

# 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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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC–2018–0220]

RIN 3150–AK17

#### List of Approved Spent Fuel Storage Casks: NAC International Multi-Purpose Canister Storage System, Certificate of Compliance No. 1025, Amendment Nos. 7 and 8

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the NAC International Multi-Purpose Canister (NAC–MPC) Storage System listing within the “List of approved spent fuel storage casks” to include Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025. Amendment No. 7 revises the technical specifications to eliminate the requirements for the heat removal system to be operable for La Crosse Boiling Water Reactor spent fuel stored in the NAC–MPC because convective cooling is not required, and to eliminate duplicative requirements. In addition, Amendment No. 8 removes duplicative surveillance requirements in the technical specifications because these requirements are already required by the revised Technical Specification A 3.1.6, “CONCRETE CASK Heat Removal System.”

**DATES:** This direct final rule is effective March 4, 2019, unless significant adverse comments are received by January 17, 2019. If this direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register** (FR). 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. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the FR.

**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–2018–0220. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions contact the individuals 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 obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Bernard H. White, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6577; email: [Bernard.White@nrc.gov](mailto:Bernard.White@nrc.gov) or Gregory R. Trussell, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6244; email: [Gregory.Trussell@nrc.gov](mailto:Gregory.Trussell@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Obtaining Information and Submitting Comments
- II. Rulemaking Procedure
- III. Background
- IV. Discussion of Changes
- V. Voluntary Consensus Standards

- VI. Agreement State Compatibility
- VII. Plain Writing
- VIII. Environmental Assessment and Finding of No Significant Environmental Impact
- IX. Paperwork Reduction Act Statement
- X. Regulatory Flexibility Certification
- XI. Regulatory Analysis
- XII. Backfitting and Issue Finality
- XIII. Congressional Review Act
- XIV. Availability of Documents

## I. Obtaining Information and Submitting Comments

### A. Obtaining Information

Please refer to Docket ID NRC–2018–0220 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–2018–0220.

- *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). 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:* 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–2018–0220 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, 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

This direct final rule is limited to the changes contained in Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025 and does not include other aspects of the NAC-MPC Storage System design. The NRC is using the “direct final rule procedure” to issue these amendments because they represent limited and routine changes to an existing certificate that are expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The amendments to the rule will become effective on March 4, 2019. However, if the NRC receives significant adverse comments on this direct final rule by January 17, 2019, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the FR. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

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, Certificate of Compliance, or technical specifications.

For detailed instructions on filing comments, please see the companion proposed rule published in the Proposed Rule section of this issue of the FR.

## III. Background

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 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 March 9, 2000 (65 FR 12444), that approved the NAC-MPC Cask System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1025.

## IV. Discussion of Changes

On November 14, 2017, as supplemented on February 12, 2018, NAC International submitted a request to the NRC to amend Certificate of Compliance No. 1025 by adding Amendment No. 7. On February 28, 2018, NAC International also submitted a request to amend Certificate of Compliance No. 1025 by adding Amendment No. 8. These two requests are included in this rulemaking.

Amendment No. 7 revises the technical specifications to:

- Modify the definition for OPERABLE under Technical Specification A 1.1, “Definitions,” by deleting the reference to Multi Purpose Canister—La Crosse Boiling Water Reactor (MPC LACBWR).

- Revise the note under ACTIONS of Technical Specification Limiting Condition for Operation (LCO) 3.1.6 under Technical Specification A 3.1.6, “CONCRETE CASK Heat Removal System,” to clarify that LCO 3.1.6 is not applicable to the MPC-LACBWR CANISTER.

- Revise SURVEILLANCE under Surveillance Requirement (SR) 3.1.6.1 by deleting “and the MPC LACBWR CANISTER.” Further, add a footnote to SR 3.1.6.1 stating, “SR 3.1.6.1 is not applicable to the MPC LACBWR CANISTER. Convective cooling is not required for the MPC-LACBWR CANISTER.”

