

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 72**

**[NRC-2021-0124]**

**RIN 3150-AK66**

**List of Approved Spent Fuel Storage Casks: TN Americas LLC**

**NUHOMS® EOS Dry Spent Fuel Storage System,**

**Certificate of Compliance No. 1042, Amendment No. 2**

**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. 2 to Certificate of Compliance No. 1042. Amendment No. 2 revises the certificate of compliance to add a dry shielded canister for storage, add new heat load zone configurations, and make other changes to the storage system. Amendment No. 2 also changes the certificate of compliance, technical specifications, and updated final safety analysis report for consistency and clarity.

**DATES:** This direct final rule is effective October 26, 2021 unless significant adverse comments are received by September 13, 2021. If this direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the *Federal*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:** Submit your comments, identified by Docket ID NRC-2021-0124, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or e-mail the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

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:** Christian J. Jacobs, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-6825; email: [Christian.Jacobs@nrc.gov](mailto:Christian.Jacobs@nrc.gov) or Andrew G. Carrera, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-1078; email: [Andrew.Carrera@nrc.gov](mailto:Andrew.Carrera@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

## **SUPPLEMENTARY INFORMATION:**

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

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

Please refer to Docket ID NRC-2021-0124 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 Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0124. Address questions about NRC dockets to Dawn Forder, telephone: 301-415-3407, email: Dawn.Forder@nrc.gov. For technical questions contact the individuals 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). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

#### B. Submitting Comments

Please include Docket ID NRC-2021-0124 in your comment submission. The NRC requests that you submit comments through the Federal rulemaking website at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

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. 2 to Certificate of Compliance No. 1042 and does not include other aspects of the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System cask 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. The NRC has determined that, with the requested changes, adequate protection of public health and safety will continue to be reasonably assured. The amendment to the rule will become effective on October 26, 2021. However, if the NRC receives any significant adverse comment on this direct final rule by September 13, 2021, 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 “[t]he 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” (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 March 24, 2017 (82 FR 14987), as corrected (82 FR 34387; July 25, 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, “List of approved spent fuel storage casks,” as Certificate of Compliance No. 1042.

#### **IV. Discussion of Changes**

On April 18, 2019, as supplemented on August 5, 2019; October 2, 2019; October 29, 2019; June 30, 2020; October 29, 2020; and January 27, 2021, TN Americas LLC submitted a request to amend Certificate of Compliance No. 1042 for the

NUHOMS® EOS Dry Spent Fuel Storage System. Amendment No. 2 revises the certificate of compliance as follows:

- adds the 61BTH Type 2 dry shielded canister transferred in the OS197 Transfer Cask for storage in the NUHOMS® MATRIX (HSM-MX) design approved in Amendment 1 to certificate of compliance No. 1042;
- for the EOS-37PTH dry shielded canister, adds two new heat load zone configurations for the EOS-37PTH for higher heat load assemblies, up to 3.5 kW/assembly, that also allow for damaged and failed fuel storage;
- for the EOS-37PTH dry shielded canister, adds basket type 4H, previously introduced in certificate of compliance No. 1042, Amendment 1, for new heat load zone configurations 1, 4, 5, 6, 8, and 9;
- for the EOS-TC108 Transfer Cask System with the EOS-37PTH dry shielded canister, adds new heat load zone configurations 4 through 9 for the 4H basket and reduce the minimum cooling times to 2 years (new heat load zone configurations 2 through 9);
- for the EOS-37PTH dry shielded canister, increases the control component source terms to better address potential control component sources from various shutdown plants; and
- revises certain certificate of compliance and technical specification items for consistency and clarity.

This amendment also revises the certificate of compliance as follows:

- adds a description of methodology on Cobalt-60 equivalence to Section 6.2.4 of the updated final safety analysis report (UFSAR), Control Components, to clarify methodology for Control Components;



- adds a description to UFSAR Section 1.2.1.1 for EOS-37PTH and Section 1.2.1.2 for EOS-89BTH to clarify the option of using a shield plug integrated with the inner top cover plate;
- updates UFSAR Section 2.4.3 to clarify the methodology to reduce the maximum allowable heat load based on the fuel assembly type; and
- replaces the phrase “28 days” with “which may be tested up to 56 days” in paragraph 4.4.4 of the technical specification to clarify whether concrete testing is required based on horizontal storage module component temperatures.

As documented in the preliminary safety evaluation report, the NRC performed a safety review of the proposed certificate of compliance amendment request. The NRC determined that this amendment does not reflect a significant change in design or fabrication of the cask. Specifically, the NRC determined that the design of the cask would continue to maintain confinement, shielding, and criticality control in the event of each evaluated accident condition. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 2 would remain well within the limits specified by 10 CFR part 20, “Standards for Protection Against Radiation.” Thus, the NRC found 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 NRC staff determined that the amended TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System cask 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. 2 to Certificate of Compliance No. 1402.

