



# NRC NEWS

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## **NRC LICENSING BOARD DENIES THE STATE OF UTAH'S MOTION FOR RECONSIDERATION OF THE BOARD'S FINAL PARTIAL INITIAL DECISION APPROVING THE PRIVATE FUEL STORAGE APPLICATION**

The Atomic Safety and Licensing Board, an independent adjudicatory arm of the Nuclear Regulatory Commission, issued a decision today essentially denying the State of Utah's Motion for Reconsideration of the Board's Feb. 24, 2005 Final Partial Initial Decision on the spent nuclear fuel storage facility proposed for Skull Valley, Utah, by the Private Fuel Storage (PFS) consortium.

In February, after a formal 16-day hearing which was closed for security purposes, the Board rejected the State's assertion that there is too high a probability that the accidental crash of an F-16 traveling through Skull Valley from Hill Air Force Base could puncture the internal canister of a storage cask, causing a radiological release, and today adhered to that determination.

The State's motion raised several challenges to the Board's February decision. The Board rejected several State claims regarding technical issues. Additionally, the Board rejected the State's argument that it was being improperly deprived of the opportunity to show that some accidents, while not breaching the canister holding the spent fuel, might cause enough damage to the shielding of the outer cask to result in an excessive radiation dose. The Board concluded that the State had not raised that issue at the hearing. The Board did, however, suggest to the Commission that, in its supervisory role over the NRC staff, it consider directing the staff to fully examine this matter and report back to it.

In the course of its ruling, the Board noted that the State had properly brought its attention to points not explicitly addressed in the Feb. 24 decision. After examining those matters, however, the Board held that none of the procedural or substantive deficiencies claimed by the State were "of sufficient merit and/or moment to alter the result." The Board thus remained convinced that the likelihood of a consequential accidental F-16 crash is less than the one-in-a-million per year standard set by the Commission.

The Commission had previously held in abeyance the time within which the parties may appeal the Board's decision. With today's ruling, the matter is no longer in abeyance and the appeal period outlined in the Feb. 24 decision is once again in effect. The question of whether to issue the requested PFS license remains in the Commission's hands.

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