

February 21, 2006

Mr. John D. Parkyn
Chairman of the Board
Private Fuel Storage, L.L.C.
3200 East Avenue South
La Crosse, WI 54602-0817

SUBJECT: ISSUANCE OF MATERIALS LICENSE NO. SNM-2513 FOR THE
PRIVATE FUEL STORAGE FACILITY (TAC NO. L23821)

Dear Mr. Parkyn:

By letter dated June 20, 1997, as amended, Private Fuel Storage, L.L.C. (PFS) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) requesting a site specific license in accordance with 10 CFR Part 72 for Private Fuel Storage Facility (PFSF). This proposed facility is to be located on the Reservation of the Skull Valley Band of Goshute Indians in Tooele County, Utah.

NRC has determined based on its review of this application that there is reasonable assurance that: (i) the activities authorized by the license can be conducted without endangering the health and safety of the public; and (ii) these activities will be conducted in compliance with the applicable regulations of 10 CFR Part 72. NRC has further determined that the issuance of the license will not be inimical to the common defense and security.

On February 10, 2006, the NRC staff transmitted the draft license for the PFSF for your review. PFS provided comments in a letter, dated February 17, 2006. Your comments have been considered and incorporated, as appropriate.

In addition, the NRC staff received comments dated February 15, 2006, from Ms. Denise Chancellor, Assistant Attorney General for the State of Utah. Ms. Chancellor, among other things, noted that the Final Environmental Impact Statement (FEIS) for the PFSF evaluated the maximum amount of material to be stored at the facility over the period of licensed operation rather than the maximum amount of material to be stored at any one time during the period of licensed operation, and she requested that the license be conditioned on this maximum limit. PFS provided a response to Ms. Chancellor's comments by separate letter dated February 17, 2006, in which PFS indicated that it did not oppose this request. Accordingly, NRC has revised Condition 8 to reflect this limit. A typographical error in a Technical Specification noted by Ms. Chancellor also has been corrected.

Materials License No. SNM-2513 is hereby issued to PFS, pursuant to 10 CFR Part 72. A copy of the license is enclosed. Issuance of this license constitutes authorization for a 20-year term to receive, possess, store, and transfer spent fuel and associated radioactive materials at the PFSF. All future communications regarding this license should refer to License No. SNM-2513, Docket No. 72-22. Also enclosed is a copy of the Notice of Issuance, which has been transmitted to the Office of the Federal Register for publication.

J. Parkyn

-2-

If you have any questions regarding issuance of this license, please do not hesitate to contact me at (301) 415-8560, or Mr. Stewart W. Brown of my staff at (301) 415-8531.

Sincerely,

/RA/

William H. Ruland, Deputy Director
Licensing and Inspection Directorate
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-22

Enclosures: 1. Materials License No. SNM-2513
2. Federal Register Notice of Issuance

cc: PFS Service Lists (w/enclosures)

J. Parkyn

-2-

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U.S. NUCLEAR REGULATORY COMMISSION

DOCKET NO. 72-22

PRIVATE FUEL STORAGE, LIMITED LIABILITY COMPANY

NOTICE OF ISSUANCE OF MATERIALS LICENSE SNM-2513

FOR THE

PRIVATE FUEL STORAGE FACILITY

AGENCY: Nuclear Regulatory Commission

ACTION: Issuance of Materials License; Termination of NHPA Consultation

FOR FURTHER INFORMATION CONTACT: Stewart W. Brown, Senior Project Manager,
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(301) 415-8555; email: swb1@nrc.gov.

SUPPLEMENTARY INFORMATION:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Materials License No. SNM-2513 to Private Fuel Storage, Limited Liability Company (PFS) for the receipt, possession, storage, and transfer of spent fuel at the Private Fuel Storage Facility (PFSF), to be located on the Reservation of the Skull Valley Band of Goshute Indians, in Tooele County, Utah.

In connection with its review of the PFS license application, the NRC, in coordination with three cooperating Federal agencies, developed a final environmental impact statement

pursuant to the National Environmental Policy Act of 1969 (NEPA), which was published in December 2001. In addition, the NRC participated in consultations with the three cooperating agencies and other parties concerning the protection of historic and cultural properties which may be impacted by the agencies' proposed actions, in accordance with the National Historic Preservation Act (NHPA) and regulations promulgated by the Advisory Council on Historic Preservation (ACHP). By letter dated November 22, 2005, the NRC notified the ACHP that it was terminating the NHPA consultation process for reasons described in the letter, pursuant to 36 CFR 800.7(a); notice of such termination was also provided to all parties involved in the consultation process. By letter dated January 9, 2006, the ACHP provided its comments in response to the NRC's letter of November 22, 2005. In accordance with 36 CFR 800.7(c)(4), the NRC has considered the ACHP's comments, as set forth in a letter to the ACHP dated February 10, 2006, and has determined that final action on the PFS license application is appropriate.

Accordingly, notice is hereby provided that the NRC has determined to grant the PFS license application, and to issue Materials License No. SNM-2513 to PFS for the PFSF. This Materials License is issued under the provisions of 10 CFR Part 72, and is effective as of the date of issuance. In accordance with 10 CFR Part 72, the PFSF license is issued for a term of 20 years, but the licensee may seek to renew the license prior to its expiration. The license authorizes PFS to provide interim storage in a dry cask storage system for up to 40,000 metric tons of uranium contained in intact spent fuel, damaged fuel assemblies, and fuel debris. The dry cask storage system authorized for use is a site-specific version of the HI-STORM 100 system designed by Holtec International, Inc., as more fully described in Materials License No. SNM-2513.

Background

Following receipt of PFS's application dated June 20, 1997, the NRC staff published a "Notice of Docketing, Notice of Proposed Action, and Notice of Opportunity for a Hearing for a Materials License for the PFSF in the Federal Register on July 31, 1997 (62 FR 41099). In conjunction with the issuance of this license, the staff and three cooperating Federal agencies (Bureau of Land Management, Bureau of Indian Affairs, and Surface Transportation Board) published the "Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah," NUREG-1714 (December 2001) (FEIS). The FEIS considered the impacts of the construction, operation and decommissioning of the proposed ISFSI at the Skull Valley site and the impacts of certain transportation facilities which had been proposed by PFS. The FEIS indicated that the NRC staff and the three Cooperating Agencies had concluded, in part, that the overall benefits of the proposed PFSF outweigh the disadvantages and cost, and that the measures required by other permitting authorities and the mitigation measures proposed in the FEIS would eliminate or ameliorate any potential adverse environmental impacts associated with the PFS license application.

The safety and security of the proposed PFSF were addressed in a Safety Evaluation Report (SER) issued in December 2000 and two amendments thereto, as reissued in a consolidated SER in March 2002. Evidentiary hearings on the proposed license application were held before an Atomic Safety and Licensing Board in 2000, 2002 and 2004, and final adjudicatory decisions have been issued with respect to all contested issues in the proceeding.

In sum, the NRC has completed its environmental and safety reviews of the PFSF license application. Based on its review of the application and other pertinent information, the NRC issued Materials License No. SNM-2513 for the PFSF on February 21, 2006.