## **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 revises the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System cask design listed in § 72.214. 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 (82 FR 48535), this rule is classified as Compatibility Category NRC – Areas of Exclusive NRC Regulatory Authority. 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. Therefore, compatibility is not required for program elements in this category. 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 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 wrote 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 31885).

## **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. 2 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 within the list of approved spent fuel storage casks to allow power reactor licensees to store spent fuel at reactor sites in casks with the approved modifications under a general license. Specifically, Amendment No. 2 revises the certificate of compliance as described in Section IV, “Discussion of Changes,” of this document, for the use of the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System.

#### C. Environmental Impacts of the Action

On July 18, 1990 (55 FR 29181), 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 the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 2 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, fire, explosions, and other incidents.

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. 2 would remain well within the 10 CFR part 20 limits. The NRC has also determined that the design of the cask as modified by this rule would still maintain confinement, shielding, and criticality control in the event of an accident. Therefore, the proposed changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or 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. 2 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. 2 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. 2 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, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." Based on the foregoing environmental assessment, the NRC concludes that this direct final rule, "List of Approved Spent Fuel Storage Casks: TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 2," 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 (§ 2.810).

### **XI. Regulatory Analysis**

On July 18, 1990 (55 FR 29181), 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) and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On March 24, 2017 (82 FR 14987), as corrected (82 FR 34387; July 25, 2017), the NRC issued an amendment to 10 CFR part 72 that approved the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System design by adding it to the list of NRC-approved cask designs in § 72.214.

On April 18, 2019, as supplemented on August 5, 2019; October 2, 2019; October 29, 2019; June 30, 2020; October 29, 2020; and January 27, 2021, TN Americas LLC submitted a request to amend the TN Americas LLC 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. 2 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. 2 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 upon 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. 2 previously described, as set forth in the revised certificate of compliance and technical specifications.

Amendment No. 2 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. 2 applies only to new casks fabricated and used under Amendment No. 2. These changes do not affect existing users of the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System, and the current Amendment No. 1 continues to be effective for existing users. While current users of this storage system may comply with the new requirements in Amendment No. 2, this would be a voluntary decision on the part of current users.

For these reasons, Amendment No. 2 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.

### XIV. Availability of Documents

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

DOCUMENT	ADAMS ACCESSION NO. / <i>FEDERAL REGISTER CITATION</i>
Direct Final Rule, 10 CFR Part 72, "List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042; [NRC-2016-0254] RIN 3150-AJ88, March 24, 2017	82 FR 14987
Correcting Amendment, 10 CFR Part 72, "List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042; [NRC-2016-0254] RIN 3150-AJ88, July 25, 2017	82 FR 34387
Initial Application from TN Americas LLC for Certificate of Compliance No. 1042, Amendment No. 2, to NUHOMS EOS Dry Spent Fuel Storage System Certificate of Compliance No. 1042, April 18, 2019	ML19114A227 (package)

Submittal of Acceptance Review of TN Americas LLC Application for Certificate of Compliance No. 1042, Amendment No. 2, to NUHOMS EOS System, Revision 1, Response to Request for Supplemental Information, August 5, 2019	ML19225C845
Acceptance Review of TN Americas LLC Application for Certificate of Compliance No. 1042, Amendment No. 2, to NUHOMS EOS System, Revision 2, Supplemental Information, October 2, 2019	ML19282A518
Acceptance Review of TN Americas LLC Application for Certificate of Compliance No. 1042, Amendment No. 2, to NUHOMS EOS System, Revision 3 - Supplemental Information, October 29, 2019	ML19311C551
TN Americas LLC, Application for Certificate of Compliance No. 1042, Amendment No. 2, to NUHOMS EOS System, Revision 5, June 30, 2020	ML20190A135
Application for Certificate of Compliance No. 1042, Amendment No. 2, to NUHOMS EOS System, Revision 6, Revised Responses to Request for Additional Information, October 29, 2020	ML20315A417
TN America, LLC - Application for Certificate of Compliance No. 1042 Amendment No. 2 to NUHOMS EOS System, Revision 7 - Revised Response to Request for Additional Information, January 27, 2021	ML21027A324
User Need Memorandum Package to T. Martinez Navedo from J. McKirgan with Proposed Certificate of Compliance No. 1042, Amendment No. 2; Associated Proposed Technical Specifications; and the Preliminary Safety Evaluation Report, June 7, 2021	ML21125A103 (package)

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2021-0124.

### 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, revise Certificate of Compliance No. 1042 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.

Amendment Number 2 Effective Date: October 26, 2021.

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, 61BTH Type 2.

Dated: August 4, 2021.

For the Nuclear Regulatory Commission.

***/RA/***

Margaret M. Doane,  
Executive Director for Operations.