpose Canister Storage, dated August 9, 2017.	ML17214A040.
Sequoyah Nuclear Plant—Registration of Spent Fuel Storage Cask Pursuant to 10 CFR 72.212(b)(2), dated February 24, 2022.	ML22059B061.
Sequoyah Nuclear Plant—Request for Exemption from Various 10 CFR part 72 Regulations Resulting from Non-Destruction-Examination Compliance, dated August 4, 2022.	ML22216A078.
Sequoyah Nuclear Plant—Response to Request for Supplemental Information (D-RSI) Request for Exemption from Non-Destruction-Examination Compliance, dated December 19, 2022.	ML22353A066.
Sequoyah Nuclear Plant—Response to Follow-up Questions to TVA’s Response to NRC’s Request for Supplemental Information (RSI) Related to August 4, 2022, Sequoyah ISFSI Exemption Request, dated April 27, 2023.	ML23117A116.
Sequoyah Nuclear Plant—Response to NRC’s November 8, 2023, Request for Additional Information—Related to Sequoyah Nuclear Plant Independent Spent Fuel Storage Installation, dated January 3, 2024.	ML24004A040.
Issuance of Exemption Related to Non-Destructive Examination Compliance Regarding Sequoyah Nuclear Plant Independent Spent Fuel Storage Installation, dated September 18, 2024.	ML24185A172 (Package).

Dated: October 15, 2024.

For the Nuclear Regulatory Commission.

**Yaira Diaz-Sanabria,**

*Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-7033; NRC-2024-0138]

### Global Laser Enrichment, LLC; Classified Matter Protection; Environmental Assessment and Finding of No Significant Impact

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) staff is considering approval of a revision by Global Laser Enrichment, LLC (GLE) to a Standard Practice Procedures Plan (SPPP) for the protection of classified matter. The revision would remove the Fuels Growth Engineering (FGE) facility and confirm the continued use of the classified matter controls implemented at the Test Loop facility. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed plans.

**DATES:** The EA and FONSI referenced in this document are available on October 21, 2024.

**ADDRESSES:** Please refer to Docket ID NRC-2024-0138 when contacting the NRC about the availability of information regarding this document.

You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0138. 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 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, at 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. Individuals seeking access to Official Use Only information should contact Matthew Bartlett, using the contact information listed in the **FOR FURTHER INFORMATION CONTACT** 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 (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Matthew Bartlett, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7154; email: [Matthew.Bartlett@nrc.gov](mailto:Matthew.Bartlett@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

The NRC staff is considering issuance of the approval of GLE's SPPP. The proposed action would allow GLE to remove the FGE facility located in Wilmington, North Carolina from its SPPP while maintaining its other approved existing facilities. Approval of this update would allow GLE to discontinue maintaining its responsibilities under the SPPP at the FGE facility. Therefore, as required by section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), "Criteria for and identification of licensing and regulatory actions requiring environmental assessments," the NRC staff has prepared an EA that analyzes the environmental effects of the proposed action. Based on the results of the EA and in accordance with 10 CFR 51.31(a), the NRC staff has prepared a FONSI for the proposed action.

The NRC staff received the request from GLE for approval of the SPPP dated July 16, 2024, supplemented by letter dated September 12, 2024. The **Federal Register** notice of the NRC's decision on the request is anticipated to be published in the near future and will be available on the Federal rulemaking website (<https://www.regulations.gov>) by searching for Docket ID NRC-2024-0138.

## II. Environmental Assessment

### *Description of the Proposed Action*

The proposed action would allow GLE to remove the FGE facility from its SPPP and allow it to cease continuation of required security measures for the FGE facility. As proposed, GLE would continue to possess, use, and store classified matter at its test loop facility. Global Laser Enrichment, LLC operates a test loop for industrialization of the uranium enrichment process that uses separation of isotopes by laser excitation. Although GLE has an NRC-issued facility security clearance for the test loop facility under 10 CFR part 95 for protection of classified information, the facility's operations, safety, and safeguards programs are authorized under the Global Nuclear Fuel—America, LLC, Special Nuclear License No. SNM-1097.

