

June 27, 2006

Mr. Steven L. Ceccio, Director
Phoenix Memorial Laboratory
2301 Bonisteel Boulevard
University of Michigan
Ann Arbor, MI 48109

SUBJECT: ISSUANCE OF AMENDMENT NO. 49 TO FACILITY OPERATING LICENSE
NO. R-28 UNIVERSITY OF MICHIGAN FORD NUCLEAR REACTOR
(TAC NO. MD1670)

Dear Mr. Ceccio:

In response to your submittal of June 18, 2004, as supplemented on June 23, 2004, January 5, 2006, and January 10, 2006, the Commission has issued the enclosed Amendment No. 49 to Facility Operating License No. R-28 for the University of Michigan Ford Nuclear Reactor.

The enclosed amendment approves your proposed changes to section 6.0, Administrative Controls, of the facility technical specifications to support the decommissioning of your reactor.

A copy of the related safety evaluation supporting Amendment No. 49 is enclosed.

Sincerely,

/RA/

Patrick Isaac, Project Manager
Research and Test Reactors Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-02

Enclosures: 1. Amendment No. 49
2. Safety Evaluation

cc w/enclosures: See next page

University of Michigan

Docket No. 50-02

cc:

Special Assistant to the Governor
Office of the Governor
Room 1 - State Capitol
Lansing, MI 48909

Mr. C.W. Becker
Phoenix Memorial Laboratory
2301 Bonisteel Boulevard
University of Michigan
Ann Arbor, MI 48109

Michigan Department of Environmental Quality
Waste and Hazardous Materials Division
Hazardous Waste and Radiological Protection Section
Nuclear Facilities Unit, 525 West Allegan Street
P.O. Box 30241
Lansing, MI 48909-7741

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

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UNIVERSITY OF MICHIGAN

FORD NUCLEAR REACTOR

DOCKET NO. 50-02

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 49
License No. R-28

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for an amendment to Facility Operating License No. R-28 filed by the University of Michigan (the licensee), dated June 18, 2004, as supplemented on June 23, 2004, January 05, 2006, and January 10, 2006, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the regulations of the Commission as stated in 10 CFR Chapter I;
 - B. The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
 - E. This amendment is issued in accordance with 10 CFR Part 51, of the regulations of the Commission, and all applicable requirements have been satisfied; and
 - F. Prior notice of this amendment was not required by 10 CFR 2.105 and publication of notice for this amendment is not required by 10 CFR 2.106.
2. Accordingly, the license is amended by changes to the Technical Specifications, as indicated in the enclosure to this license amendment, and paragraph 2.C(2) to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 49, are hereby incorporated in the license. The licensee shall maintain the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Brian Thomas, Branch Chief
Research and Test Reactors Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Enclosure: Appendix A Technical
Specifications Changes

Date of Issuance: June 27, 2006

ENCLOSURE TO LICENSE AMENDMENT NO. 49

FACILITY LICENSE NO. R-28

DOCKET NO. 50-02

Replace the following pages of Appendix A, Technical Specifications, with the enclosed pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