- Revise Technical Specification A 5.3 under A 5.0, “ADMINISTRATIVE CONTROLS AND PROGRAMS,” to delete the requirement for a response surveillance following off normal, accident, or natural phenomena events since the response surveillance is, in principle, covered by existing technical specification surveillance requirements and frequencies.

This amendment also revises the technical specifications to ensure they are consistent with the applicant’s proposed change for the decay heat in its revised thermal evaluation, and makes an editorial change in Technical Specification 3.1.2 to ensure consistency.

Amendment No. 8 revises the technical specifications to:

- Revise Technical Specification No. A 3.1.6, “CONCRETE CASK Heat Removal System” to change Condition A from “LCO not met” to “CONCRETE CASK Heat Removal System inoperable.”

- Add new LCO REQUIRED ACTION A.1 “Ensure adequate heat removal to prevent exceeding short-term temperature limits with an Immediate COMPLETION TIME,” and renumber old A.1 to A.2 “Restore CONCRETE CASK Heat Removal System to OPERABLE status.”

- Revise renumbered LCO REQUIRED ACTION A.2 COMPLETION TIME from 8 hours to 25 days under Technical Specification A 3.1.6.

- Revise Technical Specification A 3.1.6 CONDITION B from “Required Action and associated Completion Time not met” to “Required Action A.1 or A.2 and associated Completion Time not met.”

- Delete Technical Specification A 3.1.6 LCO REQUIRED ACTION B.1, “Perform SR 3.1.6.1,” and renumber old B.2.1 and B.2.2 to B.1 and B.2, respectively.

- Revise renumbered LCO REQUIRED ACTIONS B.1 and B.2 COMPLETION TIMES from 12 hours to 5 days under Technical Specification A 3.1.6.

- Revise Technical Specification A 3.2.2, “CONCRETE CASK Average Surface Dose Rates,” APPLICABILITY from “Prior to or at the beginning of STORAGE OPERATIONS” to “Prior to STORAGE OPERATIONS.”

- Delete Technical Specification A 5.3, “Surveillance After an Off-Normal, Accident, or Natural Phenomena Event,” in its entirety as response surveillance is, in principle, covered by existing technical specification surveillance requirements and frequencies.

As documented in the preliminary safety evaluation reports, the NRC performed a safety review of each proposed Certificate of Compliance amendment request. For Amendment No. 7, with reduced heat load the convective heat flow in the annulus between the canister and concrete cask does not need to work in order for the storage cask and spent fuel to remain below their respective maximum operating temperatures. For Amendment No. 8, the surveillance requirements in Technical Specification A 5.3, “Surveillance After an Off-Normal, Accident, or Natural Phenomena Event” can be deleted because these requirements can be achieved with the revised Technical Specification A 3.1.6, “CONCRETE CASK Heat Removal System” by ensuring the heat removal capability. There are no significant changes to cask design requirements in the proposed amendments. Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control in the event of an accident. These amendments do not reflect a significant change in design or fabrication of the cask. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment Nos. 7 and 8 would remain well within the 10 CFR part 20 limits. There will be no significant change in the types or amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for, or consequences from, radiological accidents.

This direct final rule revises the NAC-MPC Storage System listing in

§ 72.214 by adding Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025. These amendments consist of the changes previously described, as set forth in the revised certificate and technical specifications. The revised technical specifications are identified in the preliminary safety evaluation reports.

The amended NAC-MPC Storage System design, when used under the conditions specified in the Certificate of Compliance, technical specifications, and the NRC’s regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be ensured. When this direct final rule becomes effective, persons who hold a general license under § 72.210 may load spent nuclear fuel into NAC-MPC Storage System casks that meet the criteria of Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025 under § 72.212.

#### V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the NAC-MPC Storage System design listed in § 72.214, “List of approved spent fuel storage casks.” This action does not constitute the establishment of a standard that contains generally applicable requirements.