Further details with respect to this action are provided in the application dated June 20, 1997, as amended; the staff's Final Environmental Impact Statement, dated December 2001; the staff's Consolidated Safety Evaluation Report, dated March 5, 2002; Materials License SNM-2513; the NRC's letter to the ACHP dated November 22, 2005; the ACHP's letter dated January 9, 2006; the NRC's letter to the ACHP dated February 10, 2006; and other related documents, which are publicly available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at:

<http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or

(301) 415-4737, or by e-mail to pdr@nrc.gov. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 21st day of February, 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Stewart W. Brown, Senior Project Manager
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
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Dated at Rockville, Maryland, this 21st day of February, 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

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Office of Nuclear Material Safety
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NAME	SBrown		EZiegler		STurk		RNelson for JRH		WHRuland	
DATE	02/14 /06		02/14 /06		02/21/06		02/21/06		02/21/06	

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PRIVATE FUEL STORAGE, LIMITED LIABILITY COMPANY
DOCKET NO. 72-22
PRIVATE FUEL STORAGE FACILITY
INDEPENDENT SPENT FUEL STORAGE INSTALLATION
MATERIALS LICENSE NO. SNM-2513

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application filed by Private Fuel Storage, Limited Liability Company (the applicant), for a materials license to receive, store, transfer, and possess power reactor spent fuel at the Private Fuel Storage Facility (PFSF) Independent Spent Fuel Storage Installation (ISFSI) located on the Reservation of the Skull Valley Band of Goshute Indians, a Federally-recognized Indian Tribe, meets the standards and requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations set forth in 10 CFR Chapter I;
 - B. The PFSF ISFSI will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. The proposed site complies with the criteria in Subpart E of 10 CFR Part 72, with the exception of 10 CFR 72.102(f)(1), for which an exemption is granted in the license;
 - D. The applicant's proposed ISFSI design complies with the criteria in 10 CFR Part 72, Subpart F;
 - E. The applicant is qualified by reason of training and experience to conduct the operations covered by the regulations in 10 CFR Part 72;
 - F. The applicant's proposed operating procedures to protect health and to minimize danger to life and property are adequate;
 - G. The applicant is financially qualified to engage in the activities in accordance with the regulations in 10 CFR Part 72, subject to the conditions specified in the license;
 - H. The applicant's quality assurance plan complies with 10 CFR Part 72, Subpart G;
 - I. The applicant's physical protection provisions comply with 10 CFR Part 72, Subpart H;
 - J. The applicant's personnel training program complies with 10 CFR Part 72, Subpart I;
 - K. The applicant's decommissioning plan and its financing pursuant to 10 CFR 72.30, provide reasonable assurance, subject to the conditions specified in the license, that decontamination and decommissioning of the PFSF ISFSI at the end of its useful life will provide adequate protection to the health and safety of the public;
 - L. The applicant's emergency plan complies with 10 CFR 72.32;

- M. The applicant has satisfied the applicable provisions of 10 CFR Part 170;
 - N. There is reasonable assurance that (i) the activities authorized by this license can be conducted without endangering public health and safety, and (ii) such activities will be conducted in compliance with the Commission's regulations;
 - O. The issuance of this license will not be inimical to the common defense and security; and
 - P. The issuance of this license is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, based on the foregoing findings, Materials License SNM-2513 is hereby issued to Private Fuel Storage, Limited Liability Company to read as follows:

**APPENDIX
TO
MATERIALS LICENSE NO. SNM-2513**

**TECHNICAL SPECIFICATIONS
FOR THE
PRIVATE FUEL STORAGE FACILITY**

Docket 72-22

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1.0 USE AND APPLICATION

1.1 Definitions

-----NOTE-----

The defined terms of this section appear in capitalized type and are applicable throughout these Technical Specifications.

<u>Term</u>	<u>Definition</u>
ACTIONS	ACTIONS shall be that part of a Specification that prescribes Required Actions to be taken under designated Conditions within specified Completion Times.
CANISTER	CANISTERS are the sealed spent nuclear fuel containers which consist of a honeycombed fuel basket contained in a cylindrical shell which is welded to a baseplate, lid with welded port cover plates, and closure ring. The CANISTER provides the confinement boundary for the contained radioactive materials, including one or more fuel assemblies.
CANISTER TRANSFER BUILDING (CTB)	The CANISTER TRANSFER BUILDING is a reinforced concrete and steel structure designed for the transfer of the CANISTER from the Shipping Cask to the STORAGE CASK.
LOADING OPERATIONS	LOADING OPERATIONS include all licensed activities associated with the vertical raising or lowering of a CANISTER into or out of a Shipping Cask, TRANSFER CASK, or STORAGE CASK, using the Canister Downloader of the TRANSFER CASK.

(continued)

1.1 Definitions (continued)

PRIVATE FUEL STORAGE FACILITY (PFSF)

The PFSF is a complex designed and constructed for the interim storage of spent nuclear fuel and other radioactive materials associated with spent fuel storage. The spent fuel is stored within STORAGE CASKs and CANISTERS.

STORAGE CASK

STORAGE CASKs are the casks which receive and contain the sealed CANISTERS for interim storage at the PFSF. They provide gamma and neutron shielding, and provide for ventilated air flow to promote heat transfer from the CANISTER to the environs.

STORAGE OPERATIONS

STORAGE OPERATIONS include all licensed activities that are performed at the PFSF while a STORAGE CASK and CANISTER are sitting on a storage pad within the PFSF perimeter. STORAGE OPERATIONS do not include CANISTER transfer between the TRANSFER CASK and the STORAGE CASK.

TRANSFER CASK

TRANSFER CASKs are containers designed to transfer the CANISTER between the Shipping Cask and the STORAGE CASK.

TRANSPORT OPERATIONS

TRANSPORT OPERATIONS include all licensed activities involving a STORAGE CASK or TRANSFER CASK loaded with a CANISTER when it is being moved within the PFSF using CTB cranes or the Cask Transporter. TRANSPORT OPERATIONS include transfer of the CANISTER between the Shipping Cask and the STORAGE CASK using the TRANSFER CASK and CTB cranes, and between the CTB and the Storage Pads using the STORAGE CASK and Cask Transporter. TRANSPORT OPERATIONS do not include the vertical raising and lowering of a CANISTER during LOADING OPERATIONS.

1.0 USE AND APPLICATION

1.2 Logical Connectors

PURPOSE The purpose of this section is to explain the meaning of logical connectors.

Logical connectors are used in Technical Specifications (TS) to discriminate between, and yet connect, discrete Conditions, Required Actions, Completion Times, Surveillances, and Frequencies. The only logical connectors that appear in TS are AND and OR. The physical arrangement of these connectors constitutes logical conventions with specific meanings.

BACKGROUND Several levels of logic may be used to state Required Actions. These levels are identified by the placement (or nesting) of the logical connectors and by the number assigned to each Required Action. The first level of logic is identified by the first digit of the number assigned to a Required Action and the placement of the logical connector in the first level of nesting (i.e., left justified with the number of the Required Action). The successive levels of logic are identified by additional digits of the Required Action number and by successive indentations of the logical connectors.

When logical connectors are used to state a Condition, Completion Time, Surveillance, or Frequency, only the first level of logic is used, and the logical connector is left justified with the statement of the Condition, Completion Time, Surveillance, or Frequency.

(continued)

1.2 Logical Connectors (continued)

EXAMPLES The following examples illustrate the use of logical connectors.

EXAMPLE 1.2-1

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. LCO not met.	A.1 Verify... <u>AND</u> A.2 Restore...	

In this example the logical connector AND is used to indicate that when in Condition A, both Required Actions A.1 and A.2 must be completed.

(continued)

1.2 Logical Connectors (continued)

EXAMPLES
 (continued)

EXAMPLE 1.2-2

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. LCO not met.	A.1 Stop... <u>OR</u> A.2.1 Verify... <u>AND</u> A.2.2.1 Reduce... <u>OR</u> A.2.2.2 Perform... <u>OR</u> A.3 Remove...	

This example represents a more complicated use of logical connectors. Required Actions A.1, A.2, and A.3 are alternative choices, only one of which must be performed as indicated by the use of the logical connector OR and the left justified placement. Any one of these three ACTIONS may be chosen. If A.2 is chosen, then both A.2.1 and A.2.2 must be performed as indicated by the logical connector AND. Required Action A.2.2 is met by performing A.2.2.1 or A.2.2.2. The indented position of the logical connector OR indicates that A.2.2.1 and A.2.2.2 are alternative choices, only one of which must be performed.