<u>Remove</u>	<u>Insert</u>
20	20
21	21
22	22
23	23
24	24
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26	26
27	27
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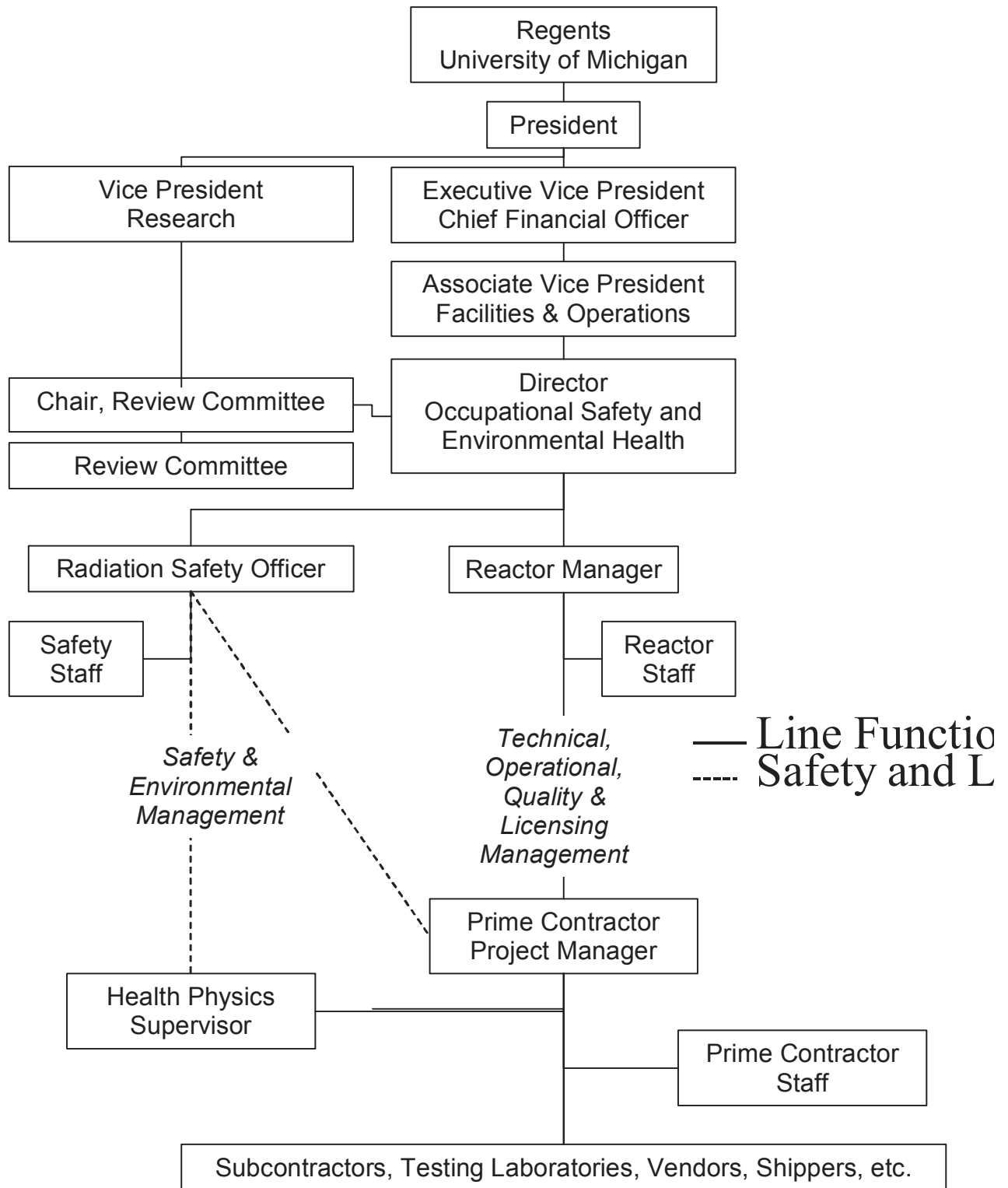
6.0 **ADMINISTRATIVE CONTROLS**

6.1 **Organization**

1. The organizational structure of the University of Michigan relating to the Ford Nuclear Reactor (FNR) shall be as shown in Figure 6.1.
2. The Reactor Manager shall be responsible for the safe decommissioning of the Ford Nuclear Reactor. He shall be responsible for assuring that all activities are conducted in a safe manner within the limits prescribed by the facility license, including the technical specifications and facility procedures. During periods of his absence, the responsibilities of the Reactor Manager may be delegated to an individual who satisfies the qualification requirements for the Reactor Manager. *
3. In all matters pertaining to the decommissioning of the Ford Nuclear Reactor and these technical specifications, the Reactor Manager shall report to and be directly responsible to the Director of Occupational Safety and Environmental Health. *
4. A Radiation Safety Officer or health physicist, who is organizationally independent of the Ford Nuclear Reactor staff and contractors performing decommissioning activities, shall be responsible for radiation and industrial safety at the facility. During periods of his absence, the responsibilities of the Radiation Safety Officer may be delegated to an individual who satisfies the qualification requirements for the Radiation Safety Officer. *
5. Qualifications:
 - a. At the time of appointment to the position, the Reactor Manager shall have a minimum of six years of nuclear experience. The individual shall have a baccalaureate or higher degree in an engineering or scientific field. Education or experience that is job related may be substituted for a degree on a case-by-case basis. The degree may fulfill four years of the six years on nuclear experience required on a one-for-one time basis. The individual shall receive appropriate facility specific training based upon a comparison of the individual's background and abilities with the responsibilities and duties of the position. Because of the educational and experience requirements of the position, continued formal training may not be required. *
 - b. At the time of the appointment, the Radiation Safety Officer shall have a minimum of six years of radiation safety experience. The individual shall have a baccalaureate or higher degree in health physics, nuclear engineering, or scientific field. Education or experience that is job related may be substituted for a degree on a case-by-case basis. The degree may fulfill four years of the six years on nuclear experience required on a one-for-one time basis. The individual shall receive appropriate facility specific training based upon a comparison of the individual's background and abilities with the responsibilities and duties of the position. Because of the educational and experience requirements of the position, continued formal training may not be required. *

