

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). NUREG-0654/FEMA-REP-1, Rev. 2, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," Final Report is available in ADAMS under Accession No. ML19347D139.

- *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.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Fiske, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-287-9228, email: [Jonathan.Fiske@nrc.gov](mailto:Jonathan.Fiske@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In November 1980, the NRC and FEMA issued "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants; Rev. 1" (NUREG-0654/FEMA-REP-1, Rev. 1) as a joint interagency guidance document (45 FR 85862; December 30, 1980). NUREG-0654/FEMA-REP-1, Rev. 1 provides guidance on the 16 Planning Standards referenced in the NRC's regulations in § 50.47 of title 10 of the *Code of Federal Regulations* (10 CFR), and in FEMA's regulations at 44 CFR 350.5. Both agencies use these Planning Standards, and the associated Evaluation Criteria contained in NUREG-0654/FEMA-REP-1, Rev. 1, to evaluate the adequacy of emergency plans and preparedness of commercial nuclear power plant owners and operators, and state, local, and tribal government jurisdictions located near commercial nuclear power plant sites.

Since the publication of NUREG-0654/FEMA-REP-1, Rev. 1, there have been substantial changes to NRC and FEMA regulations, guidance, and policies and advances in emergency preparedness planning and technology. As a result, the NRC and FEMA have issued four supplementary documents and one addendum to update and expand upon the guidance in NUREG-0654/FEMA-REP-1, Rev. 1. This revision consolidates the four supplementary documents and one addendum, and provides updates and additional guidance reflective of over 35 years of improvements and lessons learned in the radiological emergency preparedness community.

The NRC and FEMA held two public meetings on August 22, 2012, and September 13, 2012, to discuss the scope of the proposed revision to NUREG-0654/FEMA-REP-1, Rev. 1 (77 FR 46766; August 6, 2012). To assist in further defining the scope, the NRC and FEMA solicited public comments on specific issues related to NUREG-0654/FEMA-REP-1, Rev. 1 (77 FR 65700; October 30, 2012). Additionally, stakeholder and public engagement sessions were held during staff development of the revised guidance on October 29-31, 2013 and June 25, 2014.

Following development of the revised guidance, the draft NUREG-0654/FEMA-REP-1, Rev. 2 was posted to the Federal Rulemaking website at <https://www.regulations.gov> for public comment (80 FR 30697; May 29, 2015). The original 90-day comment period was scheduled to conclude on August 27, 2015; however, in response to requests from the public for an extension based on the broad scope of the revision and the extensive review necessary to develop comments, the NRC and FEMA granted a 45-day extension to the original comment period (80 FR 50862; August 21, 2015). The comment period closed on October 13, 2015. In total, the agencies received, reviewed, and considered 609 comments during development of this revision. Of the 609 comments, 64 were accepted (draft guidance was revised exactly as recommended), 154 were agreed to in part, and the remaining 391 were either noted or rejected. In all, 218 comments resulted in revisions to the draft guidance. A detailed report on the comment resolutions, including the agencies' rationales for each comment's disposition, will be available online for review in ADAMS under Accession No. ML19350A378 and at <https://www.regulations.gov/>, under Docket ID NRC-2018-0261, within 30 days after issuance of the final NUREG-0654/FEMA-REP-1, Rev. 2.

##### **II. Congressional Review Act**

The NUREG-0654/FEMA-REP-1, Rev. 2 is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 16th day of December, 2019.

For the Nuclear Regulatory Commission.

**Brian E. Holian,**

*Director, Office of Nuclear Security and Incident Response.*

[FR Doc. 2019-27435 Filed 12-20-19; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 72**

[NRC-2018-0221, NRC-2019-0030, and NRC-2019-0160]

RIN 3150-AK18, 3150-AK28, and 3150-AK36

#### **List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM 100 Multipurpose Canister Cask System, Certificate of Compliance No. 1014, Amendment Nos. 11, 12, 13, and 14; Corrections**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) published three direct final rules in the **Federal Register** on December 12, 2018, February 26, 2019, and October 3, 2019, that amended its spent fuel storage regulations by revising the Holtec International HI-STORM 100 Multipurpose Canister Cask System listing within the "List of approved spent fuel storage casks" to include Amendment Nos. 11, 12, 13, and 14, respectively, to Certificate of Compliance No. 1014. The technical specifications for Amendment Nos. 11, 12, 13, and 14 contained minor editorial and non-substantive errors. The purpose of this action is to correct these errors.

