

October 12, 2011

Mr. Erhard W. Koehler  
Senior Technical Advisor, N.S. Savannah  
U. S. Department of Transportation  
Maritime Administration (MAR-640.2)  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

SUBJECT: N.S. SAVANNAH - ISSUANCE OF EXEMPTION FROM REQUIREMENTS OF  
10 CFR PART 50 AND 10 CFR PART 73 SECURITY REQUIREMENTS  
(TAC NO. J00383)

Dear Mr. Koehler:

The Commission has granted U.S. Department of Transportation, Maritime Administration (MARAD), the licensee for the N.S. Savannah (NSS), the enclosed exemption from the requirements of 10 CFR 50.54(p) and 10 CFR Part 73. This action is in response to your letter dated November 8, 2010.

The Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security based on the continued maintenance of appropriate security requirements for special nuclear material (SNM). Additionally, special circumstances are present based on the removal of the spent nuclear fuel containing special nuclear material from the 10 CFR Part 50 licensed site. Therefore, the Commission hereby grants MARAD an exemption from the requirements of 10 CFR 50.54(p) for the NSS.

The Commission has determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest based on the removal of the SNM which obviates the physical protection security requirements for the licensee. Therefore, the Commission hereby grants MARAD an exemption from the physical protection requirements of 10 CFR Part 73 for the NSS.

The part of this licensing action dealing with safeguards plans meets the categorical exclusion provision in, as that part of this action is an exemption from the requirements of the Commission's regulations and (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve safeguard plans. Therefore, that part of the action does not require either an environmental assessment or an environmental impact statement.

As previously stated, the part of this exemption dealing with safeguards plans met the categorical exclusion provision in 10 CFR Part 51.22(c)(25)(vi)(F). Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact related to the part of this exemption not dealing with safeguards plans (i.e.; transportation of SNM, interaction with emergency planning, and background checks) was published in the *Federal Register* on September 23, 2011 (76 FR 59174). Based upon the environmental assessment, the Commission has determined that issuance of this exemption will not have a significant effect on the quality of the human environment. The exemption will be published in the *Federal Register*.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice For Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the [Public Electronic Reading Room](#)).

Sincerely,

**/RA/**

John T. Buckley, Project Manager  
Reactor Decommissioning Branch  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 50-238

Enclosure:  
Exemption

cc w/encls:  
NS Savannah Service List

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Distribution:

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J Joustra, RI

D Garner, NSIR

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NAME	JHickman	CHolston	JBuckley	BWatson
DATE	/ / 2011	12 / 7 / 2010	12 / 8 / 2010	12 / 08 / 2010
OFFICE	NSIR	OGC (NLO)	DWMEP	DWMEP
NAME	SWastler	MWright	KMcConnell	JBuckley
DATE	12 / 16 / 2010	9 / 2 / 2011	10/7/ 2011	10/12/ 2011

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NS Savannah Service List - John Buckley, Project Manager

cc:

Mr. John C. Wiegand  
Decommissioning Program Manager  
U.S. Department of Transportation  
Maritime Administration (MAR-640.21)  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Mr. Greg Thornton  
N.S. SAVANNAH Facility Site Manager  
U.S. Department of Transportation  
Maritime Administration (MAR-640.22)  
N.S. SAVANNAH  
2215 Harbor Road  
Newport News, VA 23607

Mr. Jeffrey McMahon  
Ship Operations and Maintenance officer (SOMO)  
Maritime Administration  
Norfolk International Terminals  
7737 Hampton Boulevard  
Building 4D, Rm 211  
Norfolk, VA 23505