

# Proposed Rules

Federal Register

Vol. 79, No. 147

Thursday, July 31, 2014

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–2013–0269]

RIN 3150–AJ30

#### List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. NUHOMS® HD Cask System, Certificate of Compliance No. 1030, Amendment No. 2

**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 Transnuclear, Inc. NUHOMS® HD Cask System listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 2 to Certificate of Compliance (CoC) No. 1030.

**DATES:** Submit comments by September 2, 2014. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any one of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC–2013–0269. Address questions about NRC dockets to Carol Gallagher, telephone: 301–287–3422, email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, please contact the individual 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.

- Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

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

- Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on accessing information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Trussell, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6445, email: [Gregory.Trussell@nrc.gov](mailto:Gregory.Trussell@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

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

###### A. Obtaining Information

Please refer to Docket ID NRC–2013–0269 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 Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC–2013–0269.

- 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 “ADAMS Public Documents” and then 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). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section. The proposed CoC, proposed Technical Specifications (TSs), and preliminary Safety Evaluation Report (SER) are available in

ADAMS under Package Accession No. ML13322B445.

- NRC’s PDR: You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

###### B. Submitting Comments

Please include Docket ID NRC–2013–0269 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at: <http://www.regulations.gov> as well as enter the comment submissions into ADAMS, and 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. Procedural Background

This proposed rule is limited to the changes contained in Amendment No. 2 to CoC No. 1030 and does not include other aspects of the Transnuclear, Inc. NUHOMS® HD Cask System design. Because the NRC considers this action noncontroversial and routine, 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**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on October 14, 2014. However, if the NRC receives significant adverse comments on this proposed rule by September 2, 2014, 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 received in response to these proposed

revisions 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 staff 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 staff.

(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 staff to make a change (other than editorial) to the rule, CoC, or TSs.

For additional procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

### III. Background

The NRC is proposing to amend its spent fuel storage regulations by revising the Transnuclear, Inc. NUHOMS® HD Cask System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 2 to CoC No. 1030. Amendment No. 2 includes changes to: increase the soluble boron concentration to 2,800 ppm for criticality safety analyses and add maximum enrichments for Combustion Engineering 14 × 14 fuel assemblies that were previously unauthorized for storage; improve clarity of certain TSs, such as heat load zoning configuration, fuel qualification table, fuel class, and intact fuel/damaged fuel definitions; allow for increased fuel assembly weight by 25 pounds; revise the definition of control components; include blended low enriched uranium fuel material; increase shielding effectiveness of the horizontal storage module by adding

optional dose reduction hardware; update licensing basis documents based on recent experience with ongoing licensing actions involving other NUHOMS® systems; and accommodate installation practices for a limiting gap size that was evaluated based on dose rates. In addition, the amendment makes editorial changes to the TSs.

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that "the 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 NWPA states, in part, that "[the 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 which 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 within 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 December 11, 2006 (71 FR 71463), that approved the NUHOMS® HD Cask System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1030.

### 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 that also follows other best practices appropriate to the subject or field and the intended audience. 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 31883). The NRC requests comment on the

proposed rule with respect to clarity and effectiveness of the language used.

### List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended, and 5 U.S.C. 552 and 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

### PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 is revised to read as follows:

**Authority:** Atomic Energy Act secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282, 2021); Energy Reorganization Act secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act sec. 102 (42 U.S.C. 4332); Nuclear Waste Policy Act secs. 131, 132, 133, 135, 137, 141, 148 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 788 (2005). Section 72.44(g) also issued under Nuclear Waste Policy Act secs. 142(b) and 148(c), (d) (42 U.S.C. 10162(b), 10168(c), (d)).

Section 72.46 also issued under Atomic Energy Act sec. 189 (42 U.S.C. 2239); Nuclear Waste Policy Act sec. 134 (42 U.S.C. 10154). Section 72.96(d) also issued under Nuclear Waste Policy Act sec. 145(g) (42 U.S.C. 10165(g)). Subpart J also issued under Nuclear Waste Policy Act secs. 117(a), 141(h) (42 U.S.C. 10137(a), 10161(h)). Subpart K also issued under Nuclear Waste Policy Act sec. 218(a) (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance 1030 is revised to read as follows:

#### § 72.214 List of approved spent fuel storage casks.

\* \* \* \* \*

Certificate Number: 1030.  
Initial Certificate Effective Date:  
January 10, 2007.  
Amendment Number 1 Effective Date:  
March 29, 2011.

Amendment Number 2 Effective Date: October 14, 2014.

SAR Submitted by: Transnuclear, Inc.  
SAR Title: Final Safety Analysis Report for the NUHOMS® HD

Horizontal Modular Storage System for Irradiated Nuclear Fuel.  
Docket Number: 72-1030.

Certificate Expiration Date: January 10, 2027.

Model Number: NUHOMS® HD-32PTH.

\* \* \* \* \*

Dated at Rockville, Maryland, this 23rd day of July, 2014.

For the Nuclear Regulatory Commission.

