

May 9, 2011

The Honorable John H. Rogers
Massachusetts House of Representatives
Massachusetts State House
Boston, MA 02133-1020

Dear Mr. Rogers:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of April 7, 2011, to NRC Chairman Gregory B. Jaczko in which you raised concerns with the safety of nuclear power plants in Massachusetts, and requested a detailed safety review of the Pilgrim Station since it is within 30 miles of your district.

The NRC has responded proactively to the tragic events at the Fukushima Daiichi facility in Japan to assure the public of the high level of safety of U.S. nuclear reactors, as well as initiating efforts to determine what appropriate enhancements may be warranted. Of note is that the agency will be reviewing its regulatory programs in light of lessons learned from the events in Japan. The NRC staff has already implemented the Commission's direction of March 23, 2011, to establish a senior level task force to conduct a thorough review of our processes and regulations to determine whether the agency should make additional improvements to our regulatory system. This activity will have both near-term and longer-term components.

For the near-term effort, the task force has begun a 90-day review. This review will evaluate all of the currently available information from the Japanese events to identify near-term operational or regulatory issues potentially affecting the 104 operating reactors in the U.S., including the Pilgrim Nuclear Power Station and matters related to spent fuel pools. Areas of investigation will likely include the ability to protect against external environmental events, response to station electrical blackouts, spent fuel accident progression, radiological consequence analysis, and severe accident management issues. Over this 90-day period, the NRC staff will develop recommendations, as appropriate, for changes to inspection procedures and licensing guidance, and will recommend whether generic communications, orders, or other regulatory requirements are needed.

The task force's longer-term review will begin as soon