**DATES:** This rule is effective on December 23, 2019.

**ADDRESSES:** For Amendment Nos. 11 and 12, please refer to Docket ID NRC-2018-0221; for Amendment No. 13, please refer to Docket ID NRC-2019-0030; and for Amendment No. 14, please refer to Docket ID NRC-2019-0160 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket IDs NRC-2018-0221, NRC-2019-0030, or NRC-2019-0160. 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.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at

<https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 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.

• **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.

**FOR FURTHER INFORMATION CONTACT:** Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1018; email: [Yen-Ju.Chen@nrc.gov](mailto:Yen-Ju.Chen@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC published three direct final rules in the **Federal Register** on December 12, 2018 (83 FR 63794), February 26, 2019 (84 FR 6055), and October 3, 2019 (84 FR 52747), amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) by revising the “List of approved spent fuel storage casks” to add Amendment Nos. 11 and 12, 13, and 14, respectively, to Certificate of Compliance No. 1014 for the Holtec International HI–STORM 100 Multipurpose Canister Cask System listing. Amendment Nos. 11 and 12 became effective on February 25, 2019; Amendment No. 13 became effective on May 13, 2019; and Amendment No. 14 became effective on December 17, 2019. The technical specifications for these direct final rules contained minor editorial and non-substantive errors. Specifically, Table 3–2 refers to Tables 3–3 and 3–4 for per cell decay heat load limits for the multi-purpose canisters (MPCs) MPC–68/68F/68FF/68M, but Tables 3–3 and 3–4 omitted the MPC–68M.

The NRC previously reviewed and approved the use of model MPC–68M in Amendment No. 8 to Certificate of Compliance No. 1014. In Amendment No. 9, the NRC added Tables 3–3 and 3–4 and, in Table 3–2, added a reference to decay heat loads in Tables 3–3 and 3–4. The reference in Appendix A, Table 3–2, refers to Table 3–3 and 3–4 for the per cell heat load limits for the MPC–68/68F/68FF/68M. However, Tables 3–3 and 3–4 only have rows for MPC–68/68F/68FF and do not specifically include the MPC–68M. Since the decay heat load, whether uniform or regionalized, for all 68 cell MPCs are identical, and the NRC

previously reviewed and approved this heat load, it is evident that the omission of MPC–68M in Tables 3–3 and 3–4 was an editorial error. Although this error is editorial and has no impact on the loading of MPCs, it is still appropriate to correct the error. Correcting this error would not change the substantive responsibilities of any person or entity regulated by the NRC. This error has been corrected in Amendment No. 9, Revision 1, and Amendment No. 10 on August 31, 2017 (82 FR 41321).

The NRC is correcting the typographical error in Amendment Nos. 11, 12, 13, and 14 by adding MPC–68M to Appendix A, Tables 3–3 and 3–4. The NRC also is revising Amendment Nos. 11, 12, 13, and 14 to Certificate of Compliance No. 1014 of the Holtec International HI–STORM 100 Multipurpose Canister Cask System listings within 10 CFR 72.214 to note the corrections.

#### Rulemaking Procedure

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. As authorized by 5 U.S.C. 553(b)(3)(B), the NRC finds good cause to waive notice and opportunity for comment on this correction because it will have no substantive impact and is of a minor and administrative nature dealing with a correction to a CFR section. Specifically, this amendment is to correct a minor editorial and non-substantive error. This correction does not require action by any person or entity regulated by the NRC. Also, this final rule does not change the substantive responsibilities of any person or entity regulated by the NRC. Accordingly, for the reasons stated in this document, the NRC finds, pursuant to 5 U.S.C. 553(d)(3), that good cause exists to make this rule effective upon publication.

