



NRC NEWS

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NRC LICENSING BOARD IN PRIVATE FUEL STORAGE CASE TO OPEN ORAL ARGUMENTS ON ACCIDENTAL F-16 CRASHES TO PUBLIC OBSERVATION APRIL 6

The Atomic Safety and Licensing Board, an independent judicial arm of the Nuclear Regulatory Commission, will hear oral arguments in the Private Fuel Storage (PFS) proceeding Wednesday, April 6, in Rockville, Md. The session will be open to the public for observation, but participation will be limited to counsel for the State of Utah, the Applicant (PFS) and the NRC staff.

The Board had called for the oral arguments to obtain more insight about the State of Utah's request that the Board reconsider its February 24 decision that ruled against the State on the second phase of the accidental aircraft crash issue. The argument will take place in the Board's hearing room (Third Floor of the Two White Flint North Building) at NRC Headquarters, 11545 Rockville Pike, and will begin at 1 p.m.

All the earlier proceedings leading to the Board's February 24 decision had been closed to the public because they involved non-publicly-available (Safeguards Information) facts and analyses concerning the impact of plane crashes on concrete and steel objects. The Board today directed all counsel to frame their oral arguments about the matters in issue (already covered in non-public written pleadings) to avoid direct reference to the specific facts underlying those issues, so that the session could be an open one. In the event that Safeguards Information needs to be discussed explicitly, such discussions will be deferred to the end of the proceeding with the room emptied of those who are not appropriately cleared.

The facility proposed by the PFS consortium would be located on the Reservation of the Skull Valley Band of Goshute Indians, about 50 miles southwest of Salt Lake City. The facility, whose principal opponent is the State of Utah, is intended for temporary above-ground storage, in large cylindrical casks, of the waste fuel from U.S. nuclear power plants.

On February 24, the Board decided the last issue then pending before it. By a 2-1 vote, the Board ruled in favor of PFS, rejecting the State of Utah's assertions that there is too high a probability that a radiation release could be caused by the accidental crash of one of the 7,000 flights made down Skull Valley every year by F-16 single-engine jets from Hill Air Force Base. (The evidence before the Board did not deal with deliberate crashes, because the Board has no jurisdiction over terrorism issues.)

The Board majority concluded that the probability of a crash into a cask at a speed and angle sufficient to breach one of the internal stainless steel canisters holding spent nuclear fuel was less than one-in-a-million per year. Under the NRC's standards, a facility like PFS does not have to be designed against such an unlikely accident. That decision, on the consequences a crash would have on a canister, superseded the Licensing Board's decision of two years ago, which had upheld the State's initial argument that the probability of a crash onto the proposed site was too high, leaving it to PFS to attempt to show that such a crash would have no adverse radiological consequences.

The formal 16-day evidentiary hearing that led to the Board's decision had been closed to the public because the three litigants -- PFS, the NRC Staff, and the State of Utah -- had presented expert witnesses and documentary evidence that could not be disclosed. Similarly, the full reasoning justifying the Licensing Board's February 24 decision could not be released. However, the Board did prepare a publicly-available version of its opinion that sets forth only a general summary of those aspects of its reasoning. A copy of that 68-page version is available on the NRC's web site at: <http://www.nrc.gov/what-we-do/regulatory/adjudicatory/pfs-aircraft05.pdf>

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