February 1, 2001

Mr. Tom Gurdziel
9 Twin Orchard Drive
Oswego, NY 13126

Dear Mr. Gurdziel:

Thank you for your letter dated January 1, 2001, providing your observations on the public meeting on dry cask storage conducted by the U.S. Nuclear Regulatory Commission (NRC) on December 13, 2000, in Oswego, New York. Thank you also for returning the meeting feedback form. The comments you provided in your letter and on the form will help us to communicate more effectively in future public meetings.

With respect to access to public documents, you noted that the Oswego library has computers available for public use that offer Internet access. As we stated at the meeting, the NRC maintains a website (www.nrc.gov) with extensive information on a wide range of topics, including the interim storage of spent fuel. On-line viewing of official NRC documents is also available, including access to incoming and outgoing correspondence, safety and licensing documents, and technical reports. For those without access to the Internet, the NRC maintains a Public Document Room (PDR) at our Rockville, Maryland, headquarters. PDR staff are available by phone, email or in person to assist the public in finding documents.

In your letter, you raised a question as to why there would need to be two ways to license casks for the dry storage of spent nuclear fuel. In 1980, the NRC first developed regulations regarding site-specific licenses for the independent storage of spent nuclear fuel under Title 10 of the Code of Federal Regulations, Part 72 (10 CFR Part 72). In this site-specific licensing process, an applicant submits a request including a safety analysis report and an environmental report for NRC review, and if found acceptable, the NRC issues a Part 72 license. The second method by which the NRC authorizes interim storage of spent fuel is through the general licensing process. The general licensing process was adopted by the NRC in 1990, in response to the Nuclear Waste Policy Act of 1982, as amended. In the Act, the United States Congress directed the NRC to develop a licensing process for the interim storage of spent fuel at commercial power reactor sites, without, to the maximum extent practicable, the need for additional site-specific approvals. In this process, a utility that holds an operating license for a nuclear power plant under 10 CFR Part 50 of the NRC's regulations is automatically granted a Part 72 general license. However, any utility intending to store spent fuel under these general license provisions must use a dry cask storage system previously reviewed and certified by the NRC, and must perform a series of evaluations to confirm that the storage system chosen is appropriate and safe for the conditions that exist at that site.

A site-specific Part 72 license is required for an interim storage facility that is not located at the site of an operating plant. Also, a site-specific license may be preferred by a power plant undergoing decommissioning, or required for a plant that is not completely compatible with any of the storage systems currently certified by the NRC. Conversely, the general licensing

process may be preferred by a power plant that can make use of an NRC-certified dry cask

storage system, thereby saving some time and resources that might be necessary to obtain a site-specific license. These two methods of authorizing interim spent fuel storage offer some flexibility for licensees; and in both cases, such storage is authorized based on an extensive safety review by the NRC. The NRC has determined that spent fuel can be safely stored for an interim period when either process is properly conducted.

In response to your observation that it was unfortunate that Entergy did not participate in the meeting to explain the steps involved in moving the spent fuel from its current location to the dry storage casks, we agree that Entergy is a more appropriate source of information on their spent fuel storage plans at FitzPatrick. We recognize the potential benefits of licensee participation in meetings of this type, and we will continue to consider such participation in future NRC public meetings, as appropriate. We encourage all licensees to be responsive to requests for information from local officials and the public regarding their plans for dry cask storage.

Your final question asked whether the utility could offer to buy the cask, give it to the Department of Energy (DOE) at some offsite location, and thereby ship spent fuel offsite to the DOE now. Although DOE does have the statutory and contractual obligations to dispose of spent nuclear fuel from commercial nuclear reactors, DOE does not currently have an NRC-licensed facility for permanent disposal, nor for interim storage of spent fuel. DOE may submit an application for a permanent repository sometime within the next year, but such a repository, even if licensed by NRC, would probably not be ready to begin to receive spent fuel before 2010. The NRC is currently reviewing an application from Private Fuel Storage, LLC, for an “away from reactor” interim spent fuel storage facility in Utah. If licensed by the NRC, this privately-owned facility could provide an additional option to Entergy for the interim storage of spent fuel from the FitzPatrick plant. However, current NRC regulations would not require Entergy to use such a facility, even if one was available.

Thank you again for your letter and I hope this response has been helpful. If you have any further questions, please let me know. I can be reached at (301) 415-1336.

Sincerely,

/RA/

James R. Hall, Senior Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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Sincerely,

original signed by:

James R. Hall, Senior Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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Date: January 31, 2001

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ACTION: _____ APPROVAL: _____ FOR YOUR INFO: _____
NOTE & RETURN: _____ PREPARE REPLY: _____ COORDINATION: _____

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EDO/NMSS TICKET NO(s).: SFPO Ticket No. S-2100-0004
DUE TO DIVISION: 02/03/01
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MEMORANDUM/LETTER TO: T. Gurdziel (private citizen)

FROM: James R. Hall

SUBJECT: RE: NRC Public Meeting in Oswego, NY

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REMARKS:

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ORIGINATOR: RHall PHONE: 415-1336
SECRETARY: PHONE:

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