Figure 6.1 Organization Chart for the Ford Nuclear Reactor

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- a. Proposed changes in the license or technical specifications. *
 - b. Proposed changes to the facility that can be implemented without the prior approval of the NRC as authorized by the license conditions implementing 10 CFR 50.59. *
 - c. Proposed changes in the Decommissioning Plan that can be implemented without the prior approval of the NRC as described in the Decommissioning Plan, Section 9.0, Changes to the Decommissioning Plan, and authorized by license condition. *
 - d. New procedures and changes to the procedures involving licensed activities and required by Section 6.5 of these specifications. *
9. The Decommissioning Review Committee, as a review function, shall review: *
- a. Violations of technical specifications and reportable occurrences made pursuant to the requirements of the technical specifications. *
 - b. Audit reports issued by a member or subcommittee as required by Section 6.3 of these specifications. *
 - c. Plans for the following decommissioning activities prior to their implementation: *
 - 1. Any activity which could compromise the structure and integrity of the reactor pool or the primary coolant system while pool water is relied upon for shielding of irradiated reactor components *
 - 2. The dismantlement of the irradiated reactor components in preparation for disposal *
 - 3. The movement of any heavy objects, greater than 5 tons in weight *
 - 4. Any activity which could compromise the structural integrity of the post and beam structure which supports the reactor building *
 - 5. Any activity that will result in the direct release of radioactivity from the facility to the sanitary sewer or a navigable waterway *
 - 6. The draining of the reactor pool *
 - 7. The decontamination or dismantlement of the reactor pool structure *
 - 8. Any activity for which it is estimated that the cumulative radiation exposure for the activity will exceed 1 person-rem, or an individual radiation exposure to either an occupationally exposed person or a member of the public will exceed 20% of any applicable exposure limits of 10 CFR 20 *

- 9. Any activity, known or anticipated by the review committee, which the review committee requests to review, subject to the approval of the Director

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6.3 Audit

- 1. The Decommissioning Review Committee as an audit function, shall ensure that the following are independently monitored or audited:

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- a. Decommissioning operations to ensure they are being performed safely and in accordance with all applicable licenses and registrations held by the University and in compliance with applicable federal and state regulatory requirements (Radiological Protection Plan, Environmental Safety and Health Plan, etc.).

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- b. The quality assurance to verify that performance criteria are met as well as to determine the effectiveness of the program in satisfying the quality assurance requirements.

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- 2. Each monitoring or audit report shall describe each reported adverse finding and shall be distributed to the Director, Reactor Manager, all review committee members, and others at the direction of the Director.

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- 3. Monitoring or audits shall be performed annually, at a minimum, and should be scheduled by the Chair of the Decommissioning Review Committee, in a manner to provide coverage and coordination with ongoing activities, based on the status and importance of activities.

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- 4. The lead auditor and the audit team (if utilized) shall be selected by the Chair of the Decommissioning Review Committee, shall not be directly associated with decommissioning activities, shall not be a member of the FNR Decommissioning Project Team, and shall be familiar with quality assurance requirements applicable to the decommissioning of nuclear facilities.

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6.4 Action to Be Taken in the Event of a Reportable Occurrence

In the event of a reportable occurrence, as defined in these technical specifications, the following action shall be taken:

- 1. The Reactor Manager shall be notified of the occurrence. Corrective action shall be taken to correct the abnormal conditions and to prevent its recurrence. All other ongoing licensed activities shall be ceased until the occurrence has been resolved.

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- 2. A report of such occurrence shall be made to the Decommissioning Review Committee; the Director, Michigan Memorial-Phoenix Project; and the Nuclear Regulatory Commission in accordance with Section 6.7.2.a. The report shall include an analysis of the causes of the occurrence, the effectiveness of corrective actions taken, and

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recommended measures to prevent or reduce the probability or consequences of recurrence.

