

November 4, 1991

PRELIMINARY NOTIFICATION OF EVENT OR UNUSUAL OCCURRENCE -- PNO-IV-91-35

This preliminary notification constitutes EARLY notice of events of POSSIBLE safety or public interest significance. The information is as initially received without verification or evaluation, and is basically all that is known by the Region IV staff on this date.

FACILITY: Public Service Company of Colorado
Fort St. Vrain
Docket: 50-267

Licensee Emergency Classification:
☐ Notification of Unusual Event
☐ Alert
☐ Site Area Emergency
☐ General Emergency
☒ Not Applicable

SUBJECT: COURT DECISION BLOCKS SPENT FUEL SHIPMENT TO DOE IDAHO

A federal district judge ruled on Friday, November 1, 1991, that shipments of spent fuel from the permanently shut down Fort St. Vrain reactor cannot be received at the U.S. Department of Energy (DOE) Idaho National Engineering Laboratory until DOE obtains an air quality permit from the state of Idaho. The hearing of motions on this and two related issues was conducted in the district court following the delay of the third spent fuel shipment at the border of the Fort Hall Indian Reservation by the Shoshone-Bannock Tribe on October 16, 1991.

State officials stated that the permit review would be thorough and would take from 6 months to a year to complete. The judge ordered the Idaho Division of Environmental Quality to process the application "in good faith without prejudice."

Public Service Company of Colorado (PSC) has reviewed this ruling and plans to defuel the reactor to the onsite Independent Spent Fuel Storage Installation (ISFSI) until permission is granted to resume shipments to Idaho.

Construction of the ISFSI was recently completed and a license for storage of irradiated fuel from the reactor was issued by NRC on November 4, 1991. PSC constructed the ISFSI as an alternate means to defuel the reactor for decommissioning in the event that litigation with the state of Idaho substantially delayed the shipment of spent reactor fuel to the Idaho National Engineering Laboratory. Defueling to the ISFSI is planned to begin the first week December and would require about 8 months to complete.

The court decision has received local and national news media coverage. The has responded to this media coverage.

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