**Mark A. Satorius,**

*Executive Director for Operations.*

[FR Doc. 2014-18082 Filed 7-30-14; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 27 and 29

#### Interest in Restructure of Rotorcraft Airworthiness Standards

**ACTION:** Notice of Disposition of Comments.

**SUMMARY:** This notice disposes of public comments received by the Federal Aviation Administration (FAA) in response to a **Federal Register** notice published on February 22, 2013, requesting comments on a potential restructuring of the rotorcraft airworthiness standards of Title 14 of the Code of Federal Regulations (14 CFR) parts 27 (normal category rotorcraft) and 29 (transport category rotorcraft). Specifically, the agency sought comments on the necessity of updates to parts 27 and 29, including whether to change the existing weight- and seat-based applicability standards for normal and transport rotorcraft. Based on the comments received, the FAA is terminating this docket. Commenters indicated a substantial interest in revising or restructuring the certification standards for parts 27 and 29, and the FAA's Rotorcraft Directorate will begin establishing the appropriate forums to involve interested parties.

**DATES:** The docket is terminated as of July 31, 2014.

**ADDRESSES:** FAA, Rotorcraft Directorate, Regulations and Policy Group (ASW-111), 2601 Meacham Blvd., Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** FAA, Rotorcraft Directorate, Regulations and Policy Group (ASW-111), 2601

Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5110; facsimile (817) 222-5961. The primary contacts are: John VanHoudt (telephone: 817-222-5167, email: [john.vanhoudt@faa.gov](mailto:john.vanhoudt@faa.gov)) or ASW-111 Manager Jorge R. Castillo (telephone: 817-222-5110, email: [jorge.r.castillo@faa.gov](mailto:jorge.r.castillo@faa.gov)).

#### SUPPLEMENTARY INFORMATION:

##### Background and Discussion

Currently, rotorcraft with a maximum weight of 7,000 pounds or less and nine passenger seats or less are certificated as normal category rotorcraft under part 27; rotorcraft with a maximum weight greater than 7,000 pounds or with 10 or more passenger seats are certificated as transport category rotorcraft under part 29.

The FAA and rotorcraft industry have discussed potential revisions to the "applicability" rules for rotorcraft certificated under parts 27 and 29 since the early 1990s. In February 1994, the FAA held a public meeting to determine a course of action in the best interest of the public and the aviation community. An Aviation Rulemaking Advisory Committee working group was established with representatives from the FAA, the Joint Aviation Authorities, and Transport Canada Civil Aviation, as well as from U.S. and European helicopter manufacturers. In February 1995, the committee established the Rotorcraft Gross Weight and Passenger Issues Working Group, and tasked the group with recommending new or revised requirements for increasing the gross weight and passenger limitations for normal category rotorcraft. There was agreement within the group to increase the gross weight limitation of part 27 from 6,000 to 7,000 pounds with added passenger safety requirements. The FAA implemented this regulatory change in a 1999 final rule (64 FR 45092, August 18, 1999).

We continue to recognize that the evolution of parts 27 and 29 has not kept pace with technology and the capability of rotorcraft produced currently. The FAA is therefore interested in investigating new approaches that would make the rotorcraft airworthiness regulations more efficient and adaptable to future technology. Additionally, the FAA has found that, without a rulemaking effort to extensively revise the rotorcraft standards, we are left with the option of issuing multiple special conditions for the same technologies.

The FAA published a **Federal Register** notice on February 22, 2013 (78 FR 12254), requesting comments on "Interest in Restructure of Rotorcraft Airworthiness Standards." Specifically,

we requested comment on (1) to what extent commenters believed the certification standards need to be changed in order to remain relevant; (2) whether the current standards need to be completely changed, as opposed to more targeted changes; (3) whether the applicability rules should be changed from weight- and passenger-based standards, and, if so, how; and (4) commenters' willingness to participate in a rulemaking committee. We received 48 comments to the docket number FAA-2013-0144.

##### Comments Summary

Of the 48 comments received, the majority were from operators and their affiliates. There were also comments from another civil aviation authority (Transport Canada Civil Aviation); various rotorcraft-affiliated organizations (including the Aerospace Industries Association, the American Helicopter Society International, the Association of Air Medical Services, the General Aviation Manufacturers Association, and Helicopter Association International); vendors and manufacturers (including Bell Helicopter, Eurocopter, and Marenco Swisshelicopter); and others. These comments indicated a substantial interest in favor of some form of revision or restructure of the rotorcraft design certification standards in parts 27 and 29 and expressed that the current regulatory scheme is outdated by technology and impedes the development of new rotorcraft models. Only three commenters stated the weight and passenger thresholds of the current regulations should remain unchanged. Most commenters recommended that the FAA approach this effort in a deliberate and methodical manner, including forming a group in coordination with industry to evaluate parts 27 and 29 and provide recommendations to the FAA prior to initiating a formal rulemaking action. Commenters also expressed a need to coordinate this effort with other civil aviation authorities. Additionally, many commenters expressed interest in participating in the process of updating the regulations.

##### Termination of This Docket and Future Agency Action

Based on these comments, the FAA has determined that there is sufficient interest in the rotorcraft community to pursue further collaboration towards possible revisions to parts 27 and 29. The FAA is therefore terminating this docket. The Rotorcraft Directorate will begin establishing the appropriate forum(s) and involving interested