1.0 USE AND APPLICATION

1.3 Completion Times

PURPOSE The purpose of this section is to establish the Completion Time convention and to provide guidance for its use.

BACKGROUND Limiting Conditions for Operation (LCOs) specify the lowest functional capability or performance levels of equipment required for safe operation of the facility. The ACTIONS associated with an LCO state Conditions that typically describe the ways in which the requirements of the LCO can fail to be met. Specified with each stated Condition are Required Action(s) and Completion Time(s).

DESCRIPTION The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the time of discovery of a situation (e.g., equipment or variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the facility is in a specified condition stated in the Applicability of the LCO. Required Actions must be completed prior to the expiration of the specified Completion Time. An ACTIONS Condition remains in effect and the Required Actions apply until the Condition no longer exists or the facility is not within the LCO Applicability.

Once a Condition has been entered, subsequent subsystems, components, or variables expressed in the Condition, discovered to be not within limits, will not result in separate entry into the Condition unless specifically stated. The Required Actions of the Condition continue to apply to each additional failure, with Completion Times based on initial entry into the Condition.

(continued)

1.3 Completion Times (continued)

EXAMPLES

The following examples illustrate the use of Completion Times with different types of Conditions and changing Conditions.

EXAMPLE 1.3-1

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
B. Required Action and associated Completion Time not met.	B.1 Perform Action B.1	12 hours
	<p style="text-align: center;"><u>AND</u></p> B.2 Perform Action B.2.	36 hours

Condition B has two Required Actions. Each Required Action has its own separate Completion Time. Each Completion Time is referenced to the time that Condition B is entered.

The Required Actions of Condition B are to complete action B.1 within 12 hours AND complete action B.2 within 36 hours. A total of 12 hours is allowed for completing action B.1 and a total of 36 hours (not 48 hours) is allowed for completing action B.2 from the time that Condition B was entered. If action B.1 is completed within 6 hours, the time allowed for completing action B.2 is the next 30 hours because the total time allowed for completing action B.2 is 36 hours.

(continued)

1.3 Completion Times (continued)

EXAMPLES
 (continued)

EXAMPLE 1.3-2

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. One system not within limit.	A.1 Restore system to within limit.	7 days
B. Required Action and associated Completion Time not met.	B.1 Complete action B.1.	12 hours
	<u>AND</u> B.2 Complete action B.2.	36 hours

When a system is determined not to meet the LCO, Condition A is entered. If the system is not restored within 7 days, Condition B is also entered and the Completion Time clocks for Required Actions B.1 and B.2 start. If the system is restored after Condition B is entered, Conditions A and B are exited, and therefore, the Required Actions of Condition B may be terminated.

(continued)

1.3 Completion Times (continued)

**EXAMPLES
(continued)**

EXAMPLE 1.3-3

ACTIONS

-----NOTE-----

Separate Condition entry is allowed for each component.

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. LCO not met.	A.1 Restore compliance with LCO	4 hours
B. Required Action and associated Completion Time not met.	B.1 Complete action B.1.	6 hours
	<u>AND</u> B.2 Complete action B.2.	12 hours

The Note above the ACTIONS table is a method of modifying how the Completion Time is tracked. If this method of modifying how the Completion Time is tracked was applicable only to a specific Condition, the Note would appear in that Condition rather than at the top of the ACTIONS Table.

The Note allows Condition A to be entered separately for each component, and Completion Times tracked on a per component basis. When a component is determined to not meet the LCO, Condition A is entered and its Completion Time starts. If subsequent components are determined to not meet the LCO, Condition A is entered for each component and separate Completion Times start and are tracked for each component.

IMMEDIATE COMPLETION TIME

When "Immediately" is used as a Completion Time, the Required Action should be pursued without delay and in a controlled manner.

1.0 USE AND APPLICATION

1.4 Frequency

PURPOSE The purpose of this section is to define the proper use and application of Frequency requirements.

DESCRIPTION Each Surveillance Requirement (SR) has a specified Frequency in which the Surveillance must be met in order to meet the associated Limiting Condition for Operation (LCO). An understanding of the correct application of the specified Frequency is necessary for compliance with the SR.

The "specified Frequency" is referred to throughout this section and each of the Specifications of Section 3.0, Surveillance Requirement (SR) Applicability. The "specified Frequency" consists of the requirements of the Frequency column of each SR.

Situations where a Surveillance could be required (i.e., its Frequency could expire), but where it is not possible or not desired that it be performed until sometime after the associated LCO is within its Applicability, represent potential SR 3.0.4 conflicts. To avoid these conflicts, the SR (i.e., the Surveillance or the Frequency) is stated such that it is only "required" when it can be and should be performed. With an SR satisfied, SR 3.0.4 imposes no restriction.

(continued)

1.4 Frequency (continued)

EXAMPLES The following examples illustrate the various ways that Frequencies are specified.

EXAMPLE 1.4-1

SURVEILLANCE REQUIREMENTS

SURVEILLANCE	FREQUENCY
Verify pressure within limit.	12 hours

Example 1.4-1 contains the type of SR most often encountered in the Technical Specifications (TS). The Frequency specifies an interval (12 hours) during which the associated Surveillance must be performed at least one time. Performance of the Surveillance initiates the subsequent interval. Although the Frequency is stated as 12 hours, an extension of the time interval to 1.25 times the interval specified in the Frequency is allowed by SR 3.0.2 for operational flexibility. The measurement of this interval continues at all times, even when the SR is not required to be met per SR 3.0.1 (such as when the equipment or variables are outside specified limits, or the facility is outside the Applicability of the LCO). If the interval specified by SR 3.0.2 is exceeded while the facility is in a condition specified in the Applicability of the LCO, the LCO is not met in accordance with SR 3.0.1.

If the interval as specified by SR 3.0.2 is exceeded while the facility is not in a condition specified in the Applicability of the LCO for which performance of the SR is required, the Surveillance must be performed within the Frequency requirements of SR 3.0.2 prior to entry into the specified condition. Failure to do so would result in a violation of SR 3.0.4

(continued)

1.4 Frequency (continued)

EXAMPLES
 (continued)

EXAMPLE 1.4-2

SURVEILLANCE REQUIREMENTS

SURVEILLANCE	FREQUENCY
Verify flow is within limits.	Once within 12 hours prior to starting activity <u>AND</u> 24 hours thereafter

Example 1.4-2 has two Frequencies. The first is a one time performance Frequency, and the second is of the type shown in Example 1.4-1. The logical connector "AND" indicates that both Frequency requirements must be met. Each time the example activity is to be performed, the Surveillance must be performed within 12 hours prior to starting the activity.

The use of "once" indicates a single performance will satisfy the specified Frequency (assuming no other Frequencies are connected by "AND"). This type of Frequency does not qualify for the 25% extension allowed by SR 3.0.2.

"Thereafter" indicates future performances must be established per SR 3.0.2, but only after a specified condition is first met (i.e., the "once" performance in this example). If the specified activity is canceled or not performed, the measurement of both intervals stops. New intervals start upon preparing to restart the specified activity.

2.0 FUNCTIONAL AND OPERATING LIMITS

2.1 Functional and Operating Limits

The spent nuclear fuel to be stored in STORAGE CASKs at the PFSF shall meet the Approved Contents requirements in Section 2.0 of Appendix B to NRC Certificate of Compliance No. 72-1014, Amendment 0, for the HI-STORM 100 Storage Cask System.

2.2 Functional and Operating Limits Violations

If any Fuel Specifications or Loading Conditions of 2.1 are violated, the following actions shall be completed:

- a. The affected CANISTER shall be placed in a safe condition.
 - b. Within 24 hours of discovering the event, notify the NRC Operations Center of the violation.
 - c. Within 30 days, submit a special report which describes the cause of the violation, and actions taken to restore compliance and prevent recurrence.
-

3.0 LIMITING CONDITIONS FOR OPERATION (LCO) APPLICABILITY

LCO 3.0.1 LCOs shall be met during specified conditions in the Applicability, except as provided in LCO 3.0.2.

