

NRC response provided in red text.

Introduction

Commercial spent nuclear fuel currently stored on site at nuclear power plants is owned by the utility that produced it. The utility is responsible for the safe and secure storage of the spent fuel, under licensee control and oversight by the NRC. At most sites, this involves both wet and dry storage.

The U.S. Department of Energy (DOE) has previously engaged in contracts with utilities for the ultimate disposition of spent fuel. Under these controls, DOE would take possession of the spent fuel when it leaves the utility's site. Because of delays in DOE taking possession of the spent fuel, some utilities have received payment from the Federal government for costs incurred for the continued on-site storage. The utilities have recouped these costs through litigation against the Federal government.

Questions

1. Does the licensee own the spent fuel assemblies while they are stored inside the licensee's spent fuel pool? **YES**
2. Does the licensee continue to own the spent fuel when the assemblies are moved from the spent fuel and placed inside dry casks on the licensee's site? **YES**
3. When, and under what circumstances does DOE take ownership of the spent fuel? **SEE ABOVE.**

Will a licensee continue to own the spent fuel until some off-site storage site, either permanent or interim, is available and ready to take the particular licensee's spent fuel?
YES
4. Our understanding is that the licensee owns the fuel until DOE accepts ownership and moves the spent fuel to a permanent off-site storage facility. Is this understanding correct? **NO. Licensees will continue to own the fuel until DOE accepts ownership and possession either in a permanent or temporary storage facility or a repository.**
5. Our understanding is that under current law DOE cannot accept ownership of the spent fuel to an interim storage facility. Is this understanding correct? **NO**