

## Haverkamp, Trisha

---

**From:** McKinley, Raymond  
**Sent:** Monday, March 02, 2015 8:24 AM  
**To:** Mary Lampert  
**Subject:** RE: ownship spent fuel  
**Attachments:** LampertPilgrimQA2-15-2015email.pdf

Mary,

Please see attached response to your questions.

Ray McKinley  
Chief, Division of Reactor Projects Branch 5  
U.S. NRC Region I

---

**From:** Mary Lampert [<mailto:mary.lampert@comcast.net>]  
**Sent:** Sunday, February 15, 2015 1:10 PM  
**To:** McKinley, Raymond  
**Subject:** ownship spent fuel

Hello:

Appreciate it if you would send to the appropriate person in the NRC.

We would like clarification of when the ownership of commercial spent fuel passes from the licensee of a commercial nuclear reactor to DOE. It seems clear that the fuel is originally owned by the licensee who purchased it to use to generate electricity. Our question relates to ownership of spent fuel after it is taken out of the reactor core.

1. Does the licensee own the spent fuel assemblies while they are stored inside the licensee's spent fuel pool?
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?
3. When, and under what circumstances does DOE take ownership of the spent fuel? 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?
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?
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?

Thank you in advance.

Mary Lampert  
Pilgrim Watch  
148 Washington Street  
Duxbury, MA 02332  
Tel. 781.934.0389

*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**