

November 30, 2004

Mr. Ronald D. Izatt  
ISF Facility Manager  
Tetra Tech FW Inc.  
3200 George Washington Way, Suite G  
Richland, WA 99352

SUBJECT: ISSUANCE OF MATERIALS LICENSE NO. SNM-2512 FOR THE  
IDAHO SPENT FUEL FACILITY (TAC NO. L23389)

Dear Mr. Izatt:

By letter dated November 19, 2001, as supplemented, the Foster Wheeler Environmental Corporation (FWENC) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) requesting a site specific license in accordance with 10 CFR Part 72 for the Idaho Spent Fuel (ISF) Facility, an independent spent fuel storage installation to be located at the Idaho National Engineering and Environmental Laboratory (INEEL). Based on our review of your application, as revised and supplemented, the NRC staff has determined 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. The staff has further determined that the issuance of the license will not be inimical to the common defense and security.

Materials License No. SNM-2512 is hereby issued to the Foster Wheeler Environmental Corporation, 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 as specified therein at the Idaho Spent Fuel Facility, to be located at the INEEL in Butte County, Idaho. All future communications regarding this license should refer to License No. SNM-2512, Docket No. 72-25.

The ISF Facility license contains license conditions and Technical Specifications that shall be met in order to comply with NRC regulations. These items have been discussed and reviewed with Mr. James Saldarini of your staff. License Condition 15 grants the requested exemptions from the provisions of 10 CFR 72.102(f)(1), regarding the determination of the design earthquake, and 10 CFR 72.30(c)(4), regarding decommissioning funding assurance. License Condition 16 addresses the cost estimates and the financial arrangements between FWENC and the U. S. Department of Energy. The staff's bases for granting the exemptions and imposing the license conditions are discussed in the enclosed Safety Evaluation Report (SER).

On September 16, 2004, the NRC staff issued its approval of the revised Physical Protection Plan, including the Safeguards Contingency Plan and the Security Training and Qualification Plan for the ISF Facility. The revised Plan and the staff's security evaluation contain Safeguards Information and are therefore withheld from public disclosure.

In conjunction with the issuance of this license, the staff published a final environmental impact statement (FEIS), "Environmental Impact Statement for the Proposed Idaho Spent Fuel Facility at the Idaho National Engineering and Environmental Laboratory in Butte County, Idaho," (NUREG-1773, Final Report, January 2004). A Notice of Availability of the FEIS was published in the Federal Register on February 27, 2004 (69 FR 9387). The staff has determined that no significant environmental impacts will be generated as a result of construction and operation of the proposed ISF Facility.

On July 29, 2004, the NRC staff transmitted its preliminary Safety Evaluation Report for the ISF Facility for your review. FWENC provided comments in a letter dated August 30, 2004. Your comments have been considered and incorporated, as appropriate, in the enclosed final SER. Also enclosed is a copy of the Notice of Issuance which has been transmitted to the Office of the Federal Register for publication.

On October 25, 2004, the NRC limited public access to its website and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is properly controlled. Since the ISF Facility license and final SER have not yet been reviewed for sensitive information, we request that you treat those enclosures as if they were Official Use Only documents. In particular, please do not distribute the documents outside of Foster Wheeler Environmental Corporation, or the U.S. Department of Energy, Idaho Operations Office, until we have completed our sensitive information review, at which time we will make these documents available to the public, to the extent appropriate.

Please contact me at (301) 415-8540, or James R. Hall of my staff at (301) 415-1336, if you have any questions regarding issuance of this license.

Sincerely,

/RA/

John D. Monninger, Chief  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-25  
TAC No. L23389

Enclosures: 1. Materials License No. SNM-2512  
2. Safety Evaluation Report  
3. Federal Register Notice of Issuance

cc: J. Hagers, DOE (w/enclosure)  
Mailing List (w/o enclosure)

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 Spent Fuel Project Office  
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Docket No. 72-25  
 TAC No. L23389

- Enclosures: 1. Materials License No. SNM-2512  
 2. Safety Evaluation Report  
 3. Federal Register Notice of Issuance

cc: J. Hagers, DOE (w/enclosure)  
 Mailing List (w/o enclosure)

Distribution w/o enclosure: (Closes TAC Nos. L23389 and L23591)  
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**E:\Filenet\ML043360281.WPD** \*see previous concurrence **Pkg ML043360251**

<b>OFC</b>	SFPO	E	SFPO	E	SFPO	E	SFPO	E	SFPO	E	SFPO	E
<b>NAME</b>	JRHall*		EZiegler*		EKeegan*		JSolis*		CInterrante*		BWhite*	
<b>DATE</b>	11/17/04		11/18/04		11/18/04		11/18/04		11/18/04		11/18/04	
<b>OFC</b>	SFPO	E	SFPO	E	OGC	N	SFPO					
<b>NAME</b>	DTang*		LCampbell*		STreby*		JMonninger					
<b>DATE</b>	11/19/04		11/18/04		11/23/04		11/30/04					

Idaho Spent Fuel Facility  
Docket No. 72-25

cc:

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