#### VI. Agreement State Compatibility

Under the “Policy Statement on Adequacy and Compatibility of Agreement State Programs” approved by the Commission on June 30, 1997, and published in the FR on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category “NRC.” Compatibility is not required for Category “NRC” regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR. Although an Agreement State may not adopt program elements reserved to the NRC, and the Category “NRC” does not confer regulatory authority on the State, the State may wish to inform its licensees of certain requirements by means consistent with the particular State’s administrative procedure laws.

#### VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and 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 31883).

#### VIII. Environmental Assessment and Finding of No Significant Environmental Impact

##### A. The Action

The action is to amend § 72.214 to revise the NAC-MPC Storage System listing within the “List of approved spent fuel storage casks” to include Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025. Amendment No. 7 revises the technical specifications to eliminate the requirements for the heat removal system to be operable for La Crosse Boiling Water Reactor spent fuel and to eliminate duplicative requirements. In addition, Amendment No. 8 removes surveillance requirements in the technical specifications because these requirements are already required by the revised Technical Specification A 3.1.6, “CONCRETE CASK Heat Removal System.”

##### B. The Need for the Action

This direct final rule adds an amended Certificate of Compliance for the NAC-MPC Storage System design to the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, Amendment No. 7 revises the technical specifications to eliminate the requirements for the heat removal system to be operable for La Crosse Boiling Water Reactor spent fuel and to eliminate duplicative requirements as described in Section IV, “Discussion of Changes,” of this document. In addition, Amendment No. 8 removes surveillance requirements in the technical specifications because these requirements already are required by the revised Technical Specification A 3.1.6, “CONCRETE CASK Heat Removal System.”

##### C. Environmental Impacts of the Action

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was initially analyzed in the environmental

assessment for the 1990 final rule. The environmental assessment for Amendment Nos. 7 and 8 tier off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act of 1969, as amended.

The NAC-MPC Storage Systems are designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an independent spent fuel storage installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of confinement, shielding, and criticality control in the event of an accident. If there is no loss of confinement, shielding, or criticality control, the environmental impacts resulting from an accident would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask.

Because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment Nos. 7 and 8 would remain well within the 10 CFR part 20 limits. Therefore, the proposed changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. The staff documented its safety findings in the preliminary safety evaluation reports.

#### *D. Alternative to the Action*

The alternative to this action is to deny approval of Amendment Nos. 7 and 8 and end the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to either load

spent nuclear fuel into the NAC-MPC Storage System or utilize the technical specifications, which reduces the burden on surveillance for storage of La Crosse Boiling Water Reactor spent fuel and other general licensees, in accordance with the changes described in proposed Amendment Nos. 7 and 8 would have to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. Therefore, the environmental impacts would be the same, or more likely greater than, the proposed action.

#### *E. Alternative Use of Resources*

Approval of Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025 would result in no irreversible commitment of resources.

#### *F. Agencies and Persons Contacted*

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

#### *G. Finding of No Significant Impact*

The environmental impacts of the action have been reviewed under the requirements in the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled "List of Approved Spent Fuel Storage Casks: NAC International Multi-Purpose Canister Storage System, Certificate of Compliance No. 1025, Amendment Nos. 7 and 8," will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

#### **IX. Paperwork Reduction Act Statement**

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget (OMB), approval number 3150-0132.

#### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

#### **X. Regulatory Flexibility Certification**

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and NAC International. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

#### **XI. Regulatory Analysis**

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, the spent fuel is stored under the conditions specified in the cask's Certificate of Compliance, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On March 9, 2000 (65 FR 12444), the NRC issued an amendment to 10 CFR part 72 that approved the NAC-MPC Storage System design by adding it to the list of NRC-approved cask designs in § 72.214.

