

December 20, 2001

The Honorable Angus S. King, Jr.  
Governor of Maine  
Augusta, Maine 04333-0001

Dear Governor King:

I am responding on behalf of the Commission to your letter of October 4, 2001, regarding the Maine Yankee Atomic Power Station (Maine Yankee) in Wiscasset, Maine. In your letter you asked that the U.S. Nuclear Regulatory Commission (NRC) (1) "...demonstrate to Maine a constant and persistent advocacy to the Department of Energy [DOE] for the transport of the Maine Yankee spent nuclear fuel to a center of management...", (2) "...immediately re-examine and update the Waste Confidence Report...", and (3) "[r]escind any measures and decisions in the [July 25, 2001, NRC Safety Evaluation] Report that change security at Maine Yankee after the facilities for the operating plant are decommissioned."

First, let me assure you that the NRC shares your concern about the safeguards and physical security of spent fuel. I, with the full support of the Commission, have directed the NRC staff to re-evaluate the NRC's safeguards and physical security programs from top to bottom for civilian nuclear facilities. This re-evaluation will include security requirements for all independent spent fuel storage facilities, including Maine Yankee. When the comprehensive re-evaluation is complete the Commission will be in a position to determine how NRC regulations and requirements need to be revised or updated, as appropriate.

You requested that NRC encourage DOE to transport Maine Yankee spent nuclear fuel to a center of management with the same urgency as is provided for foreign reactor and defense-generated spent fuel. Currently the NRC is evaluating a license application for a centralized interim storage facility for commercial spent fuel and is also engaged in prelicensing activities related to a potential final repository for commercial spent fuel. As a regulatory agency, the NRC cannot advocate to DOE that storage take place at a particular facility or location. Nevertheless, the NRC will continue to assure that licensees safely and securely store spent fuel at any interim storage site as provided in NRC's regulations governing the "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," in 10 CFR Part 72.

You also requested that NRC re-examine and update the Waste Confidence Report. Once the comprehensive re-evaluation of NRC's safeguards and physical security programs is complete, the NRC will be in a position to determine if the Waste Confidence Report needs to be modified.

Finally, you expressed concern with potential changes in the physical security program at Maine Yankee after the anticipated completion of decommissioning of the reactor facility in 2005 and requested that NRC rescind changes to the security plan approved by NRC in July 2001. Based on the results of our top-to-bottom re-evaluation of security requirements for all

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nuclear facilities, NRC will revise or update its security regulations. When this re-evaluation is completed the NRC will be in a position to determine whether it needs to revise its July 25, 2001, Safety Evaluation Report related to Maine Yankee.

The Commission appreciates your concerns. If you have further comments or questions, please feel free to contact me.

Sincerely,

***/RA/***

Richard A. Meserve

Docket No. 50-309

cc: See next page

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