

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2019-0224]

RIN 3150-AK40

List of Approved Spent Fuel Storage Casks: TN Americas LLC

NUHOMS® EOS Dry Spent Fuel Storage System,

Certificate of Compliance No. 1042, Amendment No. 1

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 TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 1 to Certificate of Compliance No. 1042. Amendment No. 1 makes the following changes: adds a new basket type (Type 4) to allow for the loading of intact, damaged, or failed fuel; adds another new basket type (Type 5) with low conductivity poison basket plates and low emissivity coated steel basket plates; accepts fuel assemblies with a minimum two-year cooling time, in selected locations within the basket; adds the NUHOMS® MATRIX design as an alternative to the EOS horizontal storage module design for the storage of spent fuel; and makes additional revisions to the certificate of compliance and the technical specifications for consistency and clarity. These changes are discussed in more detail in the “Discussion of Changes” section of

this rule.

DATES: This direct final rule is effective June 17, 2020, unless any significant adverse comment is received by May 4, 2020. If this direct final rule is withdrawn as a result of such a comment, timely notice of the withdrawal will be published in the *Federal Register*. 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 *Federal Register*.

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

- **Federal Rulemaking Web Site:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2019-0224. When preparing and submitting your comments, see “Tips for Submitting Effective Comments” at <https://www.regulations.gov/docs/Tips For Submitting Effective Comments.pdf>. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **E-mail comments to:** Rulemaking.Comments@nrc.gov. If you do not receive an automatic e-mail 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 Section I, "Obtaining Information and Submitting Comments," in the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Christian Jacobs, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-6825; e-mail: Christian.Jacobs@nrc.gov or Nicole Fields, Office of Nuclear Material Safety and Safeguards; telephone: 630-829-9570; e-mail: Nicole.Fields@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 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-2019-0224 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 <https://www.regulations.gov> and search for Docket ID NRC-2019-0224.
- **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 e-mail to pdr.resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in Section XIV, "Availability of Documents," in this document.
- **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-2019-0224 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 <https://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 rule is limited to the changes contained in Amendment No. 1 to Certificate of Compliance No. 1042 and does not include other aspects of the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System design. The NRC is using the “direct final rule procedure” to issue this amendment because it represents a limited and routine change to an existing certificate of compliance that is expected to be non-controversial. Adequate protection of public health and safety continues to be ensured. The amendment to the rule will become effective on June 17, 2020. However, if the NRC receives any significant adverse comment on this direct final rule by May 4, 2020, 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 *Federal Register*. 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 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.

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 to make a change (other than editorial) to the rule, certificate of compliance, or technical specifications.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that "[t]he 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 Nuclear Waste Policy Act 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 that 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.” 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 direct final rule on March 24, 2017, that approved the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1042.

IV. Discussion of Changes

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 a request to amend Certificate of Compliance No. 1042 for the NUHOMS® EOS Dry Spent Fuel Storage System. Amendment No. 1 makes the following five changes:

1) Adds a new basket type (Type 4) to allow for the loading of intact, damaged, or failed fuel. The new Type 4 basket with staggered alignment of the steel, aluminum,

and poison basket plates is for the EOS-37PTH dry shielded canister. An option (Type 4L) is also added for the Type 4 basket, which has steel basket plates with a low emissivity coating and poison basket plates with low conductivity. The Type 4 basket has the ability to be stored in either the EOS horizontal storage module (EOS-HSM) or the new NUHOMS® MATRIX (HSM-MX) design. This change allows for the loading of damaged or failed fuel. The initial Certificate of Compliance No. 1042 does not allow for the loading of damaged or failed fuel. Six new heat load zone configurations for the EOS-37PTH dry shielded canister are added for the new Type 4 basket.

2) Adds another new basket type (Type 5) with low conductivity poison basket plates and low emissivity coated steel basket plates. The new Type 5 basket for the EOS-37PTH dry shielded canister is comparable in geometry to existing Types 1, 2 and 3 baskets. The Type 5 basket has the ability to be stored in either the EOS-HSM or the new HSM-MX design. Four of the six new heat load zone configurations added for the Type 4 basket are also added for the Type 5 basket.

