



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

July 23, 2015

MEMORANDUM TO: Mark A. Satorius
Executive Director for Operations

FROM: Josephine M. Piccone, Director */RA/*
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

SUBJECT: FINAL RULE TO ADD HOLTEC INTERNATIONAL HI-STORM 100
CASK SYSTEM, CERTIFICATE OF COMPLIANCE NO. 1014,
AMENDMENT NO. 8, REVISION 1 TO THE LIST OF APPROVED
SPENT FUEL STORAGE CASKS (RIN 3150-AJ47; NRC-2014-0233)

Enclosed for your signature is a final rule (Enclosure 1) amending the U.S. Nuclear Regulatory Commission's (NRC) spent fuel storage regulations by revising the Holtec International HI-STORM 100 Cask System listing within the list of approved spent fuel storage casks in § 72.214 of Title 10 of the *Code of Federal Regulations* (10 CFR) to add Revision 1 to Amendment No. 8 (effective May 2, 2012, as corrected on November 16, 2012), to the Certificate of Compliance (CoC) No. 1014. Amendment No. 8, Revision 1, changes burnup/cooling time limits for thimble plug devices, changes Metamic-HT material testing requirements, changes Metamic-HT material minimum guaranteed values, and updates fuel definitions to allow boiling water reactor fuel affected by certain corrosion mechanisms with specific guidelines to be classified as undamaged fuel.

On February 5, 2015 (80 FR 6430), the NRC published in the *Federal Register* a direct final rule amending its regulations in 10 CFR Part 72 to amend the NRC's spent fuel storage regulations by revising the Holtec International HI-STORM 100 Cask System listing within the "List of approved spent fuel storage casks" to add Revision 1 to Amendment No. 8 (effective May 2, 2012, as corrected on November 16, 2012). The direct final rule was to become effective on April 21, 2015. The NRC also concurrently published a companion proposed rule on February 5, 2015 (80 FR 6466). In the February 5, 2015, proposed rule, the NRC stated that if any significant adverse comments were received, then the NRC would publish a document that withdraws the direct final rule. As a result, the direct final rule would not take effect.

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The NRC received at least one significant adverse comment on the proposed rule; therefore, the NRC withdrew the direct final rule on April 20, 2015 (80 FR 21639). The NRC received 16 comments from private citizens which raised issues including storage of the spent nuclear fuel, definition changes, inclusion of other agencies, and implementation period, among others.

The NRC considered one of the comments to be a significant adverse comment as defined in Section II, "Procedural Background," of the direct final rule, since the comment was serious enough to require a substantive response in order to clarify the record. A summary of the comments and responses to each comment is provided in the final rule.

Notices: Enclosure 2 (Notice of Final Rule Signed by the Executive Director for Operations (EDO)) documents that you have signed the *Federal Register* notice, and intend to forward it to the Office of the Federal Register unless otherwise directed by the Commission. The appropriate Congressional committees will be notified.

Resources: No additional resources will be needed to implement this rulemaking.

Coordination: The Office of Administration concurs with this amendment. The Office of the General Counsel has no legal objection.

Enclosures:

1. Final Rule
2. Notice of Final Rule Signed by the EDO

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The NRC considered one of the comments to be significant adverse comments as defined in Section I, "Procedural Background," of the direct final rule, since the comment was serious enough to require a substantive response in order to clarify the record. The NRC provides a summary of the comments and its response in the final rule.

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