6.5 Procedures

- 1. Written procedures, including applicable check lists, reviewed and approved by the Decommissioning Review Committee shall be in effect and followed for the following licensed activities:
 - a. Normal operation of all systems structures or components described in these technical specifications or which are important to safety.
 - b. Actions for responding to emergency conditions involving the potential or actual release of radioactivity, including provisions for evacuation, reentry, recovery, and medical support.
 - c. Actions to be taken to correct specific and foreseen malfunctions of systems, structures or components described in these technical specifications or which are important to safety.
 - d. Activities performed to satisfy a surveillance requirement contained in these technical specifications.
 - e. Radiation and radioactive contamination control.
 - f. Physical security of the facility.
 - g. Implementation of the quality assurance program for the calibration and response testing of radiation instrumentation utilized for direct measurement in support of characterization, release, final status survey, or other quality assurance activities.
- 2. Substantive changes to these procedures shall be made only with the approval of the Decommissioning Review Committee. Non-substantive changes to these procedures may be made with the approval of the Reactor Manager. All non-substantive changes made to procedures shall be documented and subsequently reviewed by the Decommissioning Review Committee.

6.6 Operating Records

- 1. The following records and logs shall be prepared and retained by the licensee for at least five years:
 - a. Normal facility operation and maintenance;

- b. Reportable Occurrences;
 - c. Records of experiments performed;
 - d. Records of radioactive shipments;
 - e. Records of radioactive experiments;
 - f. Operator requalification program records (the five year period will commence after termination of the assignment of the operator to operative duties);
 - g. Facility radiation and contamination surveys.
2. The following records and logs shall be prepared and retained by the licensee for the life of the facility:
- a. Gaseous and liquid waste released to the environs;
 - b. Off site environmental monitoring surveys;
 - c. Radiation exposures for all FNR personnel;
 - d. Fuel inventories and transfers;
 - e. Updated, corrected, and as built facility drawings;
 - f. Minutes of Safety Review Committee meetings.

6.7 Reporting Requirements

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In addition to reports required by Title 10, Code of Federal Regulations, the following reports shall be submitted to the United States Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, D.C. 20555 and to the Administrator, Region III.

The report shall include the following:

- 1. Annual Operating Report
 - a. Operations Summary
 - 1. Changes in facility design.
 - 2. Performance characteristics (e.g., equipment and fuel performance).
 - 3. Changes in operating procedrues which relate to the safety of facility operations.

4. Results of surveillance tests and inspections, required by these technical specifications.
5. A brief summary of those changes, tests and experiments which required authorization from the commission pursuant to 10CFR50.59(a).
6. Changes in the plant operating staff serving in the following positions:
 - a. Nuclear Reactor Laboratory Manager;
 - b. Health physicist;
 - c. Safety Review Committee members.

b. Power Generation

A monthly tabulation of the thermal output of the facility during the reporting period

c. Shutdowns

A listing of unscheduled shutdowns which have occurred during the reporting period, tabulated according to cause, and a brief discussion of the actions taken to prevent recurrence.

d. Maintenance

A discussion of corrective maintenance, excluding preventative maintenance, performed during the reporting period on safety related systems and components.

e. Changes, Tests and Experiments

A brief discussion and a summary of the safety evaluation for those changes, tests, and experiments which were carried out without prior commission approval, pursuant to the requirements of 10CFR50.59(a).

f. Radioactive Effluent Releases

A statement of the quantities of radioactive effluents released from the plant.

1. Gaseous Effluents

a. Gross Radioactivity Releases

1. Total gaseous radioactivity in curies.

2. Average concentration of gaseous effluents released during normal steady state operation averaged over one year.
3. Maximum instantaneous concentration of noble gas radionuclides released during special operations, tests or experiments.
4. Percent of diluted, 10CFR20, Appendix B, Table 2, Column 1, air effluent concentration limit.

b. Iodine Releases

(Required if iodine-131 is identified in primary coolant samples, or if fueled experiments are conducted at the facility.)

1. Total particulate gross beta and gamma radioactivity released in curies excluding background radioactivity.
2. Percent of diluted, 10CFR20, Appendix B, Table 2, Column 1, air effluent concentration limit.

c. Particulate Releases

1. Total particulate gross beta and gamma radioactivity released in curies excluding background radioactivity.
2. Gross alpha radioactivity released in curies excluding background radioactivity. (Required if the operational or experimental program could result in the release of alpha emitters.)
3. Total gross radioactivity in curies of nuclides with half lives greater than eight days.
4. Percent of diluted, 10CFR20, Appendix B, Table 2, Column 1, air effluent concentration limit, for particulate radioactivity with half lives greater than eight days.