On November 14, 2017, as supplemented on February 12, 2018, NAC International submitted a request to the NRC to amend Certificate of Compliance No. 1025 by adding Amendment No. 7. On February 28, 2018, NAC International also submitted a request to amend Certificate of Compliance No. 1025 by adding Amendment No. 8. The NAC International submitted these applications to amend the NAC-MPC Storage System as described in Section IV, "Discussion of Changes," of this document.

The alternative to this action is to withhold approval of Amendment Nos. 7 and 8 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into NAC-MPC Storage Systems under the changes described in Amendment Nos. 7 and 8 to request an exemption from the requirements of

§§ 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the preliminary safety evaluation reports and environmental assessment, this direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of this direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and therefore, this action is recommended.

**XII. Backfitting and Issue Finality**

The NRC has determined that the backfit rule (10 CFR 72.62) does not

apply to this direct final rule. Therefore, a backfit analysis is not required. This direct final rule revises Certificate of Compliance No. 1025 for the NAC-MPC Storage System, as currently listed in § 72.214, "List of approved spent fuel storage casks." The revision consists of Amendment Nos. 7 and 8, which revise the technical specifications to eliminate the requirements for the heat removal system to be operable for La Crosse Boiling Water Reactor spent fuel and to eliminate duplicative requirements and removes surveillance requirements in the technical specifications because these requirements are already required by the revised Technical Specification A 3.1.6, "CONCRETE CASK Heat Removal System."

Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025 for the NAC-MPC Storage System were initiated by NAC International and were not submitted in response to new NRC requirements, or an NRC request for amendment. Amendment Nos. 7 and 8 apply only to new casks fabricated and used under Amendment Nos. 7 and 8. These changes do not affect existing users of the NAC-MPC Storage System,

and the current Amendment No. 6 continues to be effective for existing users. While current users of this storage system may comply with the new requirements in Amendment Nos. 7 and 8, this would be a voluntary decision on the part of current users.

For these reasons, Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025 do not constitute backfitting under § 72.62 or § 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, the NRC staff has not prepared a backfit analysis for this rulemaking.

**XIII. Congressional Review Act**

This direct final rule is not a rule as defined in the Congressional Review Act.

**XIV. 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  | ADAMS Accession No./ web link/ Federal Register citation |
|---|--|
| Request to Amend Certificate of Compliance No. 1025 for the NAC-MPC Storage System, dated November 14, 2017 ..... | ML17326A128  |
| Request to Amend Certificate of Compliance No. 1025 for the NAC-MPC Storage System, dated February 12, 2018 ..... | ML18045A440  |
| Request to Amend Certificate of Compliance No. 1025 for the NAC-MPC Storage System, dated February 28, 2018 ..... | ML18059A784  |
| Proposed Certificate of Compliance No. 1025, Amendment No. 7 .....  | ML18255A024  |
| Proposed Technical Specification Appendices A and B for Amendment No. 7 .....                                     | ML18255A022  |
| Preliminary Safety Evaluation Report for Amendment No. 7 .....  | ML18255A026  |
| Proposed Certificate of Compliance No. 1025, Amendment No. 8 .....  | ML18255A025  |
| Proposed Technical Specification Appendices A and B for Amendment No. 8 .....                                     | ML18255A023  |
| Preliminary Safety Evaluation Report for Amendment No. 8 .....  | ML18255A027  |

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-2018-0220. The Federal Rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2018-0220); (2) click the "Sign up for Email Alerts" link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

**List of Subjects in 10 CFR Part 72**

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping

requirements, Security measures, 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 adopting 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 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, 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, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a),

10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance 1025 is revised to read as follows:

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

\* \* \* \* \*

*Certificate Number:* 1025.

*Initial Certificate Effective Date:* April 10, 2000.

*Amendment Number 1 Effective Date:* November 13, 2001.

*Amendment Number 2 Effective Date:* May 29, 2002.

*Amendment Number 3 Effective Date:* October 1, 2003.

*Amendment Number 4 Effective Date:* October 27, 2004.

