

October 19, 2009

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy and Environment
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The U.S. Nuclear Regulatory Commission (NRC) is publishing in the *Federal Register* a direct final rule that will amend the "List of approved spent fuel storage casks" (10 CFR 72.214). NRC is approving the revision of the Holtec International (Holtec) HI-STORM 100 (as amended) cask system for storage of spent fuel under the new conditions specified in the revised Certificate of Compliance (CoC). 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 100 cask systems. 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.

The HI-STORM 100 cask system, as amended, when used in accordance with the conditions specified in the CoC and NRC regulations, will meet the requirements of 10 CFR Part 72; thus, adequate protection of public health and safety is ensured. This cask system will continue to allow holders of power reactor operating licenses to store spent fuel in the cask system under a general license.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Fred Upton

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Identical Letters sent to The Honorable Thomas Carper with cc to Senator David Vitter, The Honorable Barbara Boxer with cc to Senator James M. Inhofe, and The Honorable Henry A. Waxman with cc to Representative Joe Barton

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October 19, 2009

The Honorable Thomas Carper
Chairman, Subcommittee on Clean Air, Climate Change,
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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cc: Senator David Vitter

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Chairman, Committee on Environment and Public Works
United States Senate
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