LCO 3.0.2 Upon discovery of a failure to meet an LCO, the Required Actions of the associated Conditions shall be met, except as provided in LCO 3.0.5.

If the LCO is met or is no longer applicable prior to expiration of the specified Completion Time(s), completion of the Required Action(s) is not required, unless otherwise stated.

LCO 3.0.3 Not applicable.

LCO 3.0.4 When an LCO is not met, entry into a specified condition in the Applicability shall not be made except when the associated ACTIONS to be entered permit continued operation in the specified condition in the Applicability for an unlimited period of time. This Specification shall not prevent changes in specified conditions in the Applicability that are required to comply with ACTIONS.

LCO 3.0.5 Equipment removed from service or not in service in compliance with ACTIONS may be returned to service under administrative control solely to perform testing required to demonstrate it meets the LCO or that other equipment meets the LCO. This is an exception to LCO 3.0.2 for the system returned to service under administrative control to perform the testing.

3.0 SURVEILLANCE REQUIREMENT (SR) APPLICABILITY

SR 3.0.1 SRs shall be met during the specified conditions in the Applicability for individual LCOs, unless otherwise stated in the SR. Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO. Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillances do not have to be performed on equipment or variables outside specified limits.

SR 3.0.2 The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met.

For Frequencies specified as "once," the above interval extension does not apply. If a Completion Time requires periodic performance on a "once per..." basis, the above Frequency extension applies to each performance after the initial performance.

Exceptions to this Specification are stated in the individual Specifications.

SR 3.0.3 If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is less. This delay period is permitted to allow performance of the Surveillance.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

SR 3.0.4 Entry into a specified condition in the Applicability of an LCO shall not be made unless the Surveillances associated with the LCO have been met within their specified Frequency. This provision shall not prevent entry into specified conditions in the Applicability that are required to comply with ACTIONS.

3.1 STORAGE CASK INTEGRITY

3.1.1 STORAGE CASK Heat Removal System

LCO 3.1.1 The STORAGE CASK Heat Removal System shall be OPERABLE.

APPLICABILITY: During STORAGE OPERATIONS.

ACTIONS

-----NOTE-----
Separate Condition entry is allowed for each STORAGE CASK.

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. STORAGE CASK Heat Removal System inoperable.	A.1 Restore STORAGE CASK Heat Removal System to OPERABLE status.	8 hours
B. Required Action A.1 and associated Completion Time not met.	B.1 Perform SR 3.2.2.1. <u>AND</u> B.2.1 Restore STORAGE CASK Heat Removal System to OPERABLE status. <u>OR</u> B.2.2 Transfer the CANISTER into a TRANSFER CASK.	Immediately and every 12 hours thereafter 48 hours 48 hours

(continued)

(continued)

3.2 STORAGE CASK RADIATION PROTECTION

SURVEILLANCE REQUIREMENTS

SURVEILLANCE		FREQUENCY
SR 3.2.1.1	Verify that the removable contamination on the accessible exterior surfaces of the CANISTER is within limits.	Once, prior to TRANSPORT OPERATIONS for movement from CTB to Storage Pads
SR 3.2.1.2	Verify that the removable contamination on the accessible interior surfaces of the TRANSFER CASK do not exceed limits.	Once, prior to TRANSPORT OPERATIONS for movement from CTB to Storage Pads

**PRIVATE FUEL STORAGE FACILITY
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REVISION 0

ACTIONS (continued)

CONDITION	REQUIRED ACTION	COMPLETION TIME
<p>B. The A.1 verification confirms the correct fuel loading, but the Analysis performed in A.2 indicates that shielding afforded by the STORAGE CASK is inadequate or suspect.</p>	<p>B.1 Transfer the CANISTER to a different STORAGE CASK</p>	<p>7 days</p>
<p>C. The A.1 verification confirms the fuel loading is incorrect, or the Analysis performed in A.2 indicates that, while the shielding afforded by the STORAGE CASK is performing as expected, the dose rates exceed at least one of the limits.</p>	<p>C.1 Implement radiation protective measures that limit personnel exposure.</p> <p><u>OR</u></p> <p>C.2 Provide temporary shielding until the ACTION required by C.3 has been completed.</p> <p><u>AND</u></p> <p>C.3 Return the CANISTER to the originating nuclear power plant.</p>	<p>Immediately</p> <p>8 hours</p> <p>21 days</p>

SURVEILLANCE REQUIREMENTS

SURVEILLANCE	FREQUENCY
<p>SR 3.2.2.1 Verify average surface dose rates of the STORAGE CASK loaded with a CANISTER are within limits. Dose rates shall be measured at locations shown in Figure 3.2.2-1.</p>	<p>Once, within 24 hours after beginning STORAGE OPERATIONS</p>

SURVEILLANCE REQUIREMENTS (continued)

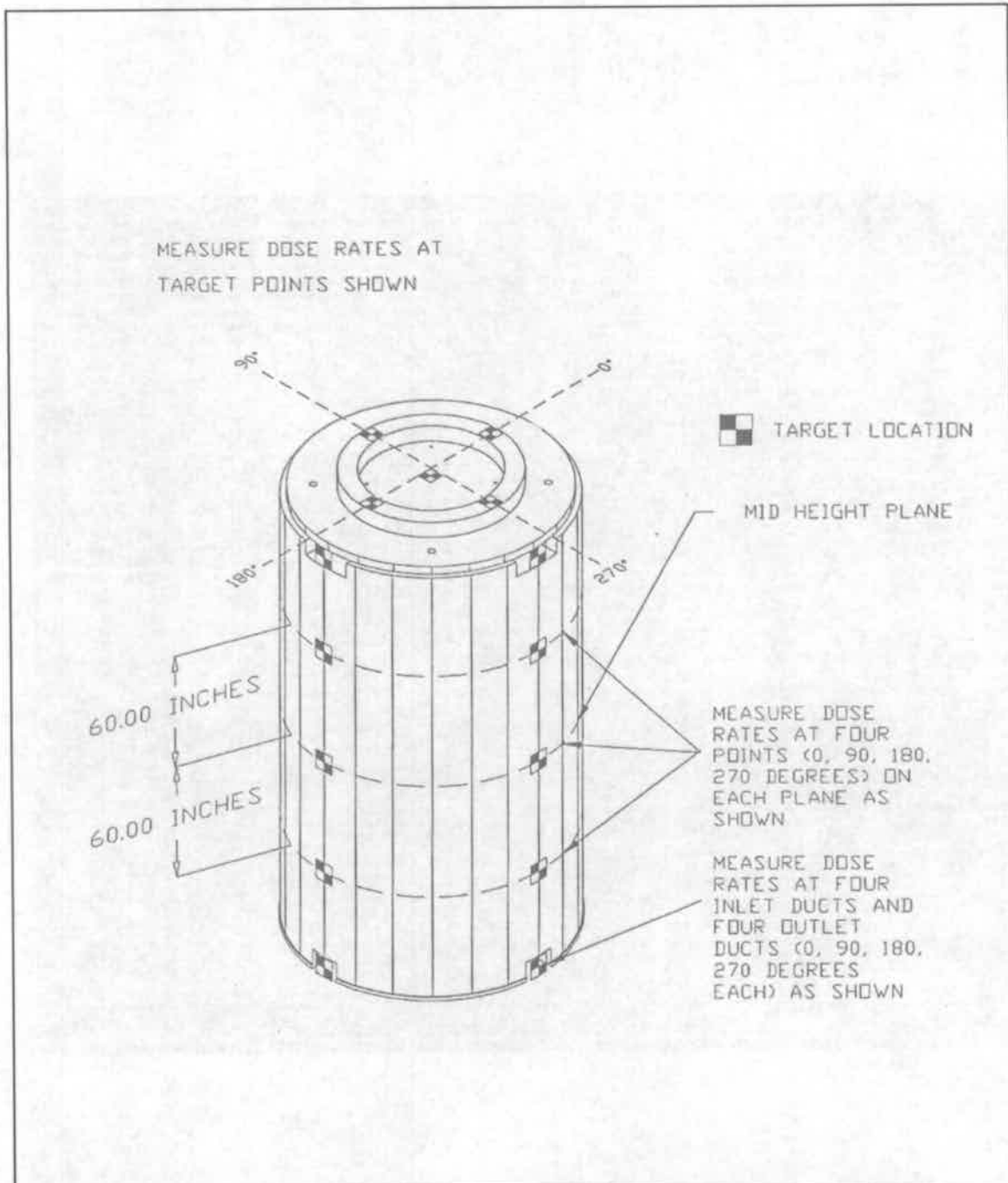


Figure 3.2.2-1 STORAGE CASK Dose Rate Measurement Locations

4.0 DESIGN FEATURES

Storage Pad columns are no closer than 50 feet plus or minus 3 inches centerline-to-centerline. The end casks on adjacent pads along the pad length (North-South direction) shall be located no closer than 24 feet plus or minus 3 inches centerline-to-centerline.