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

Administrative practice and procedures, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, 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 making the

following correcting amendment 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 1014 is amended to read as follows:

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

\* \* \* \* \*

*Certificate Number:* 1014.

*Initial Certificate Effective Date:* May 31, 2000.

*Amendment Number 1 Effective Date:* July 15, 2002.

*Amendment Number 2 Effective Date:* June 7, 2005.

*Amendment Number 3 Effective Date:* May 29, 2007.

*Amendment Number 4 Effective Date:* January 8, 2008.

*Amendment Number 5 Effective Date:* July 14, 2008.

*Amendment Number 6 Effective Date:* August 17, 2009.

*Amendment Number 7 Effective Date:* December 28, 2009.

*Amendment Number 8 Effective Date:* May 2, 2012, as corrected on November 16, 2012 (ADAMS Accession No. ML12213A170); superseded by Amendment 8, Revision 1 Effective Date: February 16, 2016.

*Amendment Number 8, Revision 1 Effective Date:* February 16, 2016.

*Amendment Number 9 Effective Date:* March 11, 2014, superseded by Amendment Number 9, Revision 1, on March 21, 2016.

*Amendment Number 9, Revision 1, Effective Date:* March 21, 2016, as corrected (ADAMS Accession No. ML17236A451).

*Amendment Number 10 Effective Date:* May 31, 2016, as corrected (ADAMS Accession No. ML17236A452).

*Amendment Number 11 Effective Date:* February 25, 2019, as corrected (ADAMS Accession No. ML19343B024).

*Amendment Number 12 Effective Date:* February 25, 2019, as corrected on May 30, 2019 (ADAMS Accession No. ML19109A111); further corrected December 23, 2019 (ADAMS Accession No. ML19343A908).

*Amendment Number 13 Effective Date:* May 13, 2019, as corrected on May 30, 2019 (ADAMS Accession No. ML19109A122); further corrected December 23, 2019 (ADAMS Accession No. ML19343B156).

*Amendment Number 14 Effective Date:* December 17, 2019, as corrected (ADAMS Accession No. ML19343B287).

*Safety Analysis Report (SAR)*  
Submitted by: Holtec International.

*SAR Title:* Final Safety Analysis Report for the HI-STORM 100 Cask System.

*Docket Number:* 72–1014.

*Certificate Expiration Date:* May 31, 2020.

*Model Number:* HI-STORM 100.

\* \* \* \* \*

Dated at Rockville, Maryland, this 17th day of December, 2019.

For the Nuclear Regulatory Commission.

**Cindy K. Bladey,**

*Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2019–27595 Filed 12–20–19; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 955

#### RIN 1903–AA11

### Elemental Mercury Management and Storage Fees

**AGENCY:** Office of Environmental Management, U.S. Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy publishes a final rule to establish a fee for long-term management and storage of elemental mercury in accordance with the Mercury Export Ban Act.

**DATES:** This rule is effective January 22, 2020.

**FOR FURTHER INFORMATION CONTACT:** David Haight, U.S. Department of Energy, Office of Environmental Management, Office of Waste Disposal (EM–4.22), 1000 Independence Avenue SW, Washington, DC 20585, Telephone: (202) 586–5000, Email: [mercury.mgt.fee@em.doe.gov](mailto:mercury.mgt.fee@em.doe.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Fee Basis
- III. Response to Comments
- IV. Regulatory Review
- V. Approval of the Secretary of Energy

#### I. Background

Section 5(a)(1) of the Mercury Export Ban Act, as amended (MEBA), 42 U.S.C. 6939f(a)(1), provides that the Department of Energy (DOE) shall designate a facility for the purpose of long-term management and storage of elemental mercury generated within the United States.<sup>1</sup> MEBA section 5(b)(1), 42 U.S.C. 6939f(b)(1), further provides that DOE shall assess and collect a fee at the time of delivery for providing such management and storage based on the pro rata cost of long-term management and storage of elemental mercury delivered to the facility. MEBA provides that the fee shall be made publicly available by October 1, 2018. MEBA section 5(b)(1)(B)(i), 42 U.S.C. 6939f(b)(1)(B)(i). The fee may be adjusted annually and shall be set in an amount sufficient to cover costs described in MEBA section 5(b)(2), 42 U.S.C. 6939f(b)(2), subject to certain adjustments. MEBA section 5(b)(1)(B)(ii)–(iv), 42 U.S.C. 6939f(b)(1)(B)(ii)–(iv).

