

April 21, 2011

The Honorable Therese Murray
Massachusetts Senate
State House
Boston, Massachusetts 02133-1053

Martha Coakley
Massachusetts Attorney General
Office of the Attorney General
Box 220, One State House Station
Boston, MA 02133

SUBJECT: STORAGE OF SPENT NUCLEAR FUEL

Dear Senator Therese Murray and Ms. Martha Coakley:

The Nuclear Regulatory Commission (NRC) has received your letter dated March 21, 2011, which discussed the need to reexamine the safety implications of wet storage of spent nuclear fuel at nuclear power plants here in the U.S. in light of the Japan nuclear event. Specifically, you asked the NRC to revisit its finding on the risk of a breach and fire in the spent fuel pool. You expressed concerns over the transparency of facts, studies, and opinions which the NRC considers in making decisions. Your letter also raised concerns regarding the Federal government's responsibility to provide for the storage of spent nuclear fuel and permanent disposal of high-level radioactive waste and spent nuclear fuel. You urged the Federal government to consider alternatives such as mandating additional dry cask storage.

The NRC recently revised its waste confidence rule and its generic determination that radioactive wastes can be safely stored without significant environmental impacts for at least 60 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of that reactor in a combination of storage in its spent fuel storage basin and either onsite or offsite ISFSIs (75 FR 81030). As discussed in the Federal Register notice, two of the reports relied upon by the NRC are Classified, Safeguards Information, or Official Use Only—Security Related Information. Publicly available summaries of these reports, however, are available (ML062290362 and http://www.nap.edu/catalog.php/record_id=11263). It should also be noted that prior to the event in Japan, the Commission directed the staff to undertake a separate longer-term waste confidence rulemaking that would be fully informed by current circumstances and scientific knowledge. This longer-term rulemaking would examine the Commission's finding on the safety of onsite storage facilities, including spent fuel pools.

In light of the Japan events, the Commission directed the staff to establish a senior level task force to conduct a methodical and systematic review of NRC processes and regulations to determine whether the agency should make additional improvements to its regulatory system and make recommendations to the Commission for its policy direction. This direction is provided in tasking memorandum COMSECY-COMGBJ-11-0002, which may be accessed at

T. Murray

- 2 -

the following link: <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj-srm.pdf>. The task force will provide briefings to the Commission on a 30-day quick look report, a 60-day status of the ongoing near term review, and a 90-day completion of near term review. Spent fuel pools are explicitly included in this review. To ensure transparency, the NRC will disclose pertinent information regarding its evaluation, while also considering the need to withhold certain information for security reasons.

Federal government has the responsibility to provide for the permanent disposal of high-level radioactive waste and spent nuclear fuel. While the NRC cannot comment specifically on the activities of the DOE's Blue Ribbon Commission, the NRC continues to believe that U.S. nuclear power plants, including their spent fuel storage facilities, are safe and continue to operate safely. The agency will take decisive actions based on the outcome of the task force described above. The NRC values your feedback regarding the spent nuclear fuel storage issues.

Sincerely,

/RA/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

the following link: <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj-srm.pdf>. The task force will provide briefings to the Commission on a 30-day quick look report, a 60-day status of the ongoing near term review, and a 90-day completion of near term review. Spent fuel pools are explicitly included in this review. To ensure transparency, the NRC will disclose pertinent information regarding its evaluation considering the need to withhold certain information for security reasons.

Federal government has the responsibility to provide for the permanent disposal of high-level radioactive waste and spent nuclear fuel. While the NRC cannot comment specifically on the activities of the DOE's Blue Ribbon Commission, the NRC continues to believe that U.S. nuclear power plants, including their spent fuel storage facilities, are safe and continue to operate safely. The agency will take decisive actions based on the outcome of the task force described above. The NRC values your feedback regarding the spent nuclear fuel storage issues.

Sincerely,

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

DISTRIBUTION: G20110215/LTR-11-0165 EDATS: SECY-2011-0165

RidsNrrDss RidsResOd RidsNrrOd RidsNrrMailCenter RidsEdoMailCenter
RidsNsirMailCenter RidsNmssMailCenter RidsOgcMailCenter RidsOipMailCenter

Package: ML11104A025 **Incoming:** ML110890883 **Response:** ML11103A120

OFFICE	NRR/DSS/SRXB/SFT	NRR/DSS/SRXB/SFT	NRR/DSS/SRXB	NRR/DSS
NAME	TNakanishi	KWood	AUises (Sun for)	SBahadur
DATE	04/14/11	04/14/11	04/14/11	04/18/11

OFFICE	OGC	NRR		
NAME	Lisa London	ELeeds		
DATE	04/15/11	04/21/11		

OFFICIAL RECORD COPY