4.2.4 Site Temperature Limits

LOADING OPERATIONS and TRANSPORT OPERATIONS shall only be conducted if the working area ambient temperature is $\geq 0^{\circ}\text{F}$.

4.2.5 Cask Transporter

4.2.5.1 Transfer of a loaded STORAGE CASK to an PFSF Storage Pad shall be conducted using the Cask Transporter.

4.2.5.2 The quantity of fuel in the Cask Transporter shall be ≤ 50 gallons.

4.2.5.3 The Cask Transporter shall be designed to mechanically limit the lifting height of a STORAGE CASK to a maximum of 9 inches.

4.2.5.4 The Cask Transporter shall be designed to ensure that its dimensions, center of gravity, and weight when carrying a loaded STORAGE CASK are such that the loaded transporter will not tip-over, nor will the STORAGE CASK temporarily rise above its analyzed drop height of 9 inches, or tip-over in the event of: 1) the PFSF design basis earthquake ground motions, and 2) a design basis tornado-driven missile impacting the Cask Transporter or storage cask being carried by the Cask Transporter.

4.2.6 Storage Pads

The Storage Pads and underlying foundation shall be verified by analysis to limit STORAGE CASK deceleration during design basis drop and hypothetical tip-over events to ≤ 45 g's at the top of the CANISTER fuel basket. Analyses shall be performed using methodologies consistent with those described in the HI-STORM 100 FSAR. A lift height above the Storage Pads is not required to be established if the STORAGE CASK is lifted with a device designed in accordance with ANSI N14.6, 1993, and having redundant drop protection features.

(continued)

4.0 DESIGN FEATURES

4.3 CANISTER TRANSFER BUILDING (CTB)

4.3.1 TRANSFER CASK and CANISTER Lifting Devices

Lifting of a loaded TRANSFER CASK and CANISTER shall be performed in the CTB in accordance with the guidelines of NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants," July 1980. The CTB and lifting devices shall be designed, fabricated, tested, inspected, and maintained in accordance with the guidelines of NUREG-0612, and the following clarifications.

4.3.2 CTB Structure and Stationary Lifting Devices Requirements

- a. The CTB is a reinforced concrete and steel structure. The design of the structure shall be in accordance with ANSI/ANS 57.9, 1992; ACI-349, 1990; and ANSI/AISC N690, 1994. Load factors and allowable stresses used in the design shall be in accordance with ACI-349 and ANSI/AISC N690.
- b. The CTB cranes (overhead bridge crane and the semi-gantry crane) shall be classified as Type I cranes in accordance with ASME NOG-1, 1995. Allowable stresses used in the crane designs shall be in accordance with ASME NOG-1. These cranes, and the CANISTER lifting device (CANISTER Downloader), shall be of single-failure-proof design and meet the requirements of NUREG-0554, "Single-Failure-Proof Cranes for Nuclear Power Plants," May 1979, and NUREG-0612.
- c. The TRANSFER CASK and CANISTER lifting devices used with the CTB shall be designed, fabricated, operated, tested, inspected and maintained in accordance with NUREG-0612, Section 5.1.
- d. The structural connection between the seismic support struts and the casks (TRANSFER CASK, STORAGE CASK, and Shipping Cask) must be sufficiently rigid to resist the design basis ground motion. Prior to commencing LOADING OPERATIONS within the CTB: 1) the design of the seismic support strut connection to the casks and the necessary engineering analyses of the design must be completed, and 2) the licensee shall provide written confirmation to the U.S. Nuclear Regulatory Commission that the design and engineering analyses are complete prior to receipt of spent fuel.

5.0 ADMINISTRATIVE CONTROLS

5.1 Responsibility

The PFSF General Manager shall be responsible for overall facility operation and shall delegate in writing the succession to this responsibility during his absence.

The PFSF General Manager, or his designee, shall approve prior to implementation and, subject to the provisions of 10 CFR 72.48, each proposed test, experiment, or modification to structures, systems, or components that are important to safety as defined in 10 CFR 72.3.

5.2 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for facility operation and corporate management, respectively. The onsite and offsite organizations shall include appropriate positions for controlling activities affecting safety at the PFSF.

- a. Lines of authority, responsibility, and communication shall be defined and established throughout the highest management levels, intermediate levels, and all operating organization positions. These relationships shall be documented and updated, as appropriate, in organizational charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements, including site-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications, shall be documented in the Final Safety Analysis Report (FSAR) or the PFSF Quality Assurance Program;
- b. The PFSF General Manager shall be responsible for overall safe operation of the facility and shall have control over those onsite activities necessary for safe operation and maintenance of the facility;
- c. A designated corporate executive shall have corporate responsibility for overall facility nuclear safety and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the facility to ensure nuclear safety; and
- d. The individuals who train the PFSF specialists, perform health physics functions, or perform quality assurance functions may report to the PFSF General Manager; however, these individuals shall have sufficient organizational freedom to ensure their independence from operating pressures.

(continued)

5.0 ADMINISTRATIVE CONTROLS

5.3 PFSF Staff Qualifications

Each member of the PFSF staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions. The PFSF General Manager and PFSF Specialists shall be trained and certified in accordance with the PFSF Training Program.

5.4 Procedures

Written procedures shall be established, implemented, and maintained covering the following activities that are important to safety:

- a. Administrative controls;
- b. Routine PFSF operations;
- c. Alarms and annunciators;
- d. Emergency operations;
- e. Design control and facility change or modification;
- f. Control of surveillances and tests;
- g. Maintenance;
- h. Health physics, including ALARA practices;
- i. Special nuclear material accountability;
- j. Quality assurance, inspection, and audits;
- k. Physical security and safeguards;
- l. Records management;
- m. Reporting; and
- n. All programs specified in Specification 5.5.

(continued)

5.0 ADMINISTRATIVE CONTROLS

5.5 Programs

The following programs shall be established, implemented, and maintained.

5.5.1 Technical Specification Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the Technical Specifications shall be made under appropriate administrative controls and reviews.
- b. Changes to the Bases may be made without prior NRC approval provided the change would not:
 1. require a change in the Technical Specification incorporated in the license,
 2. meet the criteria provided in 10 CFR 72.48(c)(2),
 3. result in a significant increase in occupational exposure, or
 4. result in a significant unreviewed environmental impact.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the FSAR.
- d. Proposed changes that do not meet the criteria of 5.5.1b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 72.48 (d) (2).

(continued)

5.0 ADMINISTRATIVE CONTROLS

5.5 Programs (continued)

5.5.2 Radioactive Effluent Control Program

This program implements the requirements of 10 CFR 72.44 (d).