### *Need for the Proposed Action*

The proposed action would allow GLE to cease operations at the FGE facility and discontinue security commitments at this facility under its previously approved SPPP.

### *Environmental Impacts of the Proposed Action*

The NRC staff has assessed the potential environmental impacts from approval of GLE's SPPP revision and concluded that there would be no effluent releases and that the proposed action would have no significant radiological or non-radiological impacts to environmental resources.

The NRC staff assessed the impacts of the proposed action on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology, minerals, and soils; water resources; ecological resources; socioeconomic; noise; traffic and transportation; public and occupational health and safety; and waste management and concluded that the proposed action would have no significant environmental impacts on these resource areas. The NRC staff determined that there are no cumulative impacts associated with the proposed action.

### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Under this alternative, GLE would have to continue to maintain the FGE facility in accordance with its previously approved SPPP. Denial of the proposed action would result in

increased costs to GLE and increased consumption of resources while not providing benefits to the public or the environment. The NRC staff concluded that environmental impacts from the no-action alternative would not be significant.

### *Agencies and Persons Consulted*

The Endangered Species Act (ESA) was enacted to prevent further decline of endangered and threatened species and restore those species and their critical habitat. Section 7 of the ESA requires Federal agencies to consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate, regarding actions that may affect listed species or designated critical habitats. The NRC staff has determined that the proposed action would have no effect on threatened or endangered species or critical habitat. Therefore, consultation under section 7 of the ESA is not required.

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of their undertakings on historic properties. As stated in the NHPA, historic properties are any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places. The NRC staff has determined that the undertaking is a type of activity that does not have the potential to cause effects on any historic properties that may be present. Therefore, in accordance with 36 CFR 800.3(a)(1), the NRC has no further obligations under section 106 of the NHPA.

## III. Finding of No Significant Impact

GLE has requested approval of its SPPP revision. The NRC staff has prepared an EA as part of its review of the proposed action. The proposed action would have no significant radiological or non-radiological impacts to environmental resources. This FONSI incorporates by reference the EA in Section II of this notice. On the basis of this EA, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement.

## IV. Availability of Documents

The documents identified in the following table are available to interested persons in ADAMS.

Document description	ADAMS accession No.
Submission for Approval of the Standard Practice and Procedures Plan (SPPP) Revision for Global Laser Enrichment Headquarters, dated July 16, 2024.	ML24199A106
SPPP Update Revision, dated September 12, 2024 .....	ML24261B962

Dated: October 15, 2024.

For the Nuclear Regulatory Commission.

**James Downs,**

*Acting Chief, Fuel Facilities Licensing Branch,  
Division of Fuel Management, Office of  
Nuclear Material Safety and Safeguards.*

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## PENSION BENEFIT GUARANTY CORPORATION

### Approval of Special Withdrawal Liability Rules: Motion Picture Laboratory Technicians and Film Editors Local 780 Pension Fund

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation (“PBGC”) received a request from the Motion Picture Laboratory Technicians and Film Editors Local 780 Pension Fund for approval of a plan amendment providing special withdrawal liability rules. PBGC published a Notice of Pendency of the Request for Approval of this amendment. PBGC is now advising the public of PBGC’s approval of the amendment.

