

January 31, 2006

EA-05-230

Dr. Denice Denton, Dean
College of Engineering
University of Washington
Box 352180
Seattle, Washington 98195-2180

SUBJECT: UNIVERSITY OF WASHINGTON—ORDER RE: AUTHORITY TO MAKE
CHANGES TO FACILITY DECOMMISSIONING PLAN (TAC NO. MC5097)

Dear Dr. Denton:

The U.S. Nuclear Regulatory Commission (NRC or Commission) has issued the enclosed “Order Modifying Requirements for Dismantling of Facility and Disposition of Component Parts” to Facility License No. R-73 for the University of Washington Research Reactor. In response to your letter of October 27, 2004, as supplemented on March 18 and September 28, 2005, this order adds the authority to make certain changes to the decommissioning plan for the University of Washington Research Reactor without prior Commission approval.

A copy of the safety evaluation supporting the order is also enclosed.

Sincerely,

/RA/

Alexander Adams, Jr., Senior Project Manager
Research and Test Reactors Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-139

Enclosures: 1. Order Modifying Requirements for
Dismantling of Facility and Disposition
of Component Parts
2. Safety Evaluation

cc w/enclosures: See next page

University of Washington

Docket No. 50-139

cc:

Dr. M. Carette, Assistant to the Dean
College of Engineering
University of Washington
Box 352180
Seattle, WA 98195-2180

Stanley Addison, Radiation Safety Officer
Environmental Health and Safety
University of Washington
Hall Health Center
Box 354400
Seattle, WA 98195-4400

Elizabeth Kane, Project Manager
Capital Projects Office
University of Washington
University Facilities Annex 2
Box 352205
Seattle, WA 98195-2205

Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

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The U.S. Nuclear Regulatory Commission (NRC or Commission) has issued the enclosed "Order Modifying Requirements for Dismantling of Facility and Disposition of Component Parts" to Facility License No. R-73 for the University of Washington Research Reactor. In response to your letter of October 27, 2004, as supplemented on March 18 and September 28, 2005, this order adds the authority to make certain changes to the decommissioning plan for the University of Washington Research Reactor without prior Commission approval.

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
THE UNIVERSITY OF WASHINGTON)	Docket No. 50-139
)	EA-05-230
(The University of Washington)	
Research Reactor))	

ORDER MODIFYING REQUIREMENTS FOR DISMANTLING OF FACILITY AND
DISPOSITION OF COMPONENT PARTS

I

The University of Washington (UW or the licensee) is the holder of Facility License No. R-73 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50. The license authorizes possession but not operation of the UW Research Reactor (the facility) in accordance with conditions specified therein. The facility is located on the licensee’s campus in Seattle, Washington.

II

By application dated August 2, 1994, the licensee requested authorization to dismantle the UW Research Reactor and to dispose of the component parts, in accordance with the decommissioning plan (DP) submitted as part of the application. The NRC reviewed the application with respect to the provisions of the Commission’s rules and regulations and found that the dismantling and disposal of component parts as stated in the licensee’s DP are consistent with the regulations in 10 CFR Chapter I and are not inimical to the common defense and security or to the health and safety of the public. On May 1, 1995, the Commission issued

an "Order Authorizing Dismantling of Facility and Disposition of Component Parts" (the 1995 order) to the licensee to dismantle the UW Research Reactor facility covered by Facility License No. R-73, as amended, and dispose of the component parts in accordance with its DP and the Commission's rules and regulations.

By letter dated October 27, 2004, as supplemented on March 18 and September 28, 2005, the licensee requested that the NRC amend the 1995 order to allow the licensee to make certain changes to the DP without prior NRC approval.

III

The licensee requested that the provisions of 10 CFR 50.59 be made applicable to the DP for the UW Research Reactor to allow the licensee to make certain changes to the DP without prior Commission approval. The licensee made this request to allow flexibility during decommissioning in making changes which are of minimal significance to safety. At the time the UW DP was approved, the DP was a stand-alone document approved by the order. The DP was not part of the safety analysis report and there was no process in the DP or the 1995 order to allow changes to be made to the DP without prior Commission approval. The UW was ordered to dismantle the facility and dispose of the component parts in accordance with the DP and the Commission's rules and regulations. The regulations in 10 CFR 50.59 did not apply to the UW DP because 10 CFR 50.59 applies to changes to the facility safety analysis report. In addition, 10 CFR 50.59 does not apply to the UW reactor, because it no longer is authorized to operate. In a request for additional information, the staff asked the licensee to propose wording for making changes to the UW DP. The staff also asked the licensee to identify the sections of the DP that would not be subject to the proposed change process and would require prior Commission approval to be made.

