



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

**SAFETY EVALUATION REPORT**

**THREE MILE ISLAND 2  
INDEPENDENT SPENT FUEL STORAGE INSTALLATION  
MATERIALS LICENSE NO. SNM-2508  
AMENDMENT NO. 5**

**1.0 SUMMARY**

This safety evaluation report (SER) documents the review and evaluation of a license amendment request to Special Nuclear Materials (SNM) License No. 2508 for the Three Mile Island 2 (TMI-2) Independent Spent Fuel Storage Installation (ISFSI). By letter dated September 8, 2016, the Department of Energy (DOE) submitted a request to the NRC in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 72.56, to amend the licensee delegation of authority in the license, technical specifications (TS), and final safety analysis report (FSAR). These documents currently delegate authority under the license to the Manager, DOE Idaho Operations Office. The amendment replaces this reference with the Deputy Manager, Idaho Cleanup Project in each of the documents.

The NRC staff has reviewed the application, including the justifications for the requested changes. As discussed below, based on the staff's evaluation of the statements and representations in the application, the staff finds that the requested amendment to License No. SNM-2508 for the TMI-2 ISFSI meets the regulatory requirements of 10 CFR Part 72.

**2.0 EVALUATION CRITERIA**

The staff conducted an evaluation of the changes requested by the applicant to ensure that they meet the applicable requirements of 10 CFR Part 72 and 10 CFR Part 20. The staff used the guidance provided in NUREG-1567, "Standard Review Plan for Spent Fuel Dry Storage Facilities," to conduct the evaluation. The staff's evaluation focused on the changes to SNM-2508 requested in the application and did not reassess previously approved portions of the license, TS, the final safety analysis report (FSAR) or any changes to the FSAR made by DOE under the provisions of 10 CFR 72.48. The evaluation for each applicable review discipline is described below.

**3.0 TECHNICAL SPECIFICATIONS EVALUATION**

In its amendment application, DOE requested to revise the licensee delegation of authority in the license, TS, and FSAR. These documents currently delegate authority under the license to the Manager, DOE Idaho Operations Office. The amendment request replaces this reference with the Deputy Manager, Idaho Cleanup Project in each of the documents. In its application, DOE stated that the Secretary of Energy has designated the Deputy Manager, DOE Idaho Cleanup Office to be the DOE responsible Official for the TMI-2 ISFSI. DOE states that this

revised designation aligns the TMI-2 license, TS and FSAR with the DOE office that has programmatic responsibility for NRC-licensed operations at the TMI-2 ISFSI.

To implement the proposed delegation of authority changes, DOE requested to revise Section 5.1, "Responsibility" and Section 5.2, "Organization," of the TMI-2 ISFSI TS. In addition, DOE made conforming changes in Chapter 9, "Conduct of Operations," and Chapter 11, "Quality Assurance," of the TMI-2 ISFSI FSAR. The staff made an additional change to License Condition No. 11 to reflect the updated delegation of authority for the TMI-2 ISFSI. The staff reviewed the proposed changes requested by the applicant and determined that they are administrative in nature, and do not affect or change licensed operations nor the type and amount of material licensed for storage at the site. The staff finds that the proposed change in the licensee delegation does not affect the ability of the TMI-2 ISFSI of meeting the regulatory requirements of 10 CFR Part 72.

#### **4.0 REQUIREMENTS FOR NOTICING PROPOSED ACTION**

In accordance with 10 CFR 72.16, a Notice of Docketing was published in the *Federal Register* on February 22, 2017 (82 *FR* 11371). During its acceptance review of the proposed amendment, staff determined that the proposed amendment did not present a genuine issue to public health and safety. Accordingly, pursuant to 10 CFR 72.46(b)(2), the staff has determined that the publication of a notice of proposed action and opportunity for hearing, or the publication of a notice of hearing, is not warranted and has taken immediate action on the proposed amendment. A *Federal Register* Notice of Issuance will be issued notifying the public of the action taken and of the right of interested persons to request a hearing on whether this action should be rescinded or modified.

#### **5.0 ENVIRONMENTAL REVIEW**

The staff reviewed the proposed amendment request against the categorical exclusion criteria in 10 CFR 51.22(c)(11), and determined that the amendment request is administrative in nature. Under 10 CFR 51.22(c)(11), a categorical exclusion from the requirement to prepare an environmental impact statement for such a change is allowed provided the following conditions are satisfied: (i) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, (ii) there is no significant increase in individual or cumulative occupational radiation exposure, (iii) there is no significant construction impact, and (iv) there is no significant increase in the potential for or consequences from radiological accidents.

After evaluating the amendment request, staff has determined that the amendment: (i) would not produce a significant change in either the type or amount of effluents released to the environment because the amendment does not affect the design, fabrication, or operations of the facility, and consequently does not affect the type or amount of effluents released to the environment; that (ii) the amendment would not produce a significant increase in occupational radiation exposure because changes to these administrative programs do not affect the operations at the facility, nor the amounts of radioactive material authorized for storage at the facility, and consequently would not produce a significant increase in occupational radiation exposure; that (iii) the amendment would not have significant construction impacts because the amendment only impacts the process by which administrative programs are revised, does not involve construction, and consequently would not have significant construction impacts; and that (iv) the amendment would not produce a significant increase in the potential for or

consequences from radiological accidents because the amendment does not decrease the capabilities of personnel to perform their duties or decrease DOE's control of the design, fabrication and operation of the facility, and consequently would not produce a significant increase in the potential for or consequences from radiological accidents. Consequently, staff finds that the amendment request meets the categorical exclusion criteria in 10 CFR 51.22(c)(11).

## **6.0 CONCLUSION**

Based on its review of the proposed amendment, the staff has determined that there is reasonable assurance that: (i) the activities authorized by the amended license will be conducted without endangering the health and safety of the public, and (ii) these activities will be conducted in compliance with the applicable regulations. The staff has further determined that the issuance of the amendment will not be inimical to the common defense and security. The staff approves Amendment No. 5 to Materials License No. SNM-2508 for the TMI-2 ISFSI.

Issued with Materials License No. SNM-2508, Amendment No. 5, dated:  
6/6/17