

April 23, 2007

The Honorable Russell D. Feingold
United States Senate
Washington, D.C. 20510

Dear Senator Feingold:

I am responding to your letter to the U.S. Nuclear Regulatory Commission (NRC) Director of Congressional Affairs, Rebecca L. Schmidt, dated March 12, 2007. In your letter, you inquired about NRC's role in the decision to build above-ground outdoor storage facilities for spent nuclear fuel at the Kewaunee nuclear power plant. Your letter specifically asked, on behalf of one of your constituents, what process would be used to make a decision about a storage facility at the Kewaunee plant, what role the Federal government would play in that decision and whether the government owned any of the fuel at the Kewaunee site.

There are two types of licenses for storage of spent nuclear fuel: general and specific. Under the general license provisions contained in Title 10 Code of Federal Regulations (CFR) Part 72, subpart K, a nuclear power plant licensee, such as Dominion Energy, owner of Kewaunee, with a reactor license issued under 10 CFR Part 50, is authorized to store spent nuclear fuel on its site, in an independent spent fuel storage installation. The license is effective without the need to file an application or receive additional approval from NRC. However, the licensee must use a storage cask that has been previously approved by NRC, provide notice to NRC, and perform certain written evaluations to establish the appropriateness of the use of the selected cask system at its site. The philosophy of the general license is that the reactor licensee is already authorized to store the spent fuel produced from reactor operation at the site, and the previously approved storage cask has already had a safety review and has been shown by the cask vendor to meet the cask design requirements in 10 CFR Part 72. A list of approved storage casks is provided in 10 CFR 72.214.

Under the specific license provision in 10 CFR Part 72, subpart B, an applicant would submit an application to NRC for a license. The NRC would review the application to determine whether it meets the safety requirements in 10 CFR Part 72. If the application meets NRC safety criteria, NRC would issue the applicant a license that will allow it to store spent nuclear fuel in accordance with the site-specific application. NRC conducts safety inspections and oversight for both general and specific licensed spent fuel storage installations.

Dominion Energy has expressed interest in becoming a general licensee, to store spent fuel on the power plant site. Additionally, the spent fuel at Kewaunee is solely owned by the licensee and is not owned by the government.

R. Feingold

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NRC continues to strive to ensure that its programs and requirements provide for safe and secure dry-cask storage systems. If you require additional information, please do not hesitate to contact me.

Sincerely,

/RA Martin J. Virgilio Acting for/

Luis A. Reyes
Executive Director
for Operations

R. Feingold

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