

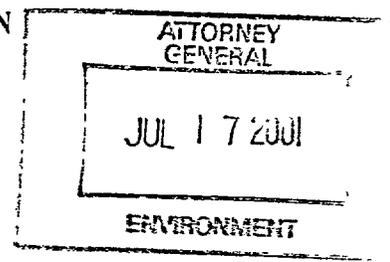
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UNITED STATES OF AMERICA
OFFICE OF THE SECRETARY NUCLEAR REGULATORY COMMISSION
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before the Commission



In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.)
)
(Private Fuel Storage Facility))

Docket No. 72-22
ASLBP No. 97-732-02-ISFSI

APPLICANT'S BRIEF ON THE REGULATORY STANDARD FOR AIRCRAFT
CRASH HAZARDS AT THE PRIVATE FUEL STORAGE FACILITY

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NUCLEAR REGULATORY COMMISSION

Docket No. _____ Official File No. 182
In the matter of PFS
Staff _____ IDENTIFIED X
Applicant _____ RECEIVED _____
Intervenor X _____ REJECTED _____
Other _____ WITHDRAWN _____
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Table of Contents

I.	BACKGROUND	1
II.	DISCUSSION	5
	A. The 1 E-6 Screening Standard is Applicable to ISFSIs.....	6
	B. The 1 E-6 Screening Standard is Generic and Does Not Require Site-Specific Consequences Analysis	9
III.	CONCLUSION.....	12

A. The 1 E-6 Screening Standard is Applicable to ISFSIs

In 1996, the Commission amended its 10 C.F.R. Part 60 rules for geologic repository operations areas—including surface operations and storage—to establish a probability bound for Category 2 design basis events of 1E-6 per year. *Disposal of High-Level Radioactive Wastes in Geologic Repositories; Design Basis Events, Final Rule*, 61 Fed. Reg. 64,257, 64,258 (1996). Category 2 design basis events are “[o]ther natural and man-induced events that are considered unlikely but sufficiently credible to warrant consideration, taking into account the potential for significant radiological impacts on public health and safety.” 10 C.F.R. § 60.2.⁸ The Commission found that “events with probabilities of occurrence lower than 1×10^{-6} per year could be screened from further consideration due to their negligible contribution to individual risk.” 61 Fed. Reg. at 64,261 (emphasis added). In doing so, the Commission intended to make the design basis for Part 60 repositories comparable to that for Part 72 facilities (ISFSIs) “[b]ecause operations at the repository are expected to be similar to operations at . . .” Part 72 facilities. *Id.* at 64,262.⁹ The rulemaking on Part 60 design basis events “harmonize[d] part 60 with part 72” because “part 72 applies to those facilities (MRS installations) most similar to the surface facilities of a repository and for which the kinds of design basis events are also expected to be similar.” *Id.* at 64,265. Further, the Commission expressly confirmed that Part 60 Category 2 events were equivalent to “design basis accident[s]” under

⁸ The Commission also established probability bounds for Category 1 design basis events, which are “[t]hose natural and human-induced events that are reasonably likely to occur regularly, moderately frequently, or one or more times before permanent closure of the geologic repository operations area” 10 C.F.R. § 60.2; see 61 Fed. Reg. at 64,265.

⁹ The State objects to the application of the Part 60 1 E-6 screening standard to ISFSIs in part on the grounds that the 1 E-6 standard applies to the design of the “preclosure area” of the repository and it is allegedly unclear that the standard also applies to “other areas.” See State Response at 7 n.8. The Commission stated, however, that the “preclosure controlled area” of the repository “corresponds closely to the term ‘controlled area,’ as defined in 10 CFR 72.3” and is “an area over which the licensee exercises control of activities to meet regulatory requirements.” 61 Fed. Reg. at 64,262. At the PFSF, the spent fuel will be located within the site owner controlled area. PFSF Safety Analysis Report at 1.2-1 to -2. Thus, the terminology provides no reason not to apply the standard here.

10 C.F.R. § 72.106 and that the difference in terminology between Part 60 and Part 72 “is not intended to be one of substance.” Id.