3) Accepts fuel assemblies with a minimum two-year cooling time, in selected locations within the basket. This change is applicable to the EOS-37PTH dry shielded canister.

4) Adds the HSM-MX design as an alternative to the EOS-HSM design for the storage of spent fuel. The new HSM-MX design is an alternative for either an EOS-37PTH dry shielded canister or an EOS-89BTH dry shielded canister. The HSM-MX is a reinforced concrete monolithic modular structure, which is similar to the EOS-HSM

reinforced concrete modular structure except that the HSM-MX is a staggered, two-tiered modular structure.

5) Makes additional revisions to the certificate of compliance and the technical specifications for consistency and clarity. These revisions are described in the application package.

As documented in the preliminary safety evaluation report, the NRC performed a safety evaluation of the proposed certificate of compliance amendment request. There are no significant changes to cask design requirements in the proposed amendment. The design of the cask would prevent loss of containment, shielding, and criticality control in the event of each evaluated accident condition. This amendment does 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 No. 1 would remain well within the limits specified by 10 CFR part 20, "Standards for Protection Against Radiation." 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.

The amended TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System design, when used under the conditions specified in the certificate of compliance, the 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 reasonably assured. When this direct final rule becomes effective, persons who hold a general license under § 72.210 may, consistent with the license conditions under § 72.212, load spent nuclear fuel into TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System casks that meet the criteria of

Amendment No. 1 to Certificate of Compliance No. 1042.

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 adds an amendment to the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System design listed in 10 CFR 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 “Agreement State Program Policy Statement” approved by the Commission on October 2, 2017, and published in the *Federal Register* on October 18, 2017, 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 chapter I. 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 Agreement 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.

VIII. Environmental Assessment and Finding of No Significant Impact

Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," the NRC has determined that this direct final rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

A. The Action

The action is to amend § 72.214 to revise the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System listing within the "List of approved spent fuel storage casks" to include Amendment No. 1 to Certificate of Compliance No. 1042.

B. The Need for the Action

This direct final rule amends the certificate of compliance for the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System design within 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. 1 makes the following changes: 1) adds a new basket type (Type 4) to allow for the loading of intact, damaged, or failed fuel; 2) adds another new basket type (Type 5) with low conductivity poison basket plates and low emissivity coated steel basket plates; 3) accepts fuel assemblies with a minimum two-year cooling time, in selected locations within the basket; 4) adds the HSM-MX design as an alternative to the EOS-HSM design for the storage of spent fuel; and 5) makes additional revisions to the certificate of compliance and the technical specifications for consistency and clarity.

C. Environmental Impacts of the Action

On July 18, 1990, 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 analyzed in an environmental assessment for the 1990 final rule. The environmental assessment for Amendment No. 1 tiers 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 TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System is 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, can include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fires, explosions, and other incidents.

The design of the cask would still 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 No. 1 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 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 exposures, and no significant increase in the potential for, or consequences from, radiological accidents. The NRC documented its safety findings in the preliminary safety evaluation report.

D. Alternative to the Action

The alternative to this action is to deny approval of Amendment No. 1 and not issue the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System in accordance with the changes described in proposed

Amendment No. 1 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. The environmental impacts would be the same as the proposed action.

E. Alternative Use of Resources

Approval of Amendment No. 1 to Certificate of Compliance No. 1042 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. Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled, "List of Approved Spent Fuel Storage Casks: TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 1," 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, 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 Office of Management and Budget 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 TN Americas LLC. 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 (10 CFR 2.810).

XI. Regulatory Analysis

On July 18, 1990, 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: 1) notifies the NRC in advance; 2) the spent fuel is stored under the conditions specified in the cask's certificate of compliance; and 3) the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On March 24, 2017, the NRC issued an amendment to 10 CFR part 72 that approved the NUHOMS® EOS Dry Spent Fuel Storage System design by adding it to the list of NRC-approved cask designs in § 72.214.

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 a request to amend the NUHOMS® EOS Dry Spent Fuel Storage System as described in Section IV, "Discussion of Changes," of this document.

The alternative to this action is to withhold approval of Amendment No. 1 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System under the changes described in Amendment No. 1 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 on 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 report 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; therefore, this action is recommended.

