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NRC PROPOSES TO AMEND REGULATION GOVERNING LICENSING
OF INDEPENDENT SPENT FUEL STORAGE INSTALLATION

The Nuclear Regulatory Commission is proposing an amendment to its regulation governing the licensing of an independent spent fuel storage installation (ISFSI) to eliminate a requirement that the Commission itself authorize the issuance of such licenses.

The provision was added in 1980 during the Commission's consideration of a proposed final rule. At that time, the Department of Energy was considering establishing a large number of regional spent fuel storage facilities, an option the Department later decided not to pursue.

In 1988, the Commission extended the requirement, together with the one-step licensing process contained in the regulation, to the requirements governing licensing of a Monitored Retrievable Storage Facility (MRS), when and if such a facility is proposed by the Department of Energy.

To date, five separate licenses have been issued authorizing the use of independent spent fuel storage installations, all specifically authorized by the Commission--for the Surry nuclear power plant in Virginia, the H. B. Robinson nuclear power plant in South Carolina, the Oconee nuclear power plant in South Carolina, the Ft. St. Vrain nuclear power plant in Colorado (now being decommissioned) and the Calvert Cliffs nuclear power plant in Maryland.

As proposed, the amendment would keep intact the requirement that the NRC staff conduct a detailed review of any application to store fuel in an independent spent fuel storage installation and prepare a Safety Evaluation Report and Environmental Assessment detailing the results of the review.

In addition, the present requirement that the public be given notice of the receipt of such an application and offered an opportunity for a public hearing would be retained. In the event a public hearing were held, a license could not issue until the proceeding was complete and an Initial Decision was issued by the presiding Atomic Safety and Licensing Board. In addition, hearing participants would retain the right to request Commission

review of the Board's decision, including the right to request that the effectiveness of the Board's decision be stayed and that the Commission undertake review before license issuance.

Absent such a stay request, the Board's decision would be immediately effective and the staff could issue the license within 10 days and without being required to obtain additional express Commission authorization.

Written comments on the proposed amendments to Part 72 of the Commission's regulations should be received by August 17. They should be addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

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