2. Liquid Effluents

- a. Total gross beta and gamma radioactivity released in curies excluding tritium and average concentration released to unrestricted areas or sanitary sewer averaged over period of release.
- b. The maximum concentration of beta and gamma radioactivity released to unrestricted areas.
- c. Total alpha radioactivity in curies released and average concentration

released to unrestricted areas averaged over the period of release.
(Required if the operational or experimental program could result in the release of alpha emitters.)

- d. Total volume in ml of liquid waste water released.
 - e. Total volume in ml of water used to dilute the liquid waste during the period of release prior to release from the building to the sanitary sewer system.
 - f. Total radioactivity in curies, and concentration averaged over the period of release by nuclide released, based on representative isotopic analyses performed for any release from a waste storage tank.
 - g. Percent of diluted, 10CFR20, Appendix B, Table 3, Releases to sewers.
- g. Environmental Monitoring

For each medium sampled:

1. Number of sampling locations and a description of their location relative to the reactor.
2. Total number of samples.
3. Number of locations at which levels are found to be significantly higher than the remaining locations.
4. Average annual concentrations or levels of radiation for the sampling point with the highest average concentration or level and the location of that point with respect to the site.
5. The maximum cumulative radiation dose which could have been received by an individual continuously present in an unrestricted area during reactor operation from:
 - a. Direct radiation and gaseous effluent;
 - b. Liquid effluent.
6. If levels of radioactive materials in environmental media, as determined by an environmental monitoring program indicate the likelihood of public intakes in excess of 10% of those that could result from continuous exposure of the concentration values listed in 10CFR20, Appendix B, Table 2, Columns 1 and 2, estimates of the likely resultant exposure to individuals and to population groups and assumptions upon which estimates are based.

7. If significant variations of off site environmental concentrations with time are observed, correlation of these results with effluent release shall be provided.

h. Occupational Personnel Radiation Exposure

A summary of annual whole body radiation exposures greater than 500 mrem (50 mrem for persons under 18 years of age) received during the reporting period by facility personnel including faculty, students, or experimenters.

2. Non-Routine Reports

a. Reportable Occurrence Reports

In the event of a reportable occurrence as defined in section 1.0, notification shall be made within 24 hours by telephone and FAX to the Reactor Project Manager, Headquarters, U.S. Nuclear Regulatory Commission and to the Administrator, Region III, followed by a written report within 14 days to the U. S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, D. C. 20555, and to the Administrator, Region III. FAX notification may be sent on the next working day in the event of a reportable occurrence during a weekend or holiday period. The written report of a reportable occurrence, and, to the extent possible, the preliminary telephone and FAX notification shall:

1. Describe, analyze, and evaluate safety implications;
2. Outline the measures taken to assure that the cause of the condition is determined;
3. Indicate the corrective action including any changes made to the procedures and to the quality assurance program taken to prevent repetition of the occurrence and of similar occurrences involving similar components or systems;
4. Evaluate the safety implications of the incident in light of the cumulative experience obtained from the record of previous failure and malfunctions of similar systems and components.

b. Technical Specification, Safety Analysis, and System Deficiencies

A written report shall be forwarded within 30 days to the U. S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington D. C. 20555, and to the Administrator, Region III, in the event of:

1. Discovery of any substantial errors in the transient or accident analyses or in the methods used for such analyses, as described in the safety analysis or in

the bases for the technical specifications;

2. Discovery of any substantial variance from performance specifications contained in the technical specifications and safety analysis.
3. Discovery of any condition involving a possible single failure which, for a system designed against assumed failures, could result in a loss of the capability of the system to perform its safety function.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

SUPPORTING AMENDMENT NO. 49 TO

FACILITY OPERATING LICENSE NO. R-28

UNIVERSITY OF MICHIGAN

FORD NUCLEAR REACTOR

DOCKET NO. 50-02

1.0 INTRODUCTION

By letters dated June 18, 2004, as supplemented on June 23, 2004, January 5, and January 10, 2006, the University of Michigan (UM) (the licensee) submitted a request to change Section 6.0, Administrative Controls, of the Technical Specifications (TSs) for the Ford Nuclear Reactor (FNR). This change, to support the decommissioning of the FNR reactor, will be issued concurrently with is discussed below.

