

April 15, 2003

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

I have received your letter of March 19, 2003, addressed to former Chairman Richard A. Meserve. Dr. Meserve recently left the Nuclear Regulatory Commission (NRC), and President Bush has designated me as Chairman. Your letter stated your concerns about the independent spent fuel storage installation proposed to be constructed on the site of the Diablo Canyon nuclear power plants. You also requested that the NRC hold public hearings regarding safety of the existing spent nuclear fuel storage pools and the proposed new facility at Diablo Canyon.

The application for the independent spent fuel storage installation license is currently being contested before an Atomic Safety and Licensing Board of the Commission. Thus, I am unable to address your concerns, as the Commission may be called upon to review any final decision of the Licensing Board on the license application. Until then, it is our policy to refrain from comment on issues in pending adjudications which may later come before us for decision. I believe it is important that there be no perception that the Commission has prejudged or has in any other way intruded into the integrity of the NRC's adjudicatory processes.

We regret that these special legal circumstances preclude the Commission from addressing further at this time issues of concern to you and the residents of San Luis Obispo.

Sincerely,

/RA/

Nils J. Diaz