The NRC staff has reviewed the proposed change process by the licensee and concludes that it will allow the licensee to make changes to the DP without prior Commission approval consistent with the intent of the 10 CFR 50.59 process. Therefore, the licensee's proposed change process is acceptable to the staff. The staff has also reviewed the sections of the DP that the licensee proposes not to change without prior Commission approval. These sections concern the DECON decommissioning option chosen by the licensee, the criteria proposed by the licensee and approved by the Commission for unrestricted release of the facility and the site, the Technical and Safety Committee, which is a requirement of the technical specifications, and the radiation exposure limits, which are a requirement of the regulations in 10 CFR Part 20. Therefore the licensee's proposed list of DP sections not subject to the change process is acceptable to the staff.

IV

Accordingly, pursuant to Sections 104c, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED THAT:

The University of Washington Nuclear Reactor Decommissioning Plan dated July 1994 be modified to add the following:

10.0 Decommissioning Plan Change Process

(a) Definitions for the purposes of this section:

- (1) Change means a modification or addition to, or removal from, the facility or procedures that affects a design function, method of performing or controlling the function, or an evaluation that demonstrates that intended functions will be accomplished.
- (2) Departure from a method of evaluation described in the Decommissioning Plan (as updated) used in establishing the design bases or in the safety analyses means:

- (i) Changing any of the elements of the method described in the Decommissioning Plan (as updated) unless the results of the analysis are conservative or essentially the same; or
 - (ii) Changing from a method described in the Decommissioning Plan to another method unless that method has been approved by NRC for the intended application.
- (3) Facility as described in the Decommissioning Plan (as updated) means:
- (i) The structures, systems, and components (SSC) that are described in the Decommissioning Plan (as updated),
 - (ii) The design and performance requirements for such SSCs described in the Decommissioning Plan (as updated), and
 - (iii) The evaluations or methods of evaluation included in the Decommissioning Plan (as updated) for such SSCs which demonstrate that their intended function(s) will be accomplished.
- (4) Decommissioning Plan (as updated) means the Decommissioning Plan submitted and approved by the Commission, as amended and supplemented, and as updated per the requirements of Sec. 50.71, as applicable.
- (5) Procedures as described in the Decommissioning Plan (as updated) means those procedures that contain information described in the Decommissioning Plan (as updated) such as how structures, systems, and components are operated and controlled (including assumed operator actions and response times).
- (6) Tests or experiments not described in the Decommissioning Plan (as updated) means any activity where any structure, system, or component is utilized or controlled in a manner which is either:
- (i) Outside the reference bounds of the design bases as described in the Decommissioning Plan (as updated) or
 - (ii) Inconsistent with the analyses or descriptions in the Decommissioning Plan (as updated).
- (b)(1) The University may make changes in the facility as described in the Decommissioning Plan (as updated), make changes in the procedures as described in the Decommissioning Plan (as updated), and conduct tests or experiments not described in the Decommissioning Plan (as updated) without obtaining Commission approval only if:
- (i) A change to the technical specifications incorporated in the license is not required, and

