



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

November 20, 2018

Mr. John P. Zimmerman
Deputy Manager Idaho,
Cleanup Project
1955 Fremont Avenue, MS 1222
Idaho Falls, ID 83415

SUBJECT: NUCLEAR REGULATORY COMMISSION'S ANALYSIS OF DEPARTMENT OF ENERGY'S DECOMMISSIONING FUNDING PLAN FOR THE INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS FOR FORT SAINT VRAIN, THREE MILE ISLAND, UNIT 2, AND IDAHO SPENT FUEL FACILITY (CAC/EPID NOS. 001028/L-2012-FPR-0000, L-2017-FPR-0068, L-2012-FPR-0001)

Dear Mr. Zimmerman:

By letter dated December 14, 2012, the U.S. Department of Energy, Idaho Operations Office (DOE-ID) submitted a letter regarding the revised decommissioning financial assurance requirements in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 10 CFR 72.30, which became effective on December 17, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13002A076). The December 14, 2012, letter is considered DOE-ID's decommissioning funding plan (DFP) submittal for the Fort Saint Vrain Independent Spent Fuel Storage Installation (ISFSI) (License No. SNM-2504, Docket No. 72-09), the Three Mile Island, Unit 2 ISFSI (License No. SNM-2508, Docket No. 72-20), and the Idaho Spent Fuel Facility (License No. SNM-2512, Docket No. 72-25). The letter provided DOE-ID's opinion that the current license conditions for the three facilities satisfy the revised 10 CFR 72.30 requirements related to decommissioning financial assurance.

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed DOE-ID's letter and considered the current NRC regulations in 10 CFR Part 72. The regulation in 10 CFR 72.40(a)(10) provides an exception for DOE with respect to the findings associated with decommissioning financial assurance requirements in 10 CFR 72.30. The ISFSI licenses for Fort Saint Vrain, Three Mile Island, Unit 2, and the Idaho Spent Fuel Facility each contain a condition for DOE-ID to request the necessary decommissioning funds from Congress through the federal budget planning process. The license condition also requires DOE-ID to notify the NRC, in writing, of any anticipated or forecasted budget shortfalls, as soon as they are known, along with a plan detailing the specific measures that will be taken by DOE-ID to obtain the required funding and prevent adverse impacts on ISFSI operations.

Accordingly, the NRC finds that the information DOE-ID provided is sufficient to support compliance with the decommissioning financial assurance requirements in 10 CFR 72.30.

If you have any questions regarding this matter, please contact me or Pamela Longmire Ph.D. of my staff at (301) 415-7465.

Sincerely,

/RA/

John McKirgan, Chief
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 72-09, 72-20, 72-25

License Nos.: SNM-2504, SNM-2508,
SNM-2512

CAC/EPID Nos: 001028/L-2012-FPR-0000
001028/L-2017-FPR-0068
001028/L-2012-FPR-0001

cc: See attached list

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S ANALYSIS OF U.S. DEPARTMENT OF ENERGY'S DECOMMISSIONING FUNDING PLAN FOR THE INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS FOR FORT SAINT VRAIN, THREE MILE ISLAND UNIT 2, AND IDAHO SPENT FUEL FACILITY (CAC/EPID NOS. 001028/L-2012-FPR-0000, L-2017-FPR-0068, L-2012-FPR-0001), DOCUMENT DATE: November 20, 2018

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