In accordance with MEBA section 5(b), 42 U.S.C. 6939f(b), DOE establishes this fee after consultation with persons who are likely to deliver elemental mercury to a designated facility, and with other interested persons. DOE convened teleconferences from May 2017 through July 2019 and held a meeting on August 1–2, 2018, in Washington, DC, to discuss considerations for the basis of the fee for long-term management and storage of elemental mercury including length of time in storage, the cost of eventual treatment and disposal technology, and different operational scenarios. Participants included representatives of generators producing elemental mercury incidentally from the beneficiation or processing of ore, or related pollution

<sup>1</sup> Elemental mercury stored at the facility will be classified as a hazardous waste under the Resource Conservation and Recovery Act and its implementing regulations. MEBA Section 3 prohibits the sale, distribution or transfer of elemental mercury stored by DOE, and MEBA Sections 5(d)(1) and 5(g)(2)(B) require that the elemental mercury be stored at facilities having permits to manage RCRA hazardous waste (with the exception of waste elemental mercury generated by certain generators, and which is destined for the long-term storage facility as allowed by 42 U.S.C. 6939f(g)(2)(D)). Based on the description of elemental mercury that is destined for and stored at the DOE long-term storage facility, the RCRA hazardous waste code U151 applies (see 40 CFR 261.33).

control activities. DOE also consulted with members of the Environmental Technology Council, a private organization whose members include persons likely to deliver elemental mercury to the designated DOE storage facility, on January 23, 2019.

The proposed rule would have established the fee for long-term management and storage of elemental mercury at the designated DOE storage facility as \$55,100 per metric ton (MT),<sup>2</sup> plus a receiving charge of \$3,250 per shipment. In response to comments received regarding the proposed rule, DOE has adjusted the fee downward to \$37,000 per MT. In accordance with MEBA section 5(b)(1)(B)(ii), 42 U.S.C. 6939f(b)(1)(B)(ii), this fee may be adjusted annually according to the factors described in Section II, Discussion of Fee Basis.

#### II. Discussion of Fee Basis

The fee per metric ton is the sum of (1) the net present value of elementary mercury storage for fifteen years using the 15-year real interest rate from Office of Management and Budget (OMB) Circular A–94; (2) the pro-rated cost of materials required for storage of elemental mercury; (3) the present value of the cost of transporting elemental mercury from the storage facility to a treatment facility in the sixteenth year using the 15-year real interest rate from OMB Circular A–94; and (4) the present value of the cost of treatment and disposal in the sixteenth year using the 15-year real interest rate from OMB Circular A–94. While there is no current regulatory framework to treat and dispose of elemental mercury in the U.S., DOE is assuming a scenario in which there is treatment and disposal capacity for high-concentration elemental mercury waste in the future.

In accordance with 42 U.S.C. 6939f(b)(1)(B), because the designated facility was not operational on January 1, 2019, DOE will adjust the fee adopted in this final rule and assessed for elemental mercury delivered to the designated facility to subtract the cost of the temporary accumulation for those generators accumulating elemental mercury in a facility pursuant to 42 U.S.C. 6939f(g)(2)(B) and (D)(iv) during the period in which the designated facility is not operational. The subtraction will occur after receipt and approval of invoices outlining acceptable costs.

In accordance with 42 U.S.C. 6939f(b)(1)(B)(ii), DOE may adjust the fee annually. As stated in the proposed rule, DOE will adjust the fee by

<sup>2</sup> One metric ton is 2,204.62 lbs.