

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

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. Intact 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.A 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 described in Holtec Report HI-2033134, as revised (PFS Hearing Exh. 257, pp. 7-14 through 7-16, 8-28, 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.

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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 "Safeguards 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 not commence before funding (equity, revenue, and debt) is fully committed, that is adequate to construct a facility with the initial capacity as specified by the licensee to the NRC. Construction of any additional capacity beyond this 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 customers' 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.

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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 Startup Plan to the NRC at least 90 days prior to receipt and storage of spent fuel at the facility.
24. Prior to removing the shipping cask closure lid, the gas inside the shipping cask shall be sampled to verify that the canister confinement boundary 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