

## NOTICE OF FINAL RULE SIGNED BY EDO

### OFFICE OF FEDERAL AND STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROGRAMS

On September 24, 2009, the Executive Director for Operations (EDO) approved a direct final rule that amends 10 CFR 72.214, "List of approved spent fuel storage casks" by revising the Holtec International (Holtec) HI-STORM 100 cask system listing to include Amendment No. 7 to Certificate of Compliance No. 1014. This amendment will add the HI-STORM 100U to the HI-STORM 100 cask system. The HI-STORM 100U allows for the underground storage of dry spent nuclear fuel (SNF) by utilizing an underground vertical ventilated module (VVM) that can accept certain Holtec multipurpose canisters previously certified for storage of SNF in the aboveground HI-STORM system. The amendment also incorporates a mandatory radiation protection perimeter around the loaded VVMs. In addition, the amendment will reinstate the decay heat limits for damaged fuel and fuel debris in Appendix B, Technical Specification (TS) 2.4, for the aboveground system that had been inadvertently deleted from Amendment Nos. 5 and 6; incorporate separate TS Appendices A and B for the aboveground system (Apps. A and B) and for the HI-STORM 100U system (Apps. A-100U and B-100U); revise Appendix B, TS 3.4.5, to be consistent with the required system thermal boundary conditions, as submitted in the applicant's safety analysis report for a fire accident condition, and with Holtec's original (i.e., initial certificate application or Amendment 0) submittal and the NRC's original safety evaluation report; and revise and add certain definitions in Appendix A, TS 1.1, to include the VVM. The amendment will also incorporate minor editorial corrections in the TS for the aboveground system.

This notice informs the Commission that, in accordance with the rulemaking authority delegated to the EDO, the EDO has signed this direct final rule and proposes to forward it on October 2, 2009, to the Office of the Federal Register for publication, unless otherwise directed by the Commission.

This final rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 7, 8, or 9, Subpart C, concerning matters of policy.

The final rule can be found in ADAMS at ML092470035.