- a. The PFSF does not create any radioactive materials or have any radioactive waste treatment systems. Therefore, specific operating procedures for the control of radioactive effluents are not required. The HI-STORM 100 Cask System Technical Specification sealing requirements (see Specification 3.1.1 in Appendix A for CoC No. 72-1014), provides reasonable assurance that there are no radioactive effluents from the PFSF.
- b. This program includes an environmental monitoring program. The environmental monitoring program helps ensure that the annual dose equivalent to any real individual located outside the PFSF controlled area does not exceed regulatory limits.
- c. An annual report shall be submitted pursuant to 10 CFR 72.44(d)(3) specifying the quantity of each of the principal radionuclides released to the environment in liquid and gaseous effluents during the previous calendar year of operation.

5.5.3 Radiation Protection Program

The Radiation Protection Program will establish administrative controls to limit personnel exposure to As Low As Reasonably Achievable (ALARA) in accordance with 10 CFR 20.

- a. As part of the LOADING OPERATIONS and TRANSPORT OPERATIONS, radiation monitoring of the TRANSFER CASKs and STORAGE CASKs will be performed to ensure the surface dose rates do not exceed the limits.
- b. A monitoring program to help ensure that the annual dose equivalent to any real individual located outside the PFSF controlled area does not exceed regulatory limits is incorporated as part of the environmental monitoring program in the Radioactive Effluent Control Program of Specification 5.5.2.

(continued)

5.0 ADMINISTRATIVE CONTROLS

5.5 Programs (continued)

- c. As part of LOADING OPERATIONS, TRANSPORT OPERATIONS and STORAGE OPERATIONS, external contamination monitoring of the TRANSFER CASKs, and STORAGE CASKs prior to their relocation to the PFSF Storage Pads, will be performed to ensure that removable surface contamination levels do not exceed 22,000 dpm/100 cm² from beta and gamma sources and 2,200 dpm/100 cm² from alpha sources in accordance with the Radiation Protection Program.

5.5.4 Onsite Cask Transport Evaluation Program

This program provides a means for evaluating various transport configurations and transport route conditions to ensure that the design basis drop limits are met. This program is not applicable when the TRANSFER CASK or a STORAGE CASK is being handled by a device providing support from underneath (i.e., on a rail car, heavy haul trailer, air pads, etc.).

This program shall evaluate the site-specific transport route conditions.

- a. The lift height of the STORAGE CASK above surfaces on the transport route shall not exceed the limit in Table 5-1. Also, the program shall ensure that the transport route conditions (i.e., surface hardness, pad thickness, and hardness of the underlying foundation) are equivalent to or less limiting than those established for design basis drop and hypothetical tipover of a STORAGE CASK onto a storage pad, for which analyses have determined decelerations ≤ 45 g's at the top of the CANISTER fuel basket.
- b. For STORAGE CASK transport conditions that are not bounded by the storage pad hardness characteristics, the program may evaluate the site-specific conditions to ensure that the impact loading due to site-specific vertical end drop events does not exceed 45 g at the top of the CANISTER fuel basket. Maximum permissible STORAGE CASK lift heights shall be established for the surfaces that are not bounded by the vertical end drop analysis performed for the storage pads. The maximum permissible STORAGE CASK lift height for these transport route surfaces shall be determined using methods consistent with those described in the HI-STORM 100 FSAR. This alternative analysis shall be

(continued)

5.0 ADMINISTRATIVE CONTROLS

5.5 Programs (continued)

commensurate with the vertical end drop analyses described in the HI-STORM 100 FSAR. The program shall ensure that these alternative analyses are documented and controlled.

- c. Alternatively, the STORAGE CASK, when loaded with a CANISTER, may be lifted above its lifting height limit or over a hardened surface for which a postulated drop accident could result in decelerations exceeding the 45 g criteria during TRANSPORT OPERATIONS, provided the lifting device (e.g., Cask Transporter) is designed in accordance with ANSI N14.6 and has redundant drop protection features.
- d. The TRANSFER CASK and CANISTER may be lifted to those heights necessary to perform cask handling operations, including CANISTER transfer, provided the lifts are made with structures and components designed in accordance with the criteria specified in Specification 4.3, as applicable.

Table 5-1

TRANSFER CASK and STORAGE CASK Lifting Requirements

ITEM	ORIENTATION	LIFTING HEIGHT LIMIT
TRANSFER CASK	Horizontal	Not Permitted
TRANSFER CASK	Vertical	None Established (Note 1)
STORAGE CASK	Horizontal	Not Permitted
STORAGE CASK	Vertical	9 inches

Note: 1. See Technical Specification 5.5.4d.

(continued)

5.0 ADMINISTRATIVE CONTROLS

5.5 Programs (continued)

5.5.5 Pre-Operational Testing and Training Exercise of HI-STORM 100 Casks (Rev. 0) with Lid Shims

Before the initial receipt of spent nuclear fuel at the facility, the licensee shall conduct dry operational training exercises of the transfer and handling of the HI-STORM 100 CANISTER and STORAGE CASK (Rev. 0) using the cranes and casks described in licensee's FSAR and such other necessary or appropriate ancillary equipment. The operational dry run training exercises may be performed in an alternative step sequence from the actual procedures, but all steps must be performed. The operational dry run training exercise shall include, but are not limited to, the following:

- a. Transfer of the CANISTER from the HI-STAR 100 Shipping Cask to the HI-STORM 100 STORAGE CASK.
- b. Movement of the HI-STORM 100 STORAGE CASK from the CANISTER TRANSFER BUILDING out to a Storage Pad, and placement of the STORAGE CASK onto a Storage Pad.
- c. Reverse transfer operations of taking the HI-STORM 100 STORAGE CASK from the Storage Pad into the Canister Transfer Building and transferring the CANISTER from the HI-STORM 100 STORAGE CASK into the HI-STAR 100 Shipping Cask.

The dry run training exercises specified in a, b, and c above shall be conducted by the licensee two times.

ANY ILLEGIBILITIES OR
OBLITERATIONS WITHIN THIS
RECORD DO NOT AFFECT THE
TECHNICAL CONTENT OR
MEANING OF THIS RECORD

2/18
2/14/02

NRC FORM 588
(10-2000)
10 CFR 72

U. S. NUCLEAR REGULATORY COMMISSION

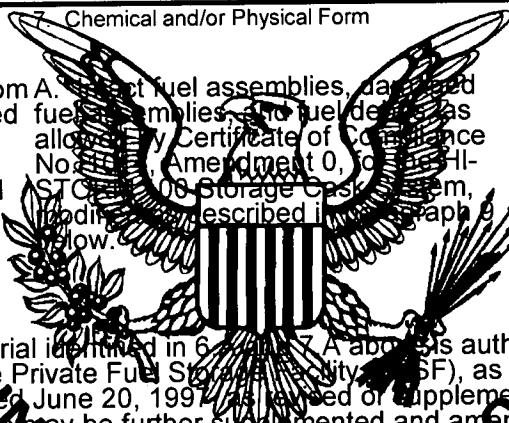
PAGE 1 OF 3 PAGES

LICENSE FOR INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter 1, Part 72, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, and possess the power reactor spent fuel and other radioactive materials associated with spent fuel storage designated below; to use such material for the purpose(s) and at the place(s) designated below; and to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified herein.

