




**NRC's Decision Process for Interim Consolidated Storage Facilities (ICSF)**

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**Spent Fuel Storage Licensing Framework**

- NRC's regulations in 10 CFR Part 72 establish the requirements for licensing an independent spent fuel storage installation (ISFSI)
- Establishes two types of licenses: site-specific and general licenses
  - General license: only available to holders of Part 50 or Part 52 reactor license, requires use of dry cask storage system certified by NRC
  - Site-specific license: available for any ISFSI, either at reactor site or away from reactor



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**Licensing of Interim Consolidated Storage Facility**

- Licensing of proposed interim consolidated storage facility (ICSF) same as "away from reactor site" ISFSIs
- Site-specific license required for "away from reactor site"
- Part 72 regulations limit the initial term of storage license to 40 years; can be renewed for up to additional 40 years



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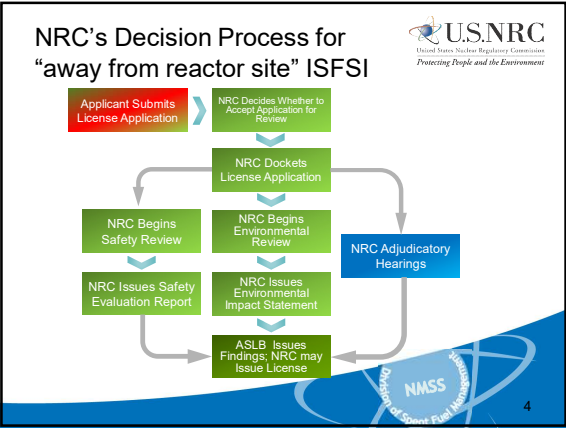
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### NRC's Safety Review

- NRC staff conducts a comprehensive technical review of the applicant's Safety Analysis Report (SAR).
  - NRC has its own experienced technical staff and independent contractors to review and evaluate the application
- As part of the review process, NRC staff may:
  - Issue a request for additional information from the applicant
  - Conduct independent confirmatory analyses, as needed
- NRC staff documents its conclusions in a publicly available Safety Evaluation Report (SER)

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### NRC's Safety Review

- For a proposed "away from reactor" ISFSI site, NRC regulations require that the license application must also contain the following:
  - A discussion of the applicant's financial qualifications [10 CFR 72.22(e)];
  - An Emergency Plan [10 CFR 72.24(k)];
  - A Quality Assurance Program [10 CFR 72.24(n)];
  - A Physical Protection Plan [10 CFR 72.24(o)];
  - A Decommissioning Funding Plan [10 CFR 72.24(p)]; and
  - A Training and Qualifications Program [10 CFR 72.28(a); (b)]

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## NRC's Environmental Review



- As required by the National Environmental Policy Act (NEPA) and NRC regulations in 10 CFR Part 51, NRC must prepare an Environmental Impact Statement (EIS) for an "away from reactor site" ISFSI license
  - NRC staff will use the information provided in the applicant's Environmental Report to inform the NRC's EIS.
- The EIS is a comprehensive assessment of the environmental impacts of a proposed NRC action
  - NRC staff employs many qualified technical experts, and has access to independent contractors, to conduct its environmental review
- The NRC's environmental review is a public process that provides ample opportunities for the public to participate, comment, and provide input into its evaluation



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## NRC's Adjudicatory Hearings



- NRC will provide an opportunity for members of the public to request an adjudicatory hearing before a Board of NRC's Atomic Safety and Licensing Board Panel (ASLBP)
  - Independent adjudicatory arm of NRC, conducts hearings for the Commission
  - Adjudicatory hearing for "away from reactor site" ISFSI is not mandatory
- The adjudicatory hearing process provides opportunity for a full and fair hearing on contested aspects of the license application, including safety and environmental issues
- Hearings are conducted by administrative judges from ASLBP
  - Cases are heard in Licensing Boards of three judges (one legal judge, two technical judges)
  - Adjudicatory hearings follow very detailed, trial-like rules and procedures



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## NRC's Final Licensing Decision



- If there is a hearing, NRC awaits ASLBP's initial decision before issuing license
- Following issuance of initial decision, NRC staff may proceed to issue the storage license for an initial term not to exceed 40 years
- Upon issuance of the final license and technical specifications, licensee may begin construction of the facility



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## Expected Timelines for NRC's Decision Process



NRC Decision Stage	Estimated Timeline for Completion
Acceptance Review	~60 days after receipt of license application
NRC Safety Review and Environmental Review	~36 months after acceptance of application
NRC Adjudicatory Hearings	Depends on hearing procedure (i.e., formal or informal), number and scope of contested issues
License Issuance	Within 10 days after initial ASLB decision



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## Conclusions



- NRC has an established regulatory framework in place for the potential licensing of interim consolidated storage facilities
- Any NRC decision on a proposed interim consolidated storage facility will only be made after:
  - A comprehensive safety and environmental review; and
  - An opportunity for a full and impartial public adjudicatory hearing
- If applications are received, NRC could, if necessary, re-prioritize resources to support the licensing process
- NRC continues to engage in public interactions with potential applicants for proposed interim consolidated storage facilities



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