- (ii) The change, test, or experiment does not meet any of the criteria in paragraph (b)(2) of this section.
- (2) The University shall obtain Commission approval prior to implementing a proposed change, test, or experiment if the change, test, or experiment would:
 - (i) Result in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the Decommissioning Plan (as updated);
 - (ii) Result in more than a minimal increase in the likelihood of occurrence of a malfunction of a structure, system, or component (SSC) important to safety previously evaluated in the Decommissioning Plan (as updated);
 - (iii) Result in more than a minimal increase in the consequences of an accident previously evaluated in the Decommissioning Plan (as updated);
 - (iv) Result in more than a minimal increase in the consequences of a malfunction of an SSC important to safety previously evaluated in the Decommissioning Plan (as updated);
 - (v) Create a possibility for an accident of a different type than any previously evaluated in the Decommissioning Plan (as updated);
 - (vi) Result in a departure from a method of evaluation described in the Decommissioning Plan (as updated) used in establishing the design bases or in the safety analyses.
- (3) In implementing this paragraph, the Decommissioning Plan (as updated) is considered to include Decommissioning Plan changes pursuant to this condition and changes ordered by the Commission.
- (4) The provisions in this section do not apply to changes to the facility or procedures when the applicable regulations establish more specific criteria for accomplishing such changes.
- (c)(1) The licensee shall maintain records of changes in the facility, of changes in procedures, and of tests and experiments made pursuant to paragraph (b) of this section. These records must include a written evaluation which provides the bases for the determination that the change, test, or experiment does not require Commission approval pursuant to paragraph (b)(2) of this section.
- (2) The licensee shall submit, as specified in 10 CFR 50.4, a report containing a brief description of any changes, tests, and experiments, including a summary of the evaluation of each. A report must be submitted at intervals not to exceed 24 months.

- (3) The records of changes in the facility must be maintained until the termination of a license issued pursuant to 10 CFR Part 50. Records of changes in procedures and records of tests and experiments must be maintained for a period of 5 years.
- (d) The following sections of the Decommissioning Plan (as amended) are not subject to the Decommissioning Plan change process: 1.3.1, 2.1, 1.3.7.1, 1.3.7.2, 2.6, 2.3.2, and 3.2.2.

V

Any person adversely affected by this Order may request a hearing on this Order within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for an extension must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and must include a statement of good cause for the extension.

A request for a hearing or a petition for leave to intervene must be filed (1) by first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) by courier, express mail, and expedited delivery services to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) by e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or (4) by facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Rulemakings and Adjudications Staff at 301-415-1101 (the verification number is 301-415-1966). A copy of the request for hearing and petition for leave to intervene must also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and NRC requests that copies be transmitted either by facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. A copy of the request for hearing and petition for leave to intervene

should also be sent to the licensee. The licensee's contact for this is Stanley J. Addison, UW Radiation Safety Officer, University of Washington, Environmental Health and Safety, 201 Hall Health Center, Box 354400, Seattle, Washington 98195-4400.

If a person other than the licensee requests a hearing, he or she shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by the licensee or a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In the absence of any request for a hearing or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be effective and final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

For further information see the application from the licensee dated October 27, 2004 (ML043090558), as supplemented on March 18 (ML050900307) and September 28, 2005 (ML052770539), and the staff's safety evaluation dated January 31, 2006 (ML052910487), available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html> (use the ADAMS ML

numbers given above). Persons who do not have access to ADAMS or who have problems in accessing the documents 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.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Christopher I. Grimes, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Dated this 31st day of January 2006.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
ORDER MODIFYING REQUIREMENTS FOR DISMANTLING OF FACILITY AND
DISPOSITION OF COMPONENT PARTS
FACILITY LICENSE NO. R-73
THE UNIVERSITY OF WASHINGTON
DOCKET NO. 50-139

1.0 INTRODUCTION

By letter dated October 27, 2004, as supplemented on March 18 and September 28, 2005, the University of Washington (UW or the licensee) requested that the U.S. Nuclear Regulatory Commission (NRC or Commission) amend the "Order Authorizing Dismantling of Facility and Disposition of Component Parts" issued on May 1, 1995, to Facility License No. R-73 for the UW Research Reactor. The requested change would authorize the licensee to make certain changes to the decommissioning plan (DP) without prior NRC approval.

2.0 BACKGROUND

By application dated August 2, 1994, the UW requested authorization to dismantle the UW Research Reactor located on the licensee's campus in Seattle, Washington, and to dispose of the component parts in accordance with the DP submitted as part of the application. The NRC reviewed the application with respect to the Commission's rules and regulations and found that the dismantling and disposal of component parts as stated in the licensee's DP were consistent with the regulations in 10 CFR Chapter I and were not inimical to the common defense and security or to the health and safety of the public. On May 1, 1995, the Commission issued an "Order Authorizing Dismantling of Facility and Disposition of Component Parts" to the licensee to dismantle the UW Research Reactor facility and dispose of the component parts in accordance with the DP and the Commission's rules and regulations. Decommissioning activities were delayed due to decommissioning funding issues. However, funding has been made available and the licensee is proceeding with decommissioning activities.