XII. Backfitting and Issue Finality

The NRC has determined that the backfit rule (§ 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. 1042 for the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System, as currently listed in § 72.214. The revision consists of the changes in Amendment No. 1 previously described, as set forth in the revised certificate of compliance and technical specifications.

Amendment No. 1 to Certificate of Compliance No. 1042 for the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System was initiated by TN Americas LLC and was not submitted in response to new NRC requirements, or an NRC request for amendment. Amendment No. 1 applies only to new casks fabricated and used under Amendment No. 1. These changes do not affect existing users of the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System, and the initial Certificate of Compliance No. 1042 continues to be effective for existing users. While current users of this storage system may comply with the new requirements in Amendment No. 1, this would be a voluntary decision on the part of current users.

For these reasons, Amendment No. 1 to Certificate of Compliance No. 1042

does 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 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 (5 U.S.C. 801 *et seq.*).

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. / <i>FEDERAL REGISTER</i> CITATION
Proposed Certificate of Compliance No. 1042, Amendment No. 1	ML19290H608
Proposed Technical Specifications, Certificate of Compliance No. 1042, Amendment No. 1, Appendix A	ML19290H605
Preliminary Safety Evaluation Report, Certificate of Compliance No. 1042, Amendment No. 1	ML19290H606
Application for Amendment 1 to the NUHOMS EOS System, Revision 0, dated February 15, 2018	ML18053A220 (package)
Acceptance Review of TN Americas, LLC Application for Certificate of Compliance No. 1042, Amendment 1 to NUHOMS EOS System, Rev. 1 - Response to Request for Supplemental Information, dated June 14, 2018	ML18178A029 (package)

Acceptance Review (Continued) of TN Americas LLC Application for Certificate of Compliance No. 1042, Amendment No. 1, to the NUHOMS EOS System, Revision 2 - Response to Second Request for Supplemental Information, dated August 30, 2018	ML18255A124 (package)
Application for Amendment 1 to NUHOMS EOS Certificate of Compliance No. 1042, Rev. 3 - Response to Request for Additional Information, dated February 19, 2019	ML19058A410 (package)
Application for Amendment 1 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 4 - Computer Files Associated with Certain CoC 1042 Amendment 1 Request for Additional Information Items (Docket No. 72-1042, CAC No. 001028, EPID: L-2018-LLA-0043), dated March 21, 2019	ML19084A054
Submittal of Amendment 1 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 5 - Revised Responses to Request for Additional Information, dated June 19, 2019	ML19176A315 (package)
Application for Amendment 1 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 6 - Revised Responses to Request for Additional Information, dated July 16, 2019	ML19204A228 (package)
E-Mail from G. Mathues/Orano TN to C. Jacobs/NRC re: EOS Amendment 1 CoC Clarifications, dated July 17, 2019	ML19220A177 (package)
Transmittal Letter Regarding Application for Amendment 1 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 7 - Technical Specifications Table 3 Editorial Correction, dated August 29, 2019	ML19248C254 (package)
Orano USA - Application for Amendment 1 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 8 - Appendix 3.9.7 Editorial Correction, dated October 1, 2019	ML19274B914
Agreement State Program Policy Statement, dated October 18, 2017	82 FR 48535
Plain Language in Government Writing, dated June 10, 1998	63 FR 31885
Storage of Spent Fuel In NRC-Approved Storage Casks at Power Reactor Sites: Final Rule, dated July 18, 1990	55 FR 29181

List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042: Direct Final Rule, dated March 24, 2017	82 FR 14987
Certificate of Compliance No. 1042, Initial Certificate, Corrected	ML17215A161

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking web site at <https://www.regulations.gov> under Docket ID NRC-2019-0224. 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-2019-0224); 2) click the “Sign up for E-mail Alerts” link; and 3) enter your e-mail address and select how frequently you would like to receive e-mails (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, 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 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 No. 1042 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1042.

Initial Certificate Effective Date: June 7, 2017.

Amendment Number 1 Effective Date: June 17, 2020.

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.

Dated at Rockville, Maryland, this 18th day of March, 2020.

For the Nuclear Regulatory Commission.

/RA/

Margaret M. Doane,
Executive Director for Operations.