



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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## **NRC LICENSING BOARD ISSUES DECISION ON PRIVATE FUEL STORAGE APPLICATION**

Because of the risks military aircraft operations conducted near the Skull Valley site might pose, the Atomic Safety and Licensing Board, an independent judicial arm of the Nuclear Regulatory Commission, has blocked for now the issuance of a license to the Private Fuel Storage consortium (PFS) to build a spent nuclear fuel storage facility in Utah.

The proposed above ground facility is intended to house temporarily the waste fuel from the nation's nuclear power plants that is eventually destined for a permanent storage facility (currently envisioned at Yucca Mountain in Nevada). The PFS facility would be located on the Reservation of the Skull Valley Band of Goshute Indians, about 50 miles southwest of Salt Lake City.

A formal hearing was held in mid-2002 in which the Licensing Board received evidence on a number of issues challenging the PFS proposal, including the likelihood of an F-16 (a single-engine military jet) crashing into the facility. The State of Utah, the proposal's principal opponent, said the site was unsuitable because it would sit under the airway that pilots use to fly thousands of F-16s a year from Hill Air Force Base down Skull Valley to the military's Utah Test and Training Range.

At the hearing, PFS claimed that the chances of an F-16 accidentally crashing into the facility were so minimal that taking precautions against that potential event was unnecessary. PFS relied heavily on a "pilot avoidance" theory, which predicts that Air Force pilots would almost always, before ejecting during an in-flight emergency, take steps to guide their crashing jets away from the facility. The State's evidence led the Board to reject that theory and to rule that the PFS facility could not be licensed until the safety concern over the F-16 crash scenario is addressed.

The Licensing Board's ruling leaves room for the facility to receive later NRC licensing approval if either: (1) PFS can convince the Air Force to reduce the number, and/or to alter the pattern, of F-16 flights over Skull Valley; or (2) PFS can show that the design of the facility's storage structures is so robust that an F-16 crash would not have appreciable health and safety consequences. PFS will

also have the opportunity to convince the five Commissioners who head the NRC to overturn the Licensing Board's ruling on appeal.

A copy of the 220-page decision will be available from the NRC's web site at <http://www.nrc.gov/what-we-do/regulatory/adjudicatory/pfs-decision.pdf>.

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