**FOR FURTHER INFORMATION CONTACT:** John Ginsberg, Assistant General Counsel, Multiemployer Law Division ([ginsberg.john@pbgc.gov](mailto:ginsberg.john@pbgc.gov); 202-229-3714), Benjamin Kelly, Deputy Assistant General Counsel, Multiemployer Law Division ([kelly.benjamin@pbgc.gov](mailto:kelly.benjamin@pbgc.gov); 202-229-4097), Office of the General Counsel, 445 12th Street SW, Washington, DC 20024-2101. If you are deaf or hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Employee Retirement Income Security Act of 1974, as amended (“ERISA”), provides, in section 4203(a), that a complete withdrawal from a multiemployer plan generally occurs when an employer permanently ceases to have an obligation to contribute under the plan or permanently ceases all covered operations under the plan. Under section 4205 of ERISA, a partial withdrawal generally occurs when an

employer: (1) has a 70% decline in its contribution base units (“CBUs”); (2) permanently ceases to have an obligation under one or more but fewer than all collective bargaining agreements (“CBAs”) under which it has been obligated to contribute to the plan, while continuing to perform work in the jurisdiction of the CBA of the type for which contributions were previously required, or transfers such work to another location; or (3) permanently ceases to have an obligation to contribute for work performed at one or more but fewer than all of its facilities, while continuing to perform work at such facility of the type for which its obligation to contribute ceased.

ERISA provides contingent exemptions from withdrawal liability for the building and construction industry and the entertainment industry. In plans to which the building and construction industry exemption under section 4203(b) of ERISA applies, a building and construction industry employer completely withdraws only if it ceases to have an obligation to contribute and continues to perform previously covered work in the jurisdiction of the CBA or resumes such work within 5 years without renewing the obligation to contribute at the time of resumption. (In the case of a plan terminated by mass withdrawal, section 4203(b)(3) provides that the 5-year period is reduced to 3 years.) Section 4203(c)(1) of ERISA provides a substantially similar exemption from complete withdrawal to an employer contributing to an entertainment-industry plan on a temporary or project-by-project basis, except that the pertinent jurisdiction is the jurisdiction of the plan rather than the jurisdiction of the CBA.

ERISA also provides a contingent exception to partial withdrawal liability for these industries. Under section 4208(d)(1) of ERISA, an employer to which the building and construction industry exemption under section 4203(b) applies is liable for a partial withdrawal “only if the employer’s obligation to contribute under the plan is continued for no more than an insubstantial portion of its work in the craft and area jurisdiction of the collective bargaining agreement of the type for which contributions are

required.” Under section 4208(d)(2) of ERISA, “[a]n employer to whom section 4203(c) (relating to the entertainment industry) applies shall have no liability for a partial withdrawal except under the conditions and to the extent prescribed by [PBGC] by regulation.”

Sections 4203(f)(1) and 4208(e)(3) of ERISA authorize PBGC to prescribe regulations under which plans in other industries may be amended to adopt special withdrawal liability rules similar to those for the building and construction industry and the entertainment industry. PBGC’s regulations on Extension of Special Withdrawal Liability Rules (29 CFR part 4203) prescribe procedures for a multiemployer plan to request PBGC approval of a special withdrawal liability rule.

Under 29 CFR 4203.5(b), PBGC must publish notice of the pendency of a request for approval of special withdrawal liability rules in the **Federal Register** and provide interested parties an opportunity to comment on the request. Under 29 CFR 4203.5, PBGC will approve a special withdrawal liability rule if it determines the rule (1) will apply only to an industry that has characteristics that would make use of the special withdrawal rule appropriate, and (2) will not pose a significant risk to the insurance system.

#### The Request

The Motion Picture Laboratory Technicians and Film Editors Local 780 Pension Fund (the “Plan”) is a multiemployer pension plan jointly maintained by Local Union No. 780 of the International Alliance of Theatrical Stage Employees (the “Union”) and employers that have CBAs with the Union. The Plan covers approximately 2,000 participants. According to the Plan, most of the employers that contribute to the Plan have contracts or subcontracts to provide non-military support services at military bases and other federal facilities—mainly commissary services.

On October 14, 2021, the Plan adopted an amendment to its plan document providing a special withdrawal liability rule (as revised by further amendment executed on June 6, 2024, the “Special Rule”). The effectiveness of the Special Rule is, by its terms and under 29 CFR 4203.3(a),