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December 13, 2001

Honorable Jon S. Corzine
 United States Senator
 Washington, DC 20510-3004

Dear Senator Corzine:

This is a reply to your November 30, 2001 letter to the New Jersey Department of Environmental Protection's Low Level Radwaste Facility Siting Board, in which you requested our consideration of the attached letter from Mr. Jack Smith of Lacey Township. In his letter, Mr. Smith discusses security and safety of the Oyster Creek nuclear power plant in general and further he raises concerns about spent fuel storage at that facility. The following is information assembled to provide background and the status of these issues from our perspective.

Nuclear power plants generate high level radioactive waste, in the form of spent fuel rods, as well as low level radioactive waste, such as contaminated clothing, filters, and plant components. New Jersey entered into a low level radioactive waste disposal compact with South Carolina and Connecticut. As a result, low level radwaste generated within New Jersey is shipped to Barnwell, South Carolina for disposal. However, high level radioactive waste is handled in a much different manner.

The Federal Department of Energy (DOE) has responsibility, through the Nuclear Waste Policy Act (NWPA) of 1982 to site, construct, and operate a mined geologic repository for the safe and permanent disposal of spent nuclear fuel and high level waste from commercial reactors and defense activities. Under this act, the DOE was to take ownership of the fuel and store it beginning in 1998. A number of nuclear plant operators and states, including New Jersey, filed suit against DOE for failing to meet that obligation. These cases are still pending. In a 1987 Amendment to the NWPA, DOE was authorized to site, construct and operate a monitored retrievable storage facility for temporary storage of spent nuclear fuel. In that same amendment, Yucca Mountain in Nevada is designated as a potential repository site for evaluation. This evaluation is ongoing. A recommendation regarding the suitability of the Yucca Mountain site is expected to be issued to the President early in 2002. If Yucca Mountain gets a go-ahead, an application would be made to the Nuclear Regulatory Commission in 2003 to construct and operate the facility. Many technical and political hurdles remain for this project. The current schedule calls for spent fuel to begin arriving at Yucca Mountain in 2010. The Oyster Creek plant would be one of the first commercial plants to send spent fuel to the repository because of its age.

At Oyster Creek, all of the spent fuel generated during the plant's life remains in its spent fuel storage pool. Moving spent fuel into dry storage is delayed until 2002. The concrete storage modules are in place on the site. These modules are substantial in their design and construction and are designed for severe natural phenomena, such as earthquakes, floods, flying objects and high winds. Their ability, as well as the plant's ability, to withstand impact from planes is under evaluation.

To meet the temperature requirements for dry storage, the spent fuel that will be moved into dry storage must have been out of the reactor for at least 10 years. Consequently, the newer fuel will remain in the spent fuel pool.

The federal Nuclear Regulatory Commission regulations require security plans for every commercial nuclear power plant. These plans require that a protected area be established which includes the reactor and any other equipment deemed to be vital. This area is protected 24 hours a day, 7 days a week by a variety of security measures. These measures include multiple fences, concrete vehicle barriers, cameras, lighting, intrusion detection and a guard force. Access into the protected area at nuclear power plants is tightly controlled as well.

Although not active yet, security features for the spent fuel in dry storage will be similar in technology and diversity as the features for the plant itself.

In response to the recent terrorism, the Nuclear Regulatory Commission has requested all nuclear power plants to initiate Level 3 security procedures at their sites. This is the highest security level and remains in effect. Only essential personnel are being allowed into the protected areas. At the New Jersey nuclear plant sites, additional access controls are in place so that vehicles have only one open access route and local and state police, and New Jersey National Guard are assisting the plant's security force in monitoring these access routes. I hope this information meets your needs.

If you need further information about Oyster Creek or have specific questions, please contact me at (609) 984-5520.

Sincerely,

Jill Lipoti, Ph. D.,
Assistant Director

Attachment

CC: Kent Tosch, Manager