

**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; e-mail: [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.

- **E-mail comments to:** [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive an automatic e-mail 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; e-mail: [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; e-mail: [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 e-mail 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 e-mail 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 Web Site (<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 **[INSERT DATE 75 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. However, if the NRC receives any significant adverse comment by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, 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



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.

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Margaret M. Doane,  
Executive Director for Operations.