

FOSTER WHEELER ENVIRONMENTAL CORPORATION
DOCKET NO. 72-25
IDAHO SPENT FUEL FACILITY
MATERIALS LICENSE NO. SNM-2512

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application filed by the Foster Wheeler Environmental Corporation (the applicant) for a materials license to receive, store, and transfer spent fuel at the Idaho Spent Fuel Facility, 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 Idaho Spent Fuel Facility 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 operation 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;
 - H. The applicant's quality assurance plan complies with 10 CFR Part 72, Subpart G;
 - I. The applicant's proposed physical protection provisions comply with 10 CFR Part 72, Subpart H;
 - J. The applicant's proposed personnel training program complies with 10 CFR Part 72, Subpart I;

- K. The applicant's proposed decommissioning plan and its financing pursuant to 10 CFR 72.30, with the exemption to 10 CFR 72.30(c), which is granted in the license, provide reasonable assurance that the decontamination and decommissioning of the Idaho Spent Fuel Facility at the end of its useful life will provide adequate protection to the health and safety of the public;
 - L. The applicant's proposed 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 or to public health and safety; 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-2512 is hereby issued to the Foster Wheeler Environmental Corporation to read as follows:

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.

Licensee	
1. Foster Wheeler Environmental Corporation	3. License No. SNM-2512
	Amendment No. 0
2. Perryville Corporate Park Clinton, NJ 08809-4000	4. Expiration Date November 30, 2024
	5. Docket or Reference No. 72-25

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 the Peach Bottom Unit 1 reactor and various TRIGA reactors, reflector modules and rods from the Shippingport reactor, and associated radioactive materials and components related to their receipt, transfer and storage.
- A. Spent fuel elements from the Peach Bottom Unit 1 reactor, as UC and ThC. TRIGA spent fuel elements as uranium-zirconium hydride alloy with aluminum or stainless steel clad. Shippingport reflector modules and rods as ThO₂ with zircaloy-4 clad.
- A. 2.95 metric tons of heavy metal (MTHM) for the Peach Bottom Unit 1 spent fuel elements; 18.95 MTHM for the Shippingport reflector modules and rods; 0.32 MTHM for the TRIGA spent fuel elements.
9. Authorized Use: The material identified in 6.A. and 7.A. above is authorized for receipt, possession, storage and transfer in the Idaho Spent Fuel Facility, as described in the Idaho Spent Fuel Facility Safety Analysis Report dated November 19, 2001, as revised or supplemented on November 8, 2002, and on March 28 and November 14, 2003, and as further supplemented and amended in accordance with 10 CFR 72.70 and 10 CFR 72.48.
10. Authorized Place of Use: The licensed material is to be received, possessed, transferred and stored at the Idaho Spent Fuel Facility, located at the Idaho National Engineering and Environmental Laboratory in Butte County, Idaho.
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 follow the physical protection plan entitled, "Idaho Spent Fuel Facility Physical Protection Plan," dated November 19, 2001, as revised November 10, 2003, and the Safeguards Contingency Plan and the Security Training and Qualification Plan incorporated therein, and as they may be further amended under the provisions of 10 CFR 72.44(e) and 10 CFR 72.186.

License No.

Amendment No.

SNM-2512

0

Docket or Reference No.

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

13. The licensee shall follow the approved Idaho Spent Fuel Facility Quality Program Plan, Revision 6, dated May 28, 2004. Changes to the plan are subject to Commission approval in accordance with 10 CFR Part 72, Subpart G.
14. The licensee shall follow the Idaho Spent Fuel Facility Emergency Plan dated November 19, 2001, as revised or supplemented on March 28 and November 14, 2003, and as further supplemented and revised in accordance with 10 CFR 72.44(f).
15. Pursuant to 10 CFR 72.7, the licensee is hereby exempted from the provisions of 10 CFR 72.30(c) regarding decommissioning financial assurance requirements, and 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 72.30(c) allows the licensee to demonstrate financial assurance for decommissioning of the ISF Facility based on the US Department of Energy's Statement of Intent to obtain required decommissioning funds when needed. 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 maintain a current Statement of Intent from the US Department of Energy in which the Department commits to make a timely request for the necessary funds from the United States Congress for the decommissioning of the ISF Facility, based on decommissioning cost estimates throughout the entire term of the license. The licensee shall promptly notify NRC, in writing, of any changes to the current contract with DOE for the ISF Facility (Contract No. DE-AC07-00ID13729) that would significantly impact the decommissioning cost estimates.
- The licensee shall provide to NRC an updated estimate of the operations, maintenance, security and decommissioning costs at a minimum of every 5 years; or in a timely manner whenever these costs are significantly impacted (such as a change in storage capacity, imposition of additional security requirements, etc.).
17. This license is effective as of the date of issuance shown below.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

John D. Monninger, Chief
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555

Date of Issuance: November 30, 2004

Attachment: Appendix - Technical Specifications