

# Proposed Rules

Federal Register

Vol. 81, No. 195

Friday, October 7, 2016

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-2016-0137]

RIN 3150-AJ77

#### List of Approved Spent Fuel Storage Casks: NAC International MAGNASTOR® Cask System; Certificate of Compliance No. 1031, Amendment No. 6

**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 NAC International (NAC), MAGNASTOR® Cask System listing within the “List of approved spent fuel storage casks” to include Amendment No. 6 to Certificate of Compliance (CoC) No. 1031. Amendment No. 6 revises NAC-MAGNASTOR technical specifications (TSs) to align with the NAC Multi-Purpose Canister (MPC) and NAC Universal MPC System TSs. The CoC No. 1031 TSs require that a program be established and maintained for loading, unloading, and preparing fuel for storage without any indication of duration for the program. Amendment No. 6 limits maintenance of this program until all spent fuel is removed from the spent fuel pool and transport operations are completed. Related training and radiation protection program requirements are modified accordingly. Additionally, Amendment No. 6 incorporates the change to Limiting Condition for Operation 3.1.1 previously approved by the NRC in CoC No. 1031 Amendment No. 4.

**DATES:** Submit comments by November 7, 2016. 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 of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0137. 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 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 obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Keith McDaniel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5252 or email: [Keith.McDaniel@nrc.gov](mailto:Keith.McDaniel@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

###### *A. Obtaining Information*

Please refer to Docket ID NRC-2016-0137 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-2016-0137.

- *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-2016-0137 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. Procedural Background**

This proposed rule is limited to the changes contained in Amendment No. 6 to CoC No. 1031 and does not include other aspects of the NAC MAGNASTOR® 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 December 21, 2016. However, if the NRC receives significant adverse comments on this

proposed rule by November 7, 2016, 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**

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 November 21, 2008 (73 FR 70587), that approved the NAC MAGNASTOR® Cask System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1031.

**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.

**V. Availability of Documents**

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

Document	ADAMS Accession No.
NAC License Amendment Request, Letter Dated December 11, 2015 .....	ML15349A941.
Proposed CoC No. 1031, Amendment No. 6 .....	ML16119A101.
Proposed CoC No. 1031, Amendment No. 6—Technical Specifications, Appendix A .....	ML16119A110.
Proposed CoC No. 1031, Amendment No. 6—Technical Specifications, Appendix B .....	ML16119A118.
CoC No. 1031, Amendment No. 6—Preliminary Safety Evaluation Report .....	ML16119A123.

The NRC may post materials related to this document, including public comments, on the Federal rulemaking Web site at <http://www.regulations.gov> under Docket ID NRC–2016–0137. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2016–0137); (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, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, 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 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 1031 is revised to read as follows:

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

\* \* \* \* \*

*Certificate Number:* 1031.

*Initial Certificate Effective Date:*

February 4, 2009, superseded by Initial Certificate, Revision 1, on February 1, 2016.

*Initial Certificate, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 1 Effective Date:* August 30, 2010, superseded by Amendment Number 1, Revision 1, on February 1, 2016.

*Amendment Number 1, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 2 Effective Date:* January 30, 2012, superseded by Amendment Number 2, Revision 1, on February 1, 2016.

*Amendment Number 2, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 3 Effective Date:* July 25, 2013, superseded by Amendment Number 3, Revision 1, on February 1, 2016.

*Amendment Number 3, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 4 Effective Date:* April 14, 2015.

*Amendment Number 5 Effective Date:* June 29, 2015.

*Amendment Number 6 Effective Date:* December 21, 2016.

*SAR Submitted by:* NAC International, Inc.

*SAR Title:* Final Safety Analysis Report for the MAGNASTOR® System.

*Docket Number:* 72–1031.

*Certificate Expiration Date:* February 4, 2029.

*Model Number:* MAGNASTOR®.

\* \* \* \* \*

Dated at Rockville, Maryland, this 23rd day of September, 2016.

