

May 10, 2005

The Honorable Frank Pallone, Jr.
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Pallone:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter dated April 7, 2005, in which you requested that the NRC take immediate action in response to the National Academy of Sciences (NAS) report, "Safety and Security of Commercial Spent Nuclear Fuel Storage." The Congress directed the NRC and the Department of Homeland Security (DHS) to sponsor this study with the NAS in December 2003. The NAS provided a classified report to the Congress, NRC, and DHS in July 2004, and the unclassified version of the report was released to the public by NAS on April 6, 2005.

The NRC has taken numerous actions to enhance the safety and security of spent fuel storage to ensure protection of the public. During the days and weeks immediately following the September 11, 2001 attacks, the NRC issued numerous advisories identifying actions to be taken by licensees to respond to the heightened threat environment. On February 25, 2002, following extensive coordination with the intelligence and law enforcement communities, the NRC issued orders requiring enhancements to physical protection and mitigation capabilities of nuclear power plants, including spent fuel pools. In January 2003 and April 2003, the Commission imposed additional requirements to enhance the security of nuclear power plants, improve the training and qualification of security officers, tighten the requirements for persons authorized unescorted access to nuclear power plants, and control working hours of security force personnel to avoid excessive overtime.

The NRC has assessed potential security vulnerabilities to identify effective mitigation strategies. The NRC continues to conduct these assessments and appreciates the insights provided by the NAS report. For spent fuel pools, the NRC has initiated a program of plant-specific assessments to identify appropriate mitigation measures. These assessments build on technical insights developed from the detailed analysis of a few plants. The NRC has also acted to ensure that licensees implement effective measures identified through NRC studies. Some of these measures were identified by the NAS committee to improve mitigation capabilities. In addition, the NRC is conducting additional best-estimate analyses to enhance our understanding of phenomena associated with various types of attacks on spent fuel storage.

Your letter requested that NRC undertake plant-specific assessments of spent fuel pools and take specific actions to improve spent fuel cooling. As described in this letter, the Commission believes the NRC has taken or is taking effective actions to address these issues. The NRC is confident that spent fuel is stored in a manner that provides reasonable assurance that public health and safety, the environment, and common defense and security are adequately protected.

Thank you for your interest in this matter. Please contact me if you have additional questions.

Sincerely,

/RA/

Nils J. Diaz