2.0 BACKGROUND

As of December 16, 2003, the FNR no longer has reactor fuel on site and on January 29, 2004, the license for the FNR was modified to no longer permit operation of the reactor and to not allow fuel elements to be placed in the reactor grid. The licensee submitted a decommissioning plan (DP) to the U.S. NRC on June 23, 2004, as supplemented on June 23, 2004, January 5, 2006, and January 10, 2006, for review and approval.

3.0 EVALUATION

For the years of licensed activities at FNR, the Director of Michigan Memorial Phoenix Project (MMPP) was responsible for the facility's operating license. The Regents of UM are responsible for overall planning, managing, and financing the decommissioning of the FNR. The bylaws of the Board of Regents specifically assign responsibility for the decommissioning to the Executive Vice President and Chief Financial Officer. The Executive Vice President has established, through the Associate Vice President for Facilities and Operation, a project organization to oversee the decommissioning of FNR. The licensee has proposed changing TS 6.1, Organization, to reflect a new organizational chart for the FNR decommissioning project which includes the following key management positions:

- The Director of Occupational Safety and Environmental Health, who will be responsible for the facility's license and shall authorize the expenditure of funds on decommissioning activities.
- The Reactor Manager who remains responsible for decommissioning FNR and assuring that all activities are conducted in a safe manner within the limitations of the facility's license and in compliance with applicable federal and state regulations.
- The Radiation Safety Officer (RSO), who is organizationally independent of the Reactor Manager, his support staff or any decommissioning contractors or sub-contractors, shall be responsible for radiological safety at the facility, and safeguarding the UM community, the public, and personnel involved in decommissioning from undue radiation exposures.
- A review committee, chaired by a representative of the Vice President for Research, will monitor decommissioning activities to ensure they are being performed safely, economically, and according to all applicable licenses or registrations held by the UM and in compliance with applicable federal and state regulatory requirements.
- A prime contractor to manage and supervise all or part of the FNR decommissioning project. The prime contractor will manage and supervise operations and services such as characterization, dismantlement, decontamination, waste handling, and quality assurance.

To ensure that the Reactor Manager and Radiation Safety Officer are adequate to support decommissioning, the licensee has proposed changes to the TS to update their qualifications. The staff finds that the changes are acceptable.

The licensee proposed changes to TS 6.2, Review, and TS 6.3, Audit, to describe the composition, and function of the Decommissioning Review Committee. The review committee will have approval, review, and audit functions to ensure that decommissioning operations are performed safely and in accordance with all applicable licenses held by UM and in compliance with applicable Federal, State, and local regulatory requirements. The staff finds the changes acceptable.

The licensee proposed changes to TS 6.4, Action to Be Taken in the Event of a Reportable Occurrence, to include the new organizational structure to be used during the decommissioning and decontamination of the FNR. The staff finds the changes acceptable.

The licensee proposed changes to TS 6.5, Procedures, to reflect that the facility is in decommissioning and to specify the new organizational structure to be used during the decommissioning and decontamination of the FNR. The staff finds the changes acceptable.

4.0 ENVIRONMENTAL CONSIDERATION

This amendment involves changes in recordkeeping, reporting, or administrative procedures or requirement. Accordingly, the amendment 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 amendment.

5.0 CONCLUSION

The regulations in 10 CFR 50.36 require nuclear reactors to have TSs. The requirements for TSs for facilities that are decommissioning are given in 10 CFR 50.36(c)(6), which states that TSs for administrative controls will be developed on a case-by-case basis for nonpower reactor facilities which are not authorized to operate. The staff has determined that the changes proposed by the licensee continue to meet the requirements of 10 CFR 50.36.

The licensee has committed to maintaining an adequate organizational structure to oversee and safely manage the decommissioning of the FNR. The staff has determined that the project management structure for the decommissioning of the FNR is consistent with the guidance provided in Appendix 17.1 to NUREG-1537, Revision 0, "Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors," issued February 1996. The management practices described by UM give reasonable assurance that it will continue to be responsible for overall supervision, compliance with regulations, and the health and safety of the public. Therefore, the staff concludes that the proposed changes to the TSs are acceptable.

The staff has concluded, based on the considerations discussed above, that (1) because the amendment does not involve a significant increase in the probability or consequences of accidents previously evaluated, or create the possibility of a new or different kind of accident from any accident previously evaluated, and does not involve a significant reduction in a margin of safety, the amendment does not involve a significant hazards consideration, (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 amendment will not be inimical to the common defense and security or the health and safety of the public.

Principal Contributor: Patrick J. Isaac

Date: