



NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC-2025-0070]

RIN 3150-AL33

**List of Approved Spent Fuel Storage Casks: TN Americas LLC,
NUHOMS® EOS Dry Spent Fuel Storage System,
Certificate of Compliance No. 1042, Amendment No. 4**

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend 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. 4 to Certificate of Compliance No. 1042. Amendment No. 4 would change the certificate of compliance to incorporate a method to determine new loading patterns, introduce a steel plate composite option, introduce the use of MAVRIC software for a confirmatory run of the HSM-MX dose rates, make technical specification changes for consistency and terminology clarification, make various updated final safety analysis report editorial corrections for consistency and clarification, add measured exposures from past loading campaigns, allow use of a blended Portland cement, change the use of the MX-Loading Crane, and clarify the scenarios under which the maximum heat loads can be reduced.

DATES: Submit comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION 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 of only comments received on or before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2025-0070, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

You can read a plain language description of this direct final rule at <https://www.regulations.gov/docket/NRC-2025-0070>. 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: George Tartal, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-0016, email: George.Tartal@nrc.gov.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-0070 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-2025-0070. Address questions about NRC dockets to Helen Chang, telephone: 301-415-3228, email: Helen.Chang@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. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2025-0070 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

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the *Federal Register*. The direct final rule will become effective on **[INSERT DATE 75 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. However, if the NRC receives any significant adverse comment by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. In general, absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

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.

For a more detailed discussion of the proposed rule changes and associated analyses, see the direct final rule published in the Rules and Regulations section of this issue of the *Federal Register*.

For detailed instructions on filing comments, please see the ADDRESSES section of this document.

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), 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.

This rule would be limited to the changes contained in Amendment No. 4 to Certificate of Compliance No. 1042 and would not include other aspects of the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design.

IV. 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 (63 FR 31885). The NRC requests comment on this proposed rule with respect to clarity and effectiveness of the language used.

V. Regulatory Planning and Review

Executive Order (E.O.) 12866, as amended by E.O. 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA determined that this proposed rule is not a significant regulatory action under E.O. 12866.

VI. Availability of Documents

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

DOCUMENT	ADAMS ACCESSION NO. / <i>FEDERAL REGISTER</i> CITATION
Proposed Certificate of Compliance	
“Proposed CoC No.1042 - EOS Amendment No. 4”	ML25078A250
Preliminary Safety Evaluation Report	
“PSER - EOS Amendment No. 4”	ML25078A252
Proposed Conditions for Cask Use and Technical Specifications	
“Proposed Technical Specifications - EOS Amendment No. 4”	ML25078A251
Environmental Documents	
“Storage of Spent Fuel In NRC-Approved Storage Casks at Power Reactor Sites” Final Rule (July 18, 1990)	55 FR 29181
TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System Amendment Application Documents	
“Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 0 (Docket 72-1042),” September 29, 2022	ML22272A575
“TN Americas LLC Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 1 - Response to Request for Supplemental Information,” March 30, 2023	ML23089A175
“Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 2 (Docket 72-1042, CAC No. 001028, EPID: L-2022-LLA-0017) - Supplemental Responses to Request for Supplemental Information,” June 28, 2023	ML23179A120
“TN Americas LLC, Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 3 (Docket 72-1042, CAC No. 001028, EPID: L-2022-LLA-0017) – Response to Request for Additional Information,” April 22, 2024	ML24113A307
“Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 4 (Docket 72-1042, CAC No. 001028, EPID: L-2022-LLA-0017) – Revised Response to Request for Additional Information,” November 6, 2024	ML24311A209

“Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 5 (Docket 72-1042, CAC No. 001028, EPID: L-2022-LLA-0017) - Supplemental Responses to Request for Additional Information,” February 12, 2025	ML25043A122
Other Documents	
“Agreement State Program Policy Statement; Correction.” (October 18, 2017)	82 FR 48535
Presidential Memorandum, “Plain Language in Government Writing.” (June 10, 1998)	63 FR 31885
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, March 24, 2017	82 FR 14987

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-2025-0070. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder NRC-2025-0070; 2) click the “Subscribe” link; and 3) enter an email address and click on the “Subscribe” link.

Dated: July 17, 2025.

For the Nuclear Regulatory Commission.

Michael King,

Acting Executive Director for Operations.

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