November 26, 2019

MEMORANDUM TO: June Cai, Chief
                  Materials Rulemaking
                    and Project Management Branch
                  Division of Rulemaking
                  Office of Nuclear Material Safety
                    and Safeguards

FROM: Daniel I. Doyle, Acting Chief   */RA/*
                  Storage and Transportation Licensing Branch
                  Division of Fuel Management
                  Office of Nuclear Material Safety
                    and Safeguards

SUBJECT: USER NEED FOR RULEMAKING FOR THE NUHOMS® EOS
                  DRY SPENT FUEL STORAGE SYSTEM CERTIFICATE OF
                  COMPLIANCE NO. 1042, AMENDMENT NO. 1

The purpose of this communication is to request support for rulemaking activities in the Division of Fuel Management (DFM) for the following Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72 licensing action:

1.   Changes to 10 CFR 72.214 rule text (changes appear in bold):

      Certificate Number: 1042.
      Initial Certificate Effective Date: June 7, 2017.
      Amendment Number 1 Effective Date: [insert 75 days from date of *Federal Register* publication].
      SAR Submitted by: TN Americas LLC.
      SAR Title: Final Safety Analysis Report for the NUHOMS® EOS Dry Spent Fuel Storage
        System.
      Docket Number: 72-1042.
      Certificate Expiration Date: June 7, 2037.
      Model Number: EOS-37PTH, EOS-89BTH.

2.   On February 15, 2018, as supplemented on June 14, 2018, August 30, 2018, February 19, 2019, March 21, 2019, June 19, 2019, July 16, 2019, July 17, 2019, August 29, 2019, and October 1, 2019, TN Americas LLC submitted an amendment request to the U.S. Nuclear Regulatory Commission (NRC) for the NUHOMS® EOS Dry Spent Fuel Storage System Certificate of Compliance (CoC) No. 1042. The proposed changes include the following:

CONTACT: Christian Jacobs, NMSS/DFM
            (301) 415-6825

1) Change No. 1, add a new basket type (Type 4) with staggered alignment of the steel, aluminum, and poison basket plates to the EOS-37PTH DSC. This change allows for the loading of intact, damaged or failed fuel.

2) Change No. 2, add a new basket type (Type 5) that is comparable in geometry to existing Types 1, 2 and 3 baskets but with the low conductivity poison and low emissivity option of the Type 4 basket with the ability to be stored in either the EOS-HSM or the new NUHOMS® MATRIX design for the EOS-37PTH DSC.

3) Change No. 3, accept fuel assemblies with a minimum cooling time of two years, in selected locations, as contents of the EOS-37PTH DSC.

4) Change No. 4, add a new NUHOMS® MATRIX (HSM-MX) design as an alternative to the EOS-HSM design for the storage of spent fuel in an EOS-37PTH or an EOS-89BTH DSC.

5) Change No. 5, revised certain CoC and TS conditions for consistency and clarity, as described further in the application package.

3.   The proposed CoC, TS, and preliminary safety evaluation report (SER) have been placed in ADAMS (see references below) and are available for your use in the rulemaking package. DFM will designate these documents as Official Agency Records after the Executive Director for Operations has approved the package (ADAMS Package No. ML19290H600).

The Office of the General Counsel has reviewed this memorandum with its referenced documents and has no legal objection to its contents.

Docket No. 72-1042
CAC No. 001028
EPID: L-2018-LLA-0043

ADAMS References:
1. Proposed CoC 1042 Amendment No. 1 CoC (ML19290H608)
2. Proposed CoC 1042 Amendment No. 1 TS (ML19290H605)
3. Preliminary CoC 1042 Amendment No. 1 SER (ML19290H606)

SUBJECT: USER NEED FOR RULEMAKING FOR THE NUHOMS® EOS DRY SPENT FUEL
            STORAGE SYSTEM CERTIFICATE OF COMPLIANCE NO. 1042, AMENDMENT
            NO. 1

DOCUMENT DATE: November 26, 2019

DISTRIBUTION:
DFM r/f

ADAMS Package No.: ML19290H600   Memo: ML19290H607

* concur via email

OFFICE	DFM	DFM	DFM	DFM
NAME	YKim*	JIreland*	JChang*	ZLi*
DATE	9/24/19	9/16/19	9/13/19	9/12/19
OFFICE	DFM	DFM	DFM	DFM
NAME	VWilson*	DDunn*	CRoque-Cruz*	TTate*
DATE	9/13/19	10/2/19	9/19/19	10/7/19
OFFICE	DFM	DFM	DFM	DFM
NAME	YDiaz-Sanabria*	JWise for MRahimi*	WWheatley*	CJacobs
DATE	10/15/19	10/8/19	10/2/19	10/2/19
OFFICE	OGC NLO*	DFM*		
NAME	ABell	DDoyle		
DATE	11/19/19	11/26/19		

OFFICIAL RECORD COPY