For the Nuclear Regulatory Commission.

**Glenn M. Tracy,**

*Acting Executive Director for Operations.*

[FR Doc. 2016–24316 Filed 10–6–16; 8:45 am]

**BILLING CODE 7590–01–P**

## FEDERAL ELECTION COMMISSION

### 11 CFR Parts 100, 106, and 109

[Notice 2016–11]

#### Rulemaking Petition: Political Party Rules

**AGENCY:** Federal Election Commission.

**ACTION:** Rulemaking Petition: Notice of availability.

**SUMMARY:** On June 15, 2016, the Federal Election Commission received a Petition for Rulemaking asking the Commission to revise existing rules regarding the use of federal funds to pay for certain activities of state, district, or local committees of a political party. The Commission seeks comments on this petition.

**DATES:** Comments must be submitted on or before January 30, 2017.

**ADDRESSES:** All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's Web site at <http://www.fec.gov/fosers>, reference REG 2016–03, or by email to [PoliticalPartyRules@fec.gov](mailto:PoliticalPartyRules@fec.gov).

Alternatively, commenters may submit comments in paper form, addressed to the Federal Election Commission, Attn.: Mr. Neven F. Stipanovic, Acting Assistant General Counsel, 999 E Street NW., Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last name, city, state, and zip code. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission's Web site and in the Commission's Public Records room. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, or driver's license number, or any information that is restricted from disclosure, such as trade secrets or commercial or financial information that is privileged or confidential.

**FOR FURTHER INFORMATION CONTACT:** Mr. Neven F. Stipanovic, Acting Assistant General Counsel, or Mr. Joseph P. Wenzinger, Attorney, Office of General Counsel, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** On June 15, 2016, the Federal Election Commission received a Petition for Rulemaking from the Minnesota

Democratic-Farmer-Labor Party and its Chair, Ken Martin, requesting that the Commission amend several regulations applicable to political parties.

First, the Federal Election Campaign Act, 52 U.S.C. 30101–46 (the “Act”), as amended by the Bipartisan Campaign Reform Act (“BCRA”), and Commission regulations provide that a state, district, or local committee of a political party must pay for “Federal election activity” with either entirely federal funds or, in other instances, a mix of federal funds and “Levin funds.” See 52 U.S.C. 30125(b); 11 CFR 300.32. Under Commission regulations, “Federal election activity” includes certain activities that urge, encourage, or assist people to register to vote or to vote. See 11 CFR 100.24; Definition of Federal Election Activity, 75 FR 55257, 55260 (Sept. 10, 2010). The petitioners request that the Commission narrow this definition.

Second, Commission regulations provide that political parties must use a federal account to pay the salary, wages, and fringe benefits of an employee who spends more than 25 percent of that individual's time on “Federal election activities” or on conduct “in connection with a Federal election.” See 11 CFR 106.7(d)(1)(i)–(ii). The petitioners ask the Commission to amend this rule to omit “Federal election activities” from the calculation, covering only activities “in connection with a Federal election.”

Finally, the petitioners ask the Commission to consider additional regulatory modifications listed in Commission Agenda Document No. 15–54–A, a proposed resolution that recommended amending several rules to (1) allow political parties “to discuss issue advertisements with candidates,” “republish parts of candidate materials in party materials,” and “distribute volunteer campaign materials without triggering coordination limits,” see 11 CFR 109.37; (2) “[e]xpand political party freedom to engage in volunteer activities such as volunteer mail drives, phone banks, and literature distribution,” see *id.* 100.87, 100.147; and (3) modify the definition of “Federal election activity” to permit “political parties to register voters and urge citizens to vote on behalf of state and local candidates free from FEC regulation” and to “employ people to engage in state and local get-out-the-vote activities with state funds,” see *id.* 100.24.

The Commission seeks comments on the petition. The public may inspect the Petition for Rulemaking on the Commission's Web site at <http://www.fec.gov/fosers>, or in the Commission's Public Records Office,