

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[Docket No. PRM-51-30; NRC-2014-0014]

Revise and Integrate All Safety and Environmental Regulations Related to Spent Fuel Storage and Disposal

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; acceptance and docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking (PRM) from Diane Curran on behalf of 34 environmental organizations (the petitioner), dated December 20, 2013, as corrected on January 7, 2014. The petitioner requests that the NRC revise and integrate all regulations that relate to the environmental impacts of spent fuel storage and disposal. The NRC is not instituting a public comment period for this PRM at this time.

DATES: The PRM is available on April 21, 2014.

ADDRESSES: Please refer to Docket ID NRC-2014-0014 when contacting the NRC about the availability of information for this petition. You may access publicly-available information related to this petition using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0014. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: 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 access publicly-available documents online in the NRC Library 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. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *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: Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5252, email: Keith.McDaniel@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. The Petitioner

Diane Curran, Harmon, Curran, Spielberg & Eisenberg, L.L.P., on behalf of 34 Environmental Organizations submitted a PRM dated December 20, 2013, as corrected on January 7, 2014 (ADAMS Accession Nos. ML14029A124, ML14029A169, and ML14029A154). The PRM is part of a larger document entitled "Comments by Environmental Organizations on Draft Waste Confidence Generic Environmental Impact Statement and Proposed Waste Confidence Rule and Petition to Revise and Integrate All Safety and Environmental Regulations Related to Spent Fuel Storage and Disposal" (Petitioners' Document). Primarily, the Petitioners' Document constitutes the collective comments of these 34 environmental organizations on the NRC's draft "Waste Confidence Generic Environmental Impact Statement," NUREG-2157 (78 FR 56621; September 13, 2013), and associated proposed waste confidence rulemaking (78 FR 56776; September 13, 2013). Section II of the Petitioners' Document, "Description of Organizations," states that "[a]ll of the organizations are neighbors of existing or proposed nuclear power plants, and most have either intervened or plan to intervene in NRC proceedings for the licensing or relicensing of nuclear power plants."¹

II. The Petition

The petitioner requests that the NRC revise and integrate all regulations that relate to the environmental impacts of spent fuel storage and disposal. The petitioner asserts that

[i]ssues related to spent fuel storage and disposal impacts are now balkanized into separate rulemakings for spent fuel disposal impacts (Table S-3), safety and impacts of spent fuel storage and disposal from fuel generated during the license renewal period (Table B-1), safety and impacts of spent fuel storage after license termination (proposed 10 C.F.R. [Title 10 of the *Code of Federal Regulations*] § 51.23), and safety and feasibility of siting a spent fuel repository (proposed 10 C.F.R. § 51.23).²

The petitioner further asserts that the "NRC has divided consideration of

environmental impacts into piecemeal decision-making" and, "[b]y considering them separately, the NRC ignores the interaction of impacts, cumulative impacts, and inconsistencies in safety and environmental analyses conducted in the separate decision-making processes."³ The petitioner requests that the NRC conduct a comprehensive review of these regulations and environmental studies, revise them to be consistent with the current state of knowledge, and integrate them into one cohesive regulatory framework in order to comply with the National Environmental Policy Act (NEPA).

Section IX of the Petitioners' Document, "Petition for Rulemaking," lists five NRC regulations that must be "revised and integrated," namely, 10 CFR 51.23, "Temporary storage of spent fuel after cessation of reactor operation—generic determination of no significant environmental impact;"⁴ 10 CFR 51.51, "Uranium fuel cycle environmental data—Table S-3;"⁵ 10 CFR 51.53(c), "Postconstruction environmental reports;"⁶ 10 CFR 51.71(d), "Draft environmental impact statement—contents;"⁷ and Table B-1 of Appendix B to Subpart A of 10 CFR Part 51, "Environmental Effect of Renewing the Operating License of a Nuclear Power Plant."⁸

The complete text of the Petitioners' Document, as corrected (ADAMS Accession Nos. ML14029A124, ML14029A169, and ML14029A154), is available for review as described in the **ADDRESSES** section of this document.

Because the petitioner has satisfied the acceptance criteria in 10 CFR 2.802, "Petition for rulemaking," the NRC has accepted, and will review the PRM to determine whether it should be considered in the rulemaking process. The NRC staff is currently reviewing the public comments on the draft Waste Confidence Generic Environmental

³ *Id.*

⁴ Section 51.23 is the primary NRC regulation being considered for amendment in the proposed waste confidence rulemaking (78 FR 56776, 56804; September 13, 2013).

⁵ Table S-3 is entitled "Table of Uranium fuel Cycle Environmental Data." Although Section IX of the Petitioners' Document refers only to "Table S-3," Table S-3 is part of 10 CFR 51.51.

⁶ Paragraph 51.53(c) concerns environmental reports filed by nuclear power plant licensees seeking renewal of a plant's operating license.

⁷ Paragraph 51.71(d) concerns the analysis the NRC must engage in when preparing a draft environmental impact statement.

⁸ Table B-1 is entitled, "Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants." Table B-1 codifies the findings of the NRC's "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants," NUREG-1437, Revision 1 (June 2013).

¹ Petitioners' Document at 5.

² *Id.*

Impact Statement and the proposed waste confidence rulemaking. The NRC staff will consider any insights gained from this review when analyzing the issues raised in PRM-51-30.

The NRC is not requesting public comment on the PRM at this time.

Dated at Rockville, Maryland, this 15th day of April, 2014.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014-09026 Filed 4-18-14; 8:45 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 308 and 390

RIN 3064-AE08

Regulations Transferred From Office of Thrift Savings and Rules of Practice and Procedure

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (“FDIC”) proposes to rescind and remove regulations transferred from the Office of Thrift Savings (“OTS”), and amend its rules of practice and procedure in ways that will ensure that all insured depository institutions, for which the FDIC is the appropriate Federal banking agency (“FBA”), are subject to the same substantive and procedural rules governing administrative hearings.

DATES: Comments must be received on or before June 20, 2014.

ADDRESSES: You may submit comments by any of the following methods:

- *FDIC Web site:* <http://www.fdic.gov/regulations/laws/federal/propose.html>.

Follow instructions for submitting comments on the agency Web site.

- *FDIC Email:* Comments@fdic.gov.

Include RIN 3064-AE08 on the subject line of the message.

- *FDIC Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

- *Hand Delivery to FDIC:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street building (located on F Street) on business days between 7 a.m. and 5 p.m.

Please include your name, affiliation, address, email address, and telephone number(s) in your comment. Where appropriate, comments should include a short Executive Summary consisting of

no more than five single-spaced pages. All statements received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. You should submit only information that you wish to make publicly available.

Please note: All comments received will be posted generally without change to <http://www.fdic.gov/regulations/laws/federal/propose.html>, including any personal information provided. Paper copies of public comments may be requested from the Public Information Center by telephone at 1-877-275-3342 or 1-703-562-2200.

FOR FURTHER INFORMATION CONTACT:

Scott Patterson, Senior Review Examiner, Division of Risk Management Supervision, (202) 898-6953, Andrea Winkler, Supervisory Counsel, Legal Division, (202) 898-3727; Heather Walters, Counsel, Legal Division, (202) 898-6729.

SUPPLEMENTARY INFORMATION: In this notice of proposed rulemaking, the Federal Deposit Insurance Corporation (“FDIC”) proposes to rescind and remove from the Code of Federal Regulations 12 CFR part 390, subparts B, C, D, and E as redundant of existing uniform rules of practice and procedure applicable to administrative hearings. These subparts were included in the regulations that were transferred to the FDIC from the Office of Thrift Savings (OTS) on July 21, 2011, in connection with the implementation of applicable provisions of Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”). With few exceptions addressed below, the requirements for State savings associations in Part 390, subparts B through E are substantively similar to those in FDIC’s 12 CFR part 308, subparts A, B, C, K, and N. The FDIC further proposes to amend 12 CFR part 308, subparts A, B, C, K, and N, to modify the scope of the rules to include State savings associations and to conform to and reflect the scope of the FDIC’s current supervisory responsibilities as the appropriate Federal banking agency for those institutions. Additionally, the FDIC proposes to modify these regulations in minor ways that will ensure that all insured depository institutions, for which the FDIC is the appropriate Federal banking agency (“FBA”), are subject to the same substantive and procedural rules governing administrative hearings.

I. Part 308 Amendments

A. Background

The Dodd-Frank Act provided for a substantial reorganization of the regulation of State and Federal savings associations and their holding companies. Beginning July 21, 2011, the transfer date established by Section 311 of the Dodd-Frank Act, codified at 12 U.S.C. 5411, the powers, duties, and functions formerly performed by the OTS were divided among the FDIC, as to State savings associations, the Office of the Comptroller of the Currency (“OCC”), as to Federal savings associations, and the Board of Governors of the Federal Reserve System (“FRB”), as to savings and loan holding companies. Section 316(b) of the Dodd-Frank Act, codified at 12 U.S.C. 5414(b), provides the manner of treatment for all orders, resolutions, determinations, regulations, and advisory materials that had been issued, made, prescribed, or allowed to become effective by the OTS. The section provides that if such materials were in effect on the day before the transfer date, they continue to be in effect and are enforceable by or against the appropriate successor agency until they are modified, terminated, set aside, or superseded in accordance with applicable law by such successor agency, by any court of competent jurisdiction, or by operation of law.

Section 316(c) of the Dodd-Frank Act, codified at 12 U.S.C. 5414(c), further directed the FDIC and the OCC to consult with one another and to publish a list of the continued OTS regulations that would be enforced by the FDIC and the OCC, respectively. On June 14, 2011, the FDIC’s Board of Directors approved a “List of OTS Regulations to be Enforced by the OCC and the FDIC Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act.” This list was published by the FDIC and the OCC as a Joint Notice in the **Federal Register** on July 6, 2011.¹

Although Section 312(b)(2)(B)(i)(II) of the Dodd-Frank Act, codified at 12 U.S.C. 5412(b)(2)(B)(i)(II), granted the OCC rulemaking authority relating to both State and Federal savings associations, nothing in the Dodd-Frank Act affected the FDIC’s existing authority to issue regulations under the FDI Act and other laws as the “appropriate Federal banking agency” or under similar statutory terminology. Section 312(c) of the Dodd-Frank Act amended the definition of “appropriate Federal banking agency” contained in Section 3(q) of the FDI Act, 12 U.S.C.

¹ 76 FR 39247 (July 6, 2011).