

June 23, 2015

Ms. Susan Linner
Field Office Supervisor
U.S. Fish and Wildlife Service
134 Union Boulevard
Lakewood, CO 80228

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION REQUEST FOR
CONCURRENCE ON DETERMINATION OF NO EFFECTS REGARDING THE
FORT ST. VRAIN INDEPENDENT SPENT FUEL STORAGE INSTALLATION
LICENSE AMENDMENT REQUEST REGARDING CHANGES TO TECHNICAL
SPECIFICATION 3.3.1 (DOCKET NO.: 72-00009)

Dear Ms. Linner:

The U.S. Nuclear Regulatory Commission (NRC) has received an application from the U.S. Department of Energy (DOE) to amend Materials License Number SNM-2504 for the Fort St. Vrain (FSV) Independent Spent Fuel Storage Installation (ISFSI) located in Platteville, Colorado. The FSV ISFSI site consists of approximately 20 acres located in Weld County, Colorado, approximately 3.5 miles northwest of the town of Platteville and 35 miles north of the city of Denver. Pursuant to Section 402.13 of Title 50 of the *Code of Federal Regulations* (CFR), the NRC seeks to initiate informal consultation with the U.S. Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act of 1973, as amended (ESA).

As established in 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," the NRC regulation that implements the National Environmental Policy Act of 1969, as amended, the NRC staff is preparing an environmental assessment (EA) for the proposed action. The EA will include an analysis of potential impacts to endangered or threatened species or critical habitat in the action area. Given the reasons set forth below, the NRC has determined that the approval of DOE's license amendment request is not likely to adversely affect listed species or critical habitats and that formal consultation under Section 7 of the ESA is not required. The NRC respectfully requests FWS' concurrence with this determination.

The NRC regulations at 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste," govern the storage of spent nuclear fuel (spent fuel) generated at commercial nuclear power reactors licensed by the NRC. Spent fuel that has been removed from the reactor's spent fuel pool is typically stored at a nuclear power plant's ISFSI.

In 1991, the NRC issued a 20-year license to the Public Service Company of Colorado to receive, possess, store, and transfer FSV spent fuel in the ISFSI. In 1999, this license was transferred to DOE, and in 2011 the license was renewed for an additional 20 years. DOE is requesting that its license be amended to incorporate a change to technical specification 3.3.1, immediately upon approval of this amendment. Approval of the license amendment request would lengthen the time allowed to transfer a cask with a faulty (leaking) seal to the Standby Storage Well from 7 days to 21 days. The amendment would also modify the 30 day requirement to test two additional casks to 45 days. Procedures and equipment are currently available to replace a faulty seal and test additional casks.

The NRC approval of DOE's license amendment request will not authorize or result in changes to routine operations. DOE anticipates no construction activities at the existing FSV ISFSI facility as a result of this license amendment request. Therefore, no land disturbances are expected if NRC approves the amendment request. In addition, during the NRC's review for the issuance of the FSV ISFSI license, the NRC staff analyzed the potential environmental impacts associated with construction and operation of the ISFSI. The NRC staff's assessment was documented in an EA dated February 1991 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML062710252). In that EA, the NRC staff determined that the construction and operation of the ISFSI would not result in an impact to any threatened or endangered species and, at the time of the NRC's review, the project area did not provide critical habitat for any species. The NRC staff also prepared an EA in support of the 2011 20-year license renewal (ADAMS Accession No. ML111110339). In that EA, the NRC staff determined that the proposed license renewal would not have a significant impact on threatened or endangered species.

The FSV ISFSI license amendment application is publicly available in the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's ADAMS. The ADAMS Public Electronic Reading Room is accessible at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession Number for the amendment is ML15068A009.

Please provide your concurrence, or any comments or information that you may have regarding the NRC's ESA Section 7 determination for this matter to the NRC with ATTN: Ms. Lydia W. Chang, Mail Stop: T-4B16, Washington, DC 20555.

If you have any questions, please contact Ms. Jean Trefethen of my staff by telephone at 301-415-0867 or via email at Jean.Trefethen@nrc.gov. Thank you for your assistance.

Sincerely,

/RA/

Lydia W. Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-09
License No.: SNM-2504

Enclosure:
Figure E2-1
FSV General Location

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Environmental Review Branch
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and Environmental Review
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Docket No.: 72-09
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Enclosure: Figure E2-1
FSV General Location

ML15168A205

OFFICE	FCSE/ERB	FCSE/ERB	FCSE/ERB	FCSE/ERB
NAME	JTrefethen	DDiaz-Toro	AWalker-Smith	LChang
DATE	06/18/2015	06/19/2015	06/18/2015	06/23/2015

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