

Enclosure 4 to E-54257

**Additional Changes
Not Associated with the RAIs
(Public)**

Additional Changes Not Associated with the RAIs

Interim Storage Partners LLC is requesting two additional changes to the License Application that are not related to the RAI questions. The two requested changes are discussed below and include a description of each change, the impact on the License Application, the impact on the Decommissioning Funding Plan, the impact on the Environmental Report, and a summary of the affected Sections of the related documents, as applicable. The changed pages for the License Application, proposed material license, Decommissioning and Funding Plan and Environmental Report are included in this enclosure.

1. Remove the request for an exemption from the requirements specified in 10 CFR 72.30 Financial Assurance and Recordkeeping for Decommissioning

- Description: Remove the ISP requests for an exemption from the requirements specified in 10 CFR 72.30 Financial Assurance and Recordkeeping for Decommissioning. ISP no longer intends to pursue providing an alternative method of financial assurance that will guarantee the necessary funding for decommissioning the WCS CISF authorized to store the material defined in Conditions 8A and 8B of the license that is equivalent to the provisions of 10 CFR 72.30(e).
- License Application Impact: Removed reference to the exemption request from Section 1.6.3 *Financial Assurance for Decommissioning*. Rewrote Section 1.7 *Exemptions*, to state that ISP is not seeking any exemptions pursuant to 10 CFR 72.7, *Specific Exemptions* as part of this Licensing Action and removed Section 1.7.1 in its entirety.
- Proposed Material License Impact: Removed language for the exemption from Condition 24.
- Decommissioning Funding Plan Impact: Removed reference to the exemption request from Chapter 2 *Decommissioning Funding Methods*.

2. Update the ER to change the status of the lesser prairie chicken from “threatened” to “under review”

- Description: The US Fish and Wildlife Service (FWS) listed the lesser prairie chicken as "threatened" in 2014. However, the FWS de-listed the species in July 2016, to comply with a court order. The FWS currently is conducting a more detailed review of the status of the species, and lists the species as "under review."
- Environmental Report Impact: Updated Section 3.5.3.3 *Birds* and Table 3.5-1 *Endangered Species List* of the Environmental Report to recognize the reclassification of the lesser prairie chicken listing.

The Electric Power Research Institute estimated the operating and labor cost needed to store 5,000 MTU of SNF at an interim consolidated storage facility for 40 years at \$394,612,500. ISP will obtain funds to operate the CISF pursuant to future contracts with the DOE or other SNF Title Holder(s). ISP shall not receive SNF until such a contract with the DOE or other SNF Title Holder(s) is provided to the NRC as a condition of the license. Proposed license conditions are attached to this license application.

1.6.3 Financial Assurance for Decommissioning

CISF decommissioning costs will be kept to a minimum by designing and operating the CISF in a manner that minimizes contamination pursuant to 10 CFR 20.1406 and 10 CFR 72.130. Waste canisters will not be opened, so the spent nuclear fuel will not be exposed to the CISF facilities, water, air or the surrounding environment. Therefore, the likelihood of a contamination event is considered very low and unlikely as described in the Safety Analysis Report. As a “start-clean/stay-clean” facility, the WCS CISF will operate in a manner that supports decommissioning activities throughout the life of the facility.

Alternatively, ISP may use a surety bond combined with a conformity external sinking fund as authorized by 10 CFR 72.30(e)(3). Payments from storage operations would be deposited into the external sinking fund as waste is received. A surety bond would be used to assure the difference in the decommissioning cost estimate and the value of the sinking fund until the sinking fund is fully funded.

Decommissioning costs have been estimated to be \$12,650,000. The decommissioning costs were estimated based on the size of the CISF authorized to store 5,000 MTU consistent with NUREG 1757, *Consolidated Decommissioning Guidance*. Additional information regarding the cost of decommissioning the CISF is provided in Appendix D of the License Application.

1.7 EXEMPTIONS

ISP is not seeking any regulatory specific exemptions authorized pursuant to 10 CFR 72.7, *Specific Exemptions*.

License No. Amendment No.

SNM-1050 0

Docket or Reference No.

72-1050

**LICENSE FOR INDEPENDENT STORAGE OF SPENT NUCLEAR
FUEL AND HIGH-LEVEL RADIOACTIVE WASTE****SUPPLEMENTARY SHEET**

19. The Licensee shall obtain onsite and offsite insurance coverage in the amounts committed to by ISP in the ISP license application.
20. The Licensee shall submit License Amendment(s) to this license to incorporate applicable portions of License Renewals listed below, within 120 days of the effective date of License Renewal Approval for each of the following:
- (1) Aging Management Program (AMP) for NUHOMS® Systems
The Licensee shall commit to the AMPs committed to in the approved License Renewal of CoC 1004 for all NUHOMS® Spent Fuel Canisters and storage overpacks.
 - (2) AMP for NAC Systems
The Licensee shall commit to the AMPs committed to in the approved License Renewal of CoC 1015 AND 1025 AND 1031 for all applicable NAC Spent Fuel Canisters and storage overpacks.
21. The Licensee shall submit a Startup Plan to the NRC at least 90 days prior to receipt and storage of the material identified in 6.A, 6.B, 7.A or 7.B at the facility.
22. 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 to the extent reasonably practicable by this test.
23. Prior to commencement of operations, the Licensee shall have an executed contract with the U.S. Department of Energy (DOE) or other SNF Title Holder(s) stipulating that the DOE or the other SNF Title Holder(s) is/are responsible for funding operations required for storing the material identified in 6.A, 6.B, 7.A or 7.B at the CISF as licensed by the U.S. Nuclear Regulatory Commission.
24. Prior to receipt of the material identified in 6.A, 6.B, 7.A or 7.B, the Licensee shall have a financial assurance instrument required pursuant to 10 CFR 72.30 acceptable to the U.S. Nuclear Regulatory Commission.
25. This license is effective as of the date of issuance shown below.


 FOR THE NUCLEAR REGULATORY COMMISSION

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

Date of Issuance December XX, 20XX

Attachments: Appendix A –WCS Interim Storage Facility Technical Specifications

CHAPTER 2

DECOMMISSIONING FUNDING METHODS

A fully executed written contract between ISP and the United States Government, Department of Energy (DOE) or the other SNF Title Holder(s), will be established prior to receipt of SNF or reactor-related GTCC LLW at the CISF. Pursuant to this contract, if the DOE shall take legal title of the SNF and reactor-related GTCC LLW prior to receipt, DOE shall also be responsible for all costs associated with the decommissioning of the CISF allowing for its unrestricted release pursuant to 10 CFR 20 Subpart E at the time of license termination. If other SNF Title Holder(s), other than DOE, (Client(s)), enter into a contract with ISP for storage services, the contract shall allocate legal and financial liability among the licensee and the clients and shall include provisions requiring clients to periodically provide credit information, and, when necessary financial assurances to cover their decommissioning obligations.

ISP shall provide a financial assurance method, as specified in 10 CFR 72.30(e), to provide the necessary funds to decommission equipment and facilities at the CISF to levels allowing for its unrestricted use prior to receipt of SNF or reactor-related GTCC LLW.

present. Suitable habitat exists at Baker Spring and southeast of the CISF. No washes or trees are present in areas of proposed CISF development.

All bird species encountered on and near the proposed CISF are consistent with the range information provided in (Ortega, Bryant, Petit, & Rylander, 1997) and references cited therein and with other records from the vicinity near the CISF. It is likely many of the summer resident species breed and raise their young on or in the vicinity of the CISF.

The US Fish & Wildlife Service (FWS) listed the lesser prairie chicken as "threatened" in 2014. However, the FWS de-listed the species in July 2016, to comply with a court order. The FWS currently is conducting a more detailed review of the status of the species, and lists the species as "under review." Historically, a Waste Control Specialists ranch manager reported seeing a female lesser prairie chicken (*Tympanuchus pallidicinctus*) near the CISF (Ortega, Bryant, Petit, & Rylander, 1997) but the sighting was never verified. Although the CISF is outside the known range of the species, areas of suitable habitat (e.g., shinnery oak) are present within a 5 km (3.1 mi) radius of the CISF. No active leks or prairie chickens have been detected during the 2004 Lyons surveys (Lyons, 2004). Surveys were conducted by a researcher who was familiar with standard techniques used to census this species in New Mexico and Texas.

New Mexico's Department of Game and Fish completed a lesser prairie chicken survey in 2000, examining the northern portion of Lea County, along with portions of Chavis, Roosevelt, and De Baca counties (Massey & Dunn, 2000). The New Mexico report did not include the area adjacent to the CISF; however, more recent surveys for the lesser prairie chicken conducted in September 2003 and April 2004 in support of the licensing of the nearby NEF indicated the species does not occur on land of the proposed CISF. No visual sightings or aural detections were made and the researchers concluded there is little potential habitat in the survey area.

The USFWS currently lists the lesser prairie chicken as an *under review* species. Recent decline in population numbers of the lesser prairie chicken, a species that prefers shinnery oak habitat, has shifted concern on public lands towards protection of this habitat.

3.5.3.4 Aquatic

Aquatic ecological studies have not been conducted in the area because there are no permanent—and only occasionally ephemeral—sources of surface water available on or in the vicinity of the proposed CISF. These are insufficient to support aquatic species.

Table 3.5-1, Endangered Species List

Common Name	Genus Species	Federal Status	State Status	Note
Texas horned lizard	Phrynosoma cornutum		T	
American Peregrine Falcon	Falco peregrinus anatum	DL	T	
Bald Eagle	Haliaeetus leucocephalus	DL	T	
Lesser Prairie-Chicken	Tympanuchus pallidicinctus	DL		
Northern Aplomado Falcon	Falco femoralis septentrionalis	LE		
Peregrine Falcon	Falco peregrinus	DL	T	
Whooping Crane	Grus americana	LE	E	Potential migrant
Black-footed ferret	Mustela nigripes			Extirpated in area
Gray wolf	Canis lupus	LE	E	Extirpated in area

Sources: (USFWS, 2016) (TPWD, 2016)

The Texas horned lizard has been reported as present on the property controlled by Waste Control Specialists by previous surveys. Suitable habitat is present throughout much of the study area, and it is likely that the species is widespread in the region, as reported by previous investigators. None were observed during the October 2004 survey.

The sand dune lizard has been reported in the area northwest of the proposed CISF in past site surveys. Habitat characteristics favorable for the species include open sandy blowouts near shinnery oak (Texas Conservation Plan, 2011). As such habitat was found in much of the study area, the species might occur in the area. However, the areas of habitat are small and isolated