

June 23, 2005

The Honorable David Price
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Price:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) in response to your letter of May 16, 2005, in which you expressed your concerns regarding the report recently released by the National Academy of Science's (NAS) Committee on the Safety and Security of Commercial Spent Nuclear Fuel Storage.

As you noted in your letter, the NRC acted promptly after the terrorist attacks of September 11, 2001, to enhance the security of licensed facilities, including those storing spent nuclear fuel. 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 including spent nuclear fuel storage, 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, including redistribution of spent fuel within the pool, were identified by the NAS committee to improve mitigation capabilities. The NRC sent a letter to our licensees on July 29, 2004, addressing the spent fuel pool mitigating measures that were discussed in the NAS report. The NRC held a workshop with our licensees on February 2, 2005, to clarify the intent of the July 2004 guidance. Additional written guidance was provided to licensees on February 25, 2005. Licensees' plans and schedules for implementing these and other measures were submitted to the NRC in early June. The NRC staff is reviewing this information and will verify that effective actions are being implemented through our inspection program. 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 additional studies and 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