<p>Licensee</p>	
<p>1. Private Fuel Storage, Limited Liability Company</p>	<p>3. License No. SNM-2513</p> <p>Amendment No. 0</p>
<p>2. Private Fuel Storage Facility 1 Oniqui Road Reservation of the Skull Valley Band of Goshute Indians Grantsville, UT 84029</p>	<p>4. Expiration Date February 21, 2026</p> <p>5. Docket or Reference No. 72-22</p>

6. Byproduct, Source, and/or Special Nuclear Material
7. Chemical and/or Physical Form
8. Maximum Amount That Licensee May Possess at Any One Time Under This License
- A. Spent nuclear fuel elements from commercial nuclear utilities licensed pursuant to 10 CFR Part 50 and associated radioactive materials related to the receipt, transfer, and storage of that spent nuclear fuel.
- A. Spent nuclear fuel assemblies, damaged fuel assemblies, and fuel debris as allowed by Certificate of Compliance No. 1014, Amendment 0, for the HI-STORM 100 Storage Cask System, modified as described in Paragraph 9 below.
- A. 40,000 Metric Tons of Uranium in the form of intact spent fuel assemblies, damaged fuel assemblies, and fuel debris. In addition, the cumulative amount of material received and accepted during the licensed term of the facility may not exceed 40,000 Metric Tons of Uranium.
9. Authorized Use: The material identified in 6 and 7 A above is authorized for receipt, possession, storage, and transfer in the Private Fuel Storage Facility (PFSF), as described in the PFSF Safety Analysis Report (SAR) dated June 20, 1997, as revised or supplemented through Revision 22 dated November 21, 2001, and as may be further supplemented and amended in accordance with 10 CFR 72.70 and 10 CFR 72.48. Storage is authorized only in casks designed in accordance with Certificate of Compliance No. 1014, Amendment 0, for the HI-STORM 100 Storage Cask System, modified to incorporate the lid shims and weld modifications describe in Holtec Report HI-2033134, as revised (PFS Hearing Exh. 257, pp. 7-14 through 16-28 and Figures 26A and 26B).
10. Authorized Place of Use: The licensed material is to be received, possessed, transferred, and stored at the PFSF, on the Reservation of the Skull Valley Band of Goshute Indians geographically located within Tooele County, Utah.
11. The Technical Specifications contained in the Appendix attached hereto are incorporated into the license. The licensee shall operate the installation in accordance with the Technical Specifications in the Appendix. The Appendix contains Technical Specifications related to environmental protection to satisfy the requirements of 10 CFR 72.44(d)(2).
12. The licensee shall comply with the "Environmental Conditions" specified in Section 9.4.2, Mitigation Measures, of the "Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah," NUREG-1714 (December 2001)
13. The licensee shall submit a Final Safety Analysis Report within 90 days from the date of this license that incorporates the accident analyses and commitments provided by PFS in the U.S. Nuclear Regulatory Commission's (NRC's) adjudicatory proceeding on the PFS license application, concerning aircraft crash and munitions impact events.



**LICENSE FOR INDEPENDENT STORAGE OF SPENT NUCLEAR
FUEL AND HIGH-LEVEL RADIOACTIVE WASTE
SUPPLEMENTARY SHEET**

License No.	Amendment No.
SNM-2513	0
Docket or Reference No.	
72-22	

14. The design, construction, and operation of the ISFSI shall be accomplished in accordance with the NRC's regulations specified in Title 10 of the *Code of Federal Regulations*. All commitments to applicable Commission Regulatory Guides and to applicable engineering and construction codes shall be met.
15. Pursuant to 10 CFR 72.7, the licensee is hereby exempted from the provisions of 10 CFR 72.102(f)(1) regarding the seismic design criteria of 10 CFR Part 100, Appendix A. The exemption to 10 CFR 72.102(f)(1) allows the licensee to use a Probabilistic Seismic Hazards Analysis methodology to calculate the design earthquake values to be used in the facility design.
16. The licensee shall follow the approved Private Fuel Storage Quality Assurance Program Description, dated August 30, 1996, as supplemented by Chapter 12, Quality Assurance, of the Safety Analysis Report. Changes to the plan are subject to Commission approval in accordance with 10 CFR Part 72, Subpart G.
17. The licensee shall follow the "Emergency Plan, Private Fuel Storage Facility," Revision 11 dated March 30, 2001, and as further supplemented and revised in accordance with 10 CFR 72.44(f).
18. The licensee shall:
 - (1) follow the "Physical Protection Plan, Private Fuel Storage Facility," Revision 2 dated June 8, 1999, as it may be further amended under the provisions of 10 CFR 72.44(e) and 72.186;
 - (2) follow the "Safety and Contingency Plan, Private Fuel Storage Facility," Revision 1 dated June 8, 1999, as it may be further amended under the provisions of 10 CFR 72.44(e) and 72.186; and
 - (3) follow the "Security Training and Qualification Plan, Private Fuel Storage Facility," Revision 1 dated June 8, 1999, as it may be further amended under the provisions of 10 CFR 72.44(e) and 72.186.
19. Construction of the PFSF shall commence only if funding (equity, revenue, and debt) is fully committed, that is adequate to construct facility with the initial capacity as specified by the licensee to the NRC. Construction of any additional capacity beyond the initial capacity amount shall commence only after funding is fully committed that is adequate to construct such additional capacity.
20. The licensee shall not commence operation of the PFSF unless it has in place pass-through service contracts with its customers in substantially the form submitted to and approved by the Atomic Safety and Licensing Board, covering all costs relating to the customer's spent fuel, including common expenses of the PFSF, throughout the storage term for all spent fuel accepted at the PFSF.
21. The licensee shall:
 - (1) include in its service contracts provisions requiring customers to retain title to the spent fuel stored, and allocating legal and financial liability among the licensee and the customers;
 - (2) include in its service contracts provisions requiring customers to provide periodically credit information, and, where necessary, additional financial assurances such as guarantees, prepayment, or payment bond;
 - (3) include in its service contracts a provision requiring the licensee not to terminate its license prior to furnishing the spent fuel storage services covered by the service contract; and
 - (4) obtain onsite and offsite insurance coverage in the amounts committed to by PFS in the adjudicatory proceedings on the PFS license application.



NRC FORM 588A (10-2000) 10 CFR 72 LICENSE FOR INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE SUPPLEMENTARY SHEET	U. S. NUCLEAR REGULATORY COMMISSION		PAGE 3 OF 3 PAGES
	License No. SNM-2513	Amendment No. 0	
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22. The licensee shall:

- (1) Simulated Stuck Lid Removal of HI-STORM 100 (Rev. 0) Cask Lids With Shims.

Before the initial receipt of spent nuclear fuel at the facility, the licensee shall perform an operational test using the cranes specified in the licensee's SAR, and such other necessary or appropriate ancillary equipment, to demonstrate that it is capable of removing the HI-STORM 100 storage cask lid under conditions which simulate resistance to movement between the cask lid shims and the overpack inner shell. The licensee shall provide notice to the NRC staff 15 days prior to the conduct of this test, and the results of the test shall be documented and available for inspection by the NRC staff.

- (2) Assurance of Fit of HI-STORM 100 (Rev. 0) Cask Lids With Shims.

Prior to inserting a multipurpose canister (MPC) containing spent fuel into each new or re-used HI-STORM 100 storage cask at the facility, the licensee shall conduct a test (although not necessarily in the Canister Transfer Building) of each new or re-used cask to assure the fit of the spent fuel storage cask lid with shims. The licensee shall fully insert the concrete and steel storage cask lid into the particular concrete and steel storage cask intended to be used with each such lid in the configuration in which the lid and cask will be used to store spent fuel, release the lifting mechanism of the crane, re-attach it, and then remove the lid from the cask. The capacity of the crane used to insert and remove the cask lid shall not exceed that of the cranes located in the Canister Transfer Building used to perform lid placement or removal. The results of each such test shall be documented and available for inspection by the NRC staff.

23. The licensee shall submit a Start-up Plan to the NRC at least 30 days prior to receipt and storage of spent fuel at the facility.
24. Prior to removing the shipping cask cask lid, the gas in the shipping cask shall be sampled to verify that the canister confinement integrity is intact.
25. This license is effective as of the date of issuance shown below.



FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

William H. Ruland, Deputy Director
 Licensing and Inspection Directorate
 Spent Fuel Project Office
 Office of Nuclear Material Safety
 and Safeguards

Date of Issuance February 21, 2006

Attachment: Appendix A - Technical Specifications

site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 16th day of February, 2006.

