

June 23, 2015

Mr. Manuel Heart, Chairman
Ute Mountain Ute Tribe
124 Mike Wash Road
Towaoc, CO 83203

SUBJECT: SECTION 106 CONSULTATION OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR 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 Chairman Heart:

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.

The NRC regulations at Title 10 of the *Code of Federal Regulations* (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 (TS) 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 (SSW) 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 transfer the cask to the SSW, replace a faulty seal, and test additional casks.

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, (NEPA) the agency is preparing an environmental assessment (EA) for the proposed action. The NRC staff is coordinating compliance with the Section 106 process of the National Historic Preservation Act of 1966 (NHPA) with its NEPA review process.

The EA will include an analysis of potential impacts to historic and cultural resources. DOE anticipates no new construction at the existing FSV ISFSI facility. Therefore, no land disturbances are expected as a result of the license amendment. However, to support the EA, the NRC is requesting any information you may have regarding Tribal historic sites or cultural resources that may be affected by an amendment to the FSV ISFSI license. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. After assessing the information provided by you, the NRC will determine what additional actions are necessary to comply with the Section 106 process of the NHPA.

The DOE's 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 Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession Number for the application package is ML15068A009. Please submit any comments/information that you may have regarding this environmental review within 30 days of the receipt of this letter to the NRC 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.: 72-9
License No.: SNM-2504

Enclosure:
Figure E2-1
Fort St. Vrain General
Location of the ISFSI

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Sincerely,

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.: 72-9
License No.: SNM-2504

Enclosure:
Figure E2-1
FSV General Location

ML15168A792

OFC	FCSE/ERB	FCSE/ERB	FCSE/ERB	FCSE/ERB
NAME	JTrefethen	DDiaz-Toro	AWalker-Smith	LChang
DATE	06/18/15	06/19/15	06/18/15	06/23/15

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