V. Conclusion

For the reasons cited in this document, the NRC will consider the petition in the rulemaking process. The NRC will evaluate the current requirements and guidance for immediate notification of nonemergency events for operating nuclear power reactors, assess whether the requirements present an unnecessary reporting burden, and if so, determine whether reporting can be reduced or eliminated that does not have a commensurate safety benefit.


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**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:** 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. 2 to Certificate of Compliance No. 1042. Amendment No. 2 would revise 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.

**DATES:** Submit comments by September 13, 2021. 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.


**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](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 publically-available documents online in the ADAMS Public Documents collection at [https://www.nrc.gov/reading-rm/adams.html](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.

- **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 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](https://www.regulations.gov). If your material cannot be submitted using [https://www.regulations.gov](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](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, 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 October 26, 2021. However, if the NRC receives any significant adverse comment by September 13, 2021, 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. 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.

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.

### 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. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, 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 the proposed rule with respect to clarity and effectiveness of the language used.

### V. Availability of Documents

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

10 CFR Part 430

RIN 1905–AE01

Energy Conservation Program: Energy Conservation Standards for Microwave Ovens


ACTION: Notification of proposed determination and request for comment.

SUMMARY: The Energy Policy and Conservation Act, as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including microwave ovens. EPCA also requires the U.S. Department of Energy (“DOE”) to periodically determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would result in significant energy savings. In this notification of proposed determination (“NOPD”), DOE has initially determined that energy conservation standards for microwave ovens do not need to be amended and requests comment on this proposed determination and the associated analyses and results.

DATES:
Meeting: DOE will hold a webinar on Monday, September 13, 2021, from 10:00 a.m. to 3:00 p.m. See section VII, “Public Participation,” for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

Comments: Written comments and information are requested and will be accepted on or before October 12, 2021. Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at https://www.regulations.gov. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–STD–0023, by any of the following methods:
2. Email: to MWO2017STD0023@ee.doe.gov. Include docket number EERE–2017–BT–STD–0023 in the subject line of the message.

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.


For the Nuclear Regulatory Commission.

Margaret M. Doane,
Executive Director for Operations.

[FRC Doc. 2021–17228 Filed 8–11–21; 8:45 am]

BILLING CODE 7590–01–P

The document text continues with more detailed information on the proposed standards for microwave ovens, including technical specifications and requirements for public participation in the comment process. The document is available for review at the Federal Register or through the Federal eRulemaking Portal.