3.0 EVALUATION

The licensee has requested that the provisions of 10 CFR 50.59 be made applicable to the DP for the UW Research Reactor to allow the licensee to make changes to the DP without prior Commission approval. The licensee had made this request to allow flexibility during decommissioning in making changes which are of minimal significance to safety. The regulations in 10 CFR 50.59 allow licensees to make certain changes to the facility and procedures as described in the facility safety analysis report and to conduct tests and

experiments not described in the safety analysis report without prior Commission approval. The regulation allows efficient use of licensee and Commission resources.

The research and test reactor decommissioning regulations, the regulations in 10 CFR 50.59, and the NRC approach to the decommissioning of research and test reactors have changed since the DP for the UW was approved. When the UW DP was approved, the DP was a stand-alone document that was approved by order. The UW was ordered to dismantle the facility and dispose of the component parts in accordance with the DP and the Commission's rules and regulations. The regulations in 10 CFR 50.59 at that time did not apply to the UW DP.

Licensees who wanted to make changes to DPs, no matter how insignificant the changes were from a safety standpoint, had to apply to the NRC for approval. As a result the NRC staff ordered changes to DPs that would have been allowed under 10 CFR 50.59 if the regulation were applicable to DPs.

Some licensees addressed this issue by describing in the DP a process similar to 10 CFR 50.59 for making DP changes. This process was approved by the issuance of a Commission order approving the DP. In other cases the Commission staff added a process similar to 10 CFR 50.59 to the facility license or as part of the order approving the DP. The UW approval pre-dated these practices.

Changes to the regulations after the UW DP was approved have addressed this issue to some extent. The approved DP is now a supplement to the SAR. Revisions to 10 CFR 50.59 make the regulation applicable to reactor licensees whose license has been amended to allow possession of nuclear fuel but not operation of the facility. This condition applies to some research and test reactors undergoing decommissioning. This is not the case with the UW license. The UW license does not authorize possession of nuclear fuel or operation of the facility.

The NRC staff reviewed the licensee's application and noted that the current wording of 10 CFR 50.59 does not exactly fit the situation of the UW DP. In a request for additional information, the staff asked the licensee to propose wording for making changes specific to the UW DP.

The licensee's proposed wording is as follows (the bold print shows additions to the wording of 10 CFR 50.59 and strikeout shows deletions):

- (a) Definitions for the purposes of this section:
 - (1) Change means a modification or addition to, or removal from, the facility or procedures that affects a design function, method of performing or controlling the function, or an evaluation that demonstrates that intended functions will be accomplished.
 - (2) Departure from a method of evaluation described in the **Decommissioning Plan** FSAR (as updated) used in establishing the design bases or in the safety analyses means:

- (i) Changing any of the elements of the method described in the **Decommissioning Plan** FSAR (as updated) unless the results of the analysis are conservative or essentially the same; or
 - (ii) Changing from a method described in the **Decommissioning Plan** FSAR to another method unless that method has been approved by NRC for the intended application.
- (3) Facility as described in the **Decommissioning Plan** ~~final safety analysis report~~ (as updated) means:
- (i) The structures, systems, and components (SSC) that are described in the **Decommissioning Plan** ~~final safety analysis report (FSAR)~~ (as updated),
 - (ii) The design and performance requirements for such SSCs described in the **Decommissioning Plan** FSAR (as updated), and
 - (iii) The evaluations or methods of evaluation included in the **Decommissioning Plan** FSAR (as updated) for such SSCs which demonstrate that their intended function(s) will be accomplished.
- (4) **Decommissioning Plan** ~~Final Safety Analysis Report~~ (as updated) means the **Decommissioning Plan** ~~Final Safety Analysis Report (or Final Hazards Summary Report)~~ submitted **and approved by the Commission** in accordance with Sec. 50.34, as amended and supplemented, and as updated per the requirements of Sec. 50.71(e) or Sec. 50.71(f), as applicable.
- (5) Procedures as described in the **Decommissioning Plan** ~~final safety analysis report~~ (as updated) means those procedures that contain information described in the **Decommissioning Plan** FSAR (as updated) such as how structures, systems, and components are operated and controlled (including assumed operator actions and response times).
- (6) Tests or experiments not described in the **Decommissioning Plan** ~~final safety analysis report~~ (as updated) means any activity where any structure, system, or component is utilized or controlled in a manner which is either:
- (i) Outside the reference bounds of the design bases as described in the **Decommissioning Plan** ~~final safety analysis report~~ (as updated) or
 - (ii) Inconsistent with the analyses or descriptions in the **Decommissioning Plan** ~~final safety analysis report~~ (as updated).
- ~~(b) Applicability. This section applies to each holder of a license authorizing operation of a production or utilization facility, including the holder of a license authorizing operation of a nuclear power reactor that has submitted the certification of permanent cessation of operations required under Sec.~~

~~50.82(a)(1) or a reactor licensee whose license has been amended to allow possession of nuclear fuel but not operation of the facility.~~

- (c)(1) ~~The University A licensee~~ may make changes in the facility as described in the **Decommissioning Plan final safety analysis report** (as updated), make changes in the procedures as described in the **Decommissioning Plan final safety analysis report** (as updated), and conduct tests or experiments not described in the **Decommissioning Plan final safety analysis report** (as updated) without obtaining **Commission approval** ~~a license amendment pursuant to Sec. 50.90~~ only if:
- (i) A change to the technical specifications incorporated in the license is not required, and
 - (ii) The change, test, or experiment does not meet any of the criteria in paragraph (c)(2) of this section.
- (2) ~~The University A licensee~~ shall obtain **Commission approval** ~~a license amendment pursuant to Sec. 50.90~~ prior to implementing a proposed change, test, or experiment if the change, test, or experiment would:
- (i) Result in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the **Decommissioning Plan final safety analysis report** (as updated);
 - (ii) Result in more than a minimal increase in the likelihood of occurrence of a malfunction of a structure, system, or component (SSC) important to safety previously evaluated in the **Decommissioning Plan final safety analysis report** (as updated);
 - (iii) Result in more than a minimal increase in the consequences of an accident previously evaluated in the **Decommissioning Plan final safety analysis report** (as updated);
 - (iv) Result in more than a minimal increase in the consequences of a malfunction of an SSC important to safety previously evaluated in the **Decommissioning Plan final safety analysis report** (as updated);
 - (v) Create a possibility for an accident of a different type than any previously evaluated in the **Decommissioning Plan final safety analysis report** (as updated);
 - ~~(vi) Create a possibility for a malfunction of an SSC important to safety with a different result than any previously evaluated in the final safety analysis report (as updated);~~
 - ~~(vii) Result in a design basis limit for a fission product barrier as described in the FSAR (as updated) being exceeded or altered; or~~

- (viii) Result in a departure from a method of evaluation described in the **Decommissioning Plan FSAR** (as updated) used in establishing the design bases or in the safety analyses.
- (3) In implementing this paragraph, the **Decommissioning Plan FSAR** (as updated) is considered to include **Decommissioning Plan FSAR** changes ~~resulting from evaluations performed pursuant to this condition section and analyses performed pursuant to Sec. 50.90 since submittal of the last update of the final safety analysis report pursuant to Sec. 50.71 of this part~~ **changes ordered by the Commission.**
- (4) The provisions in this section do not apply to changes to the facility or procedures when the applicable regulations establish more specific criteria for accomplishing such changes.
- (d)(1) The licensee shall maintain records of changes in the facility, of changes in procedures, and of tests and experiments made pursuant to paragraph (c) of this section. These records must include a written evaluation which provides the bases for the determination that the change, test, or experiment does not require **Commission approval** ~~a license amendment pursuant to paragraph (c)(2) of this section.~~
- (2) The licensee shall submit, as specified in Sec. 50.4, a report containing a brief description of any changes, tests, and experiments, including a summary of the evaluation of each. A report must be submitted at intervals not to exceed 24 months.
- (3) The records of changes in the facility must be maintained until the termination of a license issued pursuant to this part or the termination of a license issued pursuant to 10 CFR part 54, whichever is later. Records of changes in procedures and records of tests and experiments must be maintained for a period of 5 years.

