



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

February 13, 2015

MEMORANDUM TO: Mark A. Satorius  
Executive Director for Operations

FROM: Laura A. Dudes, Director **/RA/**  
Division of Material Safety, State, Tribal,  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: FINAL RULE TO REVISE THE 10 CFR PART 72 LIST OF  
APPROVED SPENT FUEL STORAGE CASKS;  
HOLTEC INTERNATIONAL HI-STORM UNDERGROUND  
MAXIMUM CAPACITY CANISTER STORAGE SYSTEM,  
CERTIFICATE OF COMPLIANCE NO. 1040 (RIN 3150-AJ42)

Enclosed for your signature is a final rule (Enclosure 1) amending the U.S. Nuclear Regulatory Commission's (NRC) spent fuel storage regulations by adding the Holtec International HI-STORM Underground Maximum Capacity (UMAX) Canister Storage System, Certificate of Compliance (CoC) No. 1040, to the list of approved spent fuel storage casks in § 72.214 of Title 10 of the *Code of Federal Regulations* (10 CFR).

On September 9, 2014 (79 FR 53281), the NRC published in the *Federal Register* a direct final rule amending its regulations in 10 CFR part 72 to include the addition of the Holtec International HI-STORM UMAX Canister Storage System listing within the "List of approved spent fuel storage casks." The direct final rule was to become effective on November 24, 2014. The NRC also concurrently published a companion proposed rule on September 9, 2014 (79 FR 53352). In the September 9, 2014, proposed rule, the NRC stated that if any significant adverse comments were received, a notice that withdraws the direct final rule would be published in the *Federal Register*. As a result, the direct final rule would not take effect.

The NRC received significant adverse comments on the proposed rule; therefore, the NRC withdrew the direct final rule on November 19, 2014 (79 FR 68763). The NRC received 10 comments from private citizens which raised issues including inspections, seismic concerns, stress corrosion cracking, and aging management, among others.

CONTACT: Greg Trussell, NMSS/MSTR  
(301) 415-6445

The NRC considered some of these comments to be significant adverse comments as defined in Section I, "Procedural Background," of the direct final rule, since the comments were serious enough to require a substantive response in order to clarify the record. The NRC provides a summary of these comments and its response in the final rule. Holtec International intends to provide an underground storage option compatible with the Holtec International HI-STORM FLOOD/WIND System, CoC No. 1032. The Holtec International HI-STORM UMAX Canister Storage System stores a hermetically sealed canister containing spent nuclear fuel in an in-ground vertical ventilated module and is designed to provide long-term underground storage of loaded multi-purpose canisters previously certified for storage in CoC No. 1032.

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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