For the Nuclear Regulatory Commission.
Maresh Chawla,

Project Manager, Plant Licensing Branch III-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6-2787 Filed 2-27-06; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-22]

Private Fuel Storage, Limited Liability Company

Notice of Issuance of Materials License SNM-2513 for the Private Fuel Storage Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Materials License; Termination of NHPA Consultation.

FOR FURTHER INFORMATION CONTACT:

Stewart W. Brown, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-8531; fax number: (301) 415-8555; e-mail: swb1@nrc.gov.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Materials License No. SNM-2513 to Private Fuel Storage, Limited Liability Company (PFS) for the receipt, possession, storage, and transfer of spent fuel at the Private Fuel Storage Facility (PFSF), to be located on the Reservation of the Skull Valley Band of Goshute Indians, in Tooele County, Utah.

In connection with its review of the PFS license application, the NRC, in coordination with three cooperating Federal agencies, developed a final environmental impact statement pursuant to the National Environmental Policy Act of 1969 (NEPA), which was published in December 2001. In addition, the NRC participated in consultations with the three cooperating agencies and other parties concerning the protection of historic and cultural properties which may be impacted by the agencies' proposed actions, in

accordance with the National Historic Preservation Act (NHPA) and regulations promulgated by the Advisory Council on Historic Preservation (ACHP). By letter dated November 22, 2005, the NRC notified the ACHP that it was terminating the NHPA consultation process for reasons described in the letter, pursuant to 36 CFR 800.7(a); notice of such termination was also provided to all parties involved in the consultation process. By letter dated January 9, 2006, the ACHP provided its comments in response to the NRC's letter of November 22, 2005. In accordance with 36 CFR 800.7(c)(4), the NRC has considered the ACHP's comments, as set forth in a letter to the ACHP dated February 10, 2006, and has determined that final action on the PFS license application is appropriate.

Accordingly, notice is hereby provided that the NRC has determined to grant the PFS license application, and to issue Materials License No. SNM-2513 to PFS for the PFSF. This Materials License is issued under the provisions of 10 CFR Part 72, and is effective as of the date of issuance. In accordance with 10 CFR Part 72, the PFSF license is issued for a term of 20 years, but the licensee may seek to renew the license prior to its expiration. The license authorizes PFS to provide interim storage in a dry cask storage system for up to 40,000 metric tons of uranium contained in intact spent fuel, damaged fuel assemblies, and fuel debris. The dry cask storage system authorized for use is a site-specific version of the HI-STORM 100 system designed by Holtec International, Inc., as more fully described in Materials License No. SNM-2513.

Background

Following receipt of PFS's application dated June 20, 1997, the NRC staff published a "Notice of Docketing, Notice of Proposed Action, and Notice of Opportunity for a Hearing for a Materials License for the PFSF in the Federal Register on July 31, 1997 (62 FR 41099). In conjunction with the issuance of this license, the staff and three cooperating Federal agencies (Bureau of Land Management, Bureau of Indian Affairs, and Surface Transportation Board) published the "Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah," NUREG-1714 (December 2001) (FEIS). The FEIS considered the impacts of the construction, operation and

decommissioning of the proposed ISFSI at the Skull Valley site and the impacts of certain transportation facilities which had been proposed by PFS. The FEIS indicated that the NRC staff and the three Cooperating Agencies had concluded, in part, that the overall benefits of the proposed PFSF outweigh the disadvantages and cost, and that the measures required by other permitting authorities and the mitigation measures proposed in the FEIS would eliminate or ameliorate any potential adverse environmental impacts associated with the PFS license application.

The safety and security of the proposed PFSF were addressed in a Safety Evaluation Report (SER) issued in December 2000 and two amendments thereto, as reissued in a consolidated SER in March 2002. Evidentiary hearings on the proposed license application were held before an Atomic Safety and Licensing Board in 2000, 2002 and 2004, and final adjudicatory decisions have been issued with respect to all contested issues in the proceeding.

In sum, the NRC has completed its environmental and safety reviews of the PFSF license application. Based on its review of the application and other pertinent information, the NRC issued Materials License No. SNM-2513 for the PFSF on February 21, 2006.

Further details with respect to this action are provided in the application dated June 20, 1997, as amended; the staff's Final Environmental Impact Statement, dated December 2001; the staff's Consolidated Safety Evaluation Report, dated March 5, 2002; Materials License SNM-2513; the NRC's letter to the ACHP dated November 22, 2005; the ACHP's letter dated January 9, 2006; the NRC's letter to the ACHP dated February 10, 2006; and other related documents, which are publicly available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at: <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 21st day of February, 2006.

For The Nuclear Regulatory Commission.
Stewart W. Brown,

Senior Project Manager, Licensing Section,
Spent Fuel Project Office, Office of Nuclear
Material Safety and Safeguards.

[FR Doc. E6-2792 Filed 2-27-06; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040-00341]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for the Defense Logistics Agency, Defense National Stockpile Center Facility In Scotia, NY

AGENCY: Nuclear Regulatory
Commission.

ACTION: Notice of Availability.

FOR FURTHER INFORMATION CONTACT:

Betsy Ullrich, Commercial and R&D
Branch, Division of Nuclear Materials
Safety, Region I, 475 Allendale Road,
King of Prussia, Pennsylvania, 19406
telephone (610) 337-5040, fax (610)
337-5269; or by e-mail: exu@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Defense Logistics Agency, Defense National Stockpile Center (DLA/DNSC) for Materials License No. STC-133, to authorize release of its facility in Scotia, New York for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed action is to authorize the release of the licensee's Scotia, New York facility for unrestricted use. DLA/DNSC was authorized by NRC from 1970 to use radioactive materials for storage and sampling purposes at the Scotia site. On January 8, 2005, DLA/DNSC requested that NRC release the facility for unrestricted use. DLA/DNSC has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in Subpart E

of 10 CFR Part 20 for unrestricted release.

The NRC staff has prepared an EA in support of the license amendment. The facility was remediated and surveyed prior to the licensee requesting the license amendment. The NRC staff has reviewed the information and final status survey submitted by DLA/DNSC. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in Subpart E of 10 CFR part 20, a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to release the facility for unrestricted use. The NRC staff has evaluated DLA/DNSC's request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR part 20. The staff has found that the radiological environmental impacts from the action are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). Additionally, no non-radiological or cumulative impacts were identified. On the basis of the EA, the NRC has concluded that there are no significant environmental impacts from the proposed action, and has determined not to prepare an environmental impact statement for the proposed action.

IV. Further Information

Documents related to this action, including the application for the license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are: Environmental Assessment [ML060520131]; Defense National Stockpile Center Final Status Survey Report, Scotia Depot, New York, Final, December 2004 [ADAMS Accession No. ML050340087]; letter

dated August 16, 2005 [ML052310209]; and letter dated October 4, 2005 [ML052910324]. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Documents related to operations conducted under this license not specifically referenced in this Notice may not be electronically available and/or may not be publicly available. Persons who have an interest in reviewing these documents should submit a request to NRC under the Freedom of Information Act (FOIA). Instructions for submitting a FOIA request can be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

Dated at King of Prussia, Pennsylvania, this 21st day of February, 2006.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division
of Nuclear Materials Safety, Region I.

[FR Doc. E6-2783 Filed 2-27-06; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-05222]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for The E. R. Squibb and Sons, Inc. Facility In Hamilton, NJ

AGENCY: Nuclear Regulatory
Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT:

Betsy Ullrich, Commercial and R&D
Branch, Division of Nuclear Materials
Safety, Region I, 475 Allendale Road,
King of Prussia, Pennsylvania 19406,
telephone (610) 337-5040, fax (610)
337-5269; or by e-mail: exu@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to E. R. Squibb and Sons, Inc. (Squibb) for Materials License No. 29-00139-02, to authorize release of its facility in Hamilton, New Jersey, for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC