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

November 16, 2021

Mr. T. J. Tate, Manager
Environmental, Safety, Health
and Licensing
Framatome Inc.
2101 Horn Rapids Road
Richland, WA 99354-5102

**SUBJECT: AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT IN
SUPPORT OF FRAMATOME'S TRIENNIAL UPDATE TO DECOMMISSIONING
FUNDING PLAN - ENTERPRISE PROJECT IDENTIFIER L-2021-DFA-0000**

Dear Mr. Tate:

By letter dated August 12, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21166A200), the U.S. Nuclear Regulatory Commission (NRC) staff provided the results of its review, and approval, of Framatome, Inc.'s (Framatome), triennial update to its Decommissioning Funding Plan (DFP). In its letter, the NRC staff requested that Framatome obtain a financial assurance instrument and Certification of Financial Assurance that guarantees funds in the amount of the NRC-approved estimate. The financial instrument was to be submitted to the NRC within 30 days of the date of the NRC letter.

The NRC staff received, by mail, an original "Amendment to Irrevocable Standby Letter of Credit No. SB22.802," dated August 19, 2021 (amendment or letter of credit, ADAMS Accession Number ML21306A215 - non-public) for NRC review and signature. However, a Certification of Financial Assurance that guarantees funds in the amount of the NRC-approved estimate was not provided.

The amendment to the letter of credit increases the financial assurance amount by \$15,154,200.00 to cover the costs for decommissioning the Richland, WA, facility as approved by the NRC. An affidavit dated October 19, 2021 and executed by you (ADAMS Accession Number ML21295A305), was provided via e-mail to the NRC stating that the amendment had been classified and designated as "Proprietary" by Framatome in accordance with the document control system and policies established by Framatome for the control and protection of proprietary and confidential information. In the affidavit, you further stated that the amendment contained commercial information of confidential nature that is not available in public sources or available to the public.

Enclosure 2 to this document contains sensitive unclassified information. When separated from Enclosure 2, this letter and Enclosure 1 are decontrolled.

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During the review of the amendment to the letter of credit, the NRC staff noted that the total amount of the financial instruments, when added up, is equal to \$81,580,000.00, which is higher than the \$81,192,462.00 amount that the staff approved on August 12, 2021 (see ADAMS Accession Number ML21166A200). By electronic communication dated October 11, 2021, the NRC staff requested Framatome to clarify this discrepancy. In response, Framatome stated that the correct amount of the decommissioning cost is \$81,580,000.00, as is reflected in Table 1 of the DFP and noted that this confusion was caused by a failure of the author of the DFP to also update the amount listed on page 2 of the DFP when a previous correction was made to Table 1 (ADAMS Accession Number ML21288A119).

We have completed our review of the amendment to the letter of credit and have determined that the increased amount provided under this financial instrument is sufficient to cover the current costs and in accordance with the NRC-approved updated DFP. The NRC staff acknowledges the error on page 2 of the revised DFP and finds Framatome's clarification to be acceptable. Enclosure 1 of this letter provides an amended copy of the NRC staff safety evaluation report approving the updated DFP amount from \$66,415,800.00 to \$81,580,000.00. Enclosure 2 provides a copy of the "Amendment to Irrevocable Standby Letter of Credit No. SB22.802," signed by the cognizant NRC manager (ADAMS Accession Number ML21306A215, non-public). An original of this document was mailed to Ms. Joye M. Dawkins, Vice President, Crédit Industriel et Commercial, 520 Madison Avenue -37th floor, New York, NY, 10022. The NRC received confirmation of receipt on November 9, 2021 (ADAMS Accession Number ML21314A419).

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 70.25(e)(1)(iv) and (v) Framatome must provide a Certification of Financial Assurance and executed financial assurance instruments to cover the full amount of the NRC-approved decommissioning cost estimate. This also includes updating Schedule A to its Standby Trust Agreement. Within 30 days of the date of this letter, Framatome must submit the executed financial instrument and Certification of Financial Assurance and an updated copy of the DFP. All efforts under Enterprise Project Identifier (EPID) L-2021-DFA-0000 will remain open until the NRC receives these documents.

With regard to the "Proprietary" designation of the letter of credit, the NRC staff reviewed the information in the October 19, 2021, affidavit and the letter of credit in accordance with the requirements of 10 CFR 2.390. Based on its review of the information and statements provided in these documents, the NRC staff determined that the information contains commercial proprietary and financial information and should be withheld from public disclosure. Therefore, the document will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, without Enclosure 2, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS. ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html>.

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If you have any questions regarding this communication, please contact Mr. Osiris Siurano-Pérez, Project Manager, by phone at (301) 415-7827, or via e-mail to Osiris.Siurano-Perez@nrc.gov.

Sincerely,

Jacob I. Zimmerman, Chief
Fuel Facility Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-1257
License No. SNM-1227

Enclosures:

1. Amended Safety Evaluation Report
2. Copy of Signed Amendment to Irrevocable Standby Letter of Credit No. SB22.802 (Non-Public)

cc: framatome@listmgr.nrc.gov

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DATE: November 16, 2021

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