The licensee has proposed a change process, similar to 10 CFR 50.59, that will allow certain changes to the UW DP without prior Commission approval. The wording of the licensee's proposed process differs slightly from the wording in 10 CFR 50.59 to reflect the fact that the process only applies to the DP. However, the intent of the 10 CFR 50.59 process has not been changed. The references to the "final safety analysis report" and "FSAR" in 10 CFR 50.59 were replaced with "Decommissioning Plan" to reflect the fact that the change process applies only to the licensee's DP. The applicability section in 50.59(b) was eliminated because the proposed change process only applies to the licensee's DP. Instead of referring to the need to obtain a license amendment under certain conditions, the order refers to the fact that the Commission approved the DP by an order and changes to the DP that cannot be made by the proposed change process must be made by an order. Changes involving structures, systems and components (SSCs) important to safety (Section (c)(2)(vi) of 10 CFR 50.59) and fission product barriers (Section (c)(2)(vii) of 10 CFR 50.59) were not carried over into the licensee's proposed process because with the reactor permanently shut down and fuel removed from the site there are no SSCs important to safety or fission product barriers that are operational and none are referred to in the DP.

The NRC staff made some addition changes to the licensee's proposed wording which is reflected in the wording in the order. The change process has been titled "10.0 Decommissioning Plan Change Process" to fit into the approved DP as a new section. The staff also renumbered the sections of the change process in the order to have consecutive numbering. Some sections of 10 CFR 50.59 [such as 10 CFR 50.59(b)] were not used in the licensee's proposal. The licensee's proposal made reference to the regulations [see (d)(2) and (d)(3) above]. In the order, the NRC staff clarified "Sec. 50.4" in (d)(2) above [(c)(2) in the renumbered order] by changing it to "10 CFR 50.4" and clarified "this part or the termination of a license issued pursuant to 10 CFR Part 54, whichever is later" in (d)(3) above [(c)(3) in the renumbered order] by changing it to "10 CFR Part 50." Finally, the NCR staff added a section (d) to the order listing what sections of the DP are not subject to the change process (see discussion below). These changes were discussed with and agreed to by the licensee during a telephone conversation on November 3, 2005.

The NRC staff has reviewed the licensee's proposed wording and concludes that it will allow the licensee to make changes to the DP without prior Commission approval consistent with the intent of the 10 CFR 50.59 process. Therefore, the licensee's proposed change process is acceptable to the staff.

The staff noted that some aspects of the DP should only be changed with Commission approval. The licensee has proposed that certain sections of the DP not be subject to the proposed change process and only by changed with Commission approval. These sections concern the choice of the DECON decommissioning option (DP Section 1.3.1 and 2.1), the criteria proposed by the licensee and approved by NRC for unrestricted release (DP Sections 1.3.7.1, 1.3.7.2, and 2.6), the Technical and Safety Committee, which is a requirement of the facility Technical Specifications (DP Section 2.3.2), and the radiation exposure limits, which are requirements of the regulations in 10 CFR Part 20 (DP Section 3.2.2). The staff has reviewed these sections of the DP and concludes that they should only be changed with prior Commission approval. Therefore, the licensee's proposed list of DP sections not subject to the change process is acceptable to the staff.

4.0 ENVIRONMENTAL CONSIDERATION

This order involves changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the order meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this order.

5.0 CONCLUSION

The staff has concluded, on the basis of the considerations discussed above, that (1) the order does not involve a significant hazards consideration because the order does not involve a significant increase in the probability or consequences of accidents previously evaluated, create the possibility of a new kind of accident or a different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety; (2) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed activities; and (3) such activities will be conducted in compliance with the Commission's regulations and the issuance of this order will not be inimical to the common defense and security or the health and safety of the public.

Principal Contributor: A. Adams, Jr.

Date: January 31, 2006