*Amendment Number 5 Effective Date:* July 24, 2007.

*Amendment Number 6 Effective Date:* October 4, 2010.

*Amendment Number 7 Effective Date:* March 4, 2019.

*Amendment Number 8 Effective Date:* March 4, 2019.

*SAR Submitted by:* NAC International, Inc.

*SAR Title:* Final Safety Analysis Report for the NAC Multi-Purpose Canister System (NAC-MPC System).

*Docket Number:* 72-1025.

*Certificate Expiration Date:* April 10, 2020.

*Model Number:* NAC-MPC.

\* \* \* \* \*

Dated at Rockville, Maryland, this 4th day of December 2018.

For the Nuclear Regulatory Commission.

**Margaret M. Doane,**

*Executive Director for Operations.*

[FR Doc. 2018-27284 Filed 12-17-18; 8:45 am]

**BILLING CODE 7590-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2013-0555; Product Identifier 2010-SW-047-AD; Amendment 39-19529; AD 2014-05-06 R1]**

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters (Type Certificate Previously Held by Eurocopter Deutschland GmbH)**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are revising Airworthiness Directive (AD) 2014-05-06 for Eurocopter Deutschland GmbH Model EC135 and MBB-BK 117C-2 helicopters. AD 2014-05-06 required repetitive inspections of the flight-control bearings, replacing any loose bearings with airworthy flight-control bearings, and installing bushings and washers. This new AD retains the requirements of AD 2014-05-06 but removes the repetitive inspections. The actions of this AD are intended to correct an unsafe condition on these products.

**DATES:** This AD is effective January 22, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 14, 2014 (79 FR 13196, March 10, 2014).

**ADDRESSES:** For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at [http://www.helicopters.airbus.com/website/en/ref/Technical-Support\\_73.html](http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html). You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2013-0555.

**Examining the AD Docket**

You may examine the AD docket on the internet at <http://www.regulations.gov> in Docket No. FAA-2013-0555; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference information, the economic evaluation, any comments received, and other information. The address for Docket Operations (phone: 800-647-5527) is Docket Operations, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email [matthew.fuller@faa.gov](mailto:matthew.fuller@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2014-05-06, Amendment 39-17779 (79 FR 13196, March 10, 2014) (AD 2014-05-06) and add a new AD. AD 2014-05-06 applied to certain Eurocopter Deutschland GmbH Model EC135 and MBB-BK 117C-2 helicopters. The NPRM was published in the **Federal Register** on June 1, 2018 (83 FR 25415). AD 2014-05-06 required repetitive inspections of the flight-control bearings, replacing any loose bearings with airworthy flight-control bearings, and installing bushings and washers. The NPRM proposed to retain the requirements of AD 2014-05-06 but remove the repetitive inspection requirements.

AD 2014-05-06 was prompted by AD No. 2010-0058, dated March 30, 2010 (EASA AD 2010-0058), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter Deutschland GmbH (now Airbus Helicopters Deutschland GmbH) Model EC135, EC635, and MBB-BK 117C-2 helicopters. EASA advises that during an inspection of an MBB-BK117 C-2, "bearings were detected which had not been correctly fixed." EASA advises that this condition, if not detected and corrected, may cause the affected control lever to shift in the axial direction and contact the helicopter structure, possibly resulting in reduced helicopter control. As some bearings on the EC135 and MBB-BK 117C-2 helicopter are installed with the same procedure, they are equally affected by the possibility of the unsafe condition, EASA advises.

Since we published AD 2014-05-06, EASA issued AD No. 2010-0058R1, dated April 7, 2017, to remove the repetitive inspections required by EASA AD 2010-0058. EASA advises that a review of data and feedback from in-service helicopters determined the Airbus Helicopters modification removes the need for repetitive inspections. We have made a similar determination and are issuing this AD to remove the repetitive inspections previously required by AD 2014-05-06.

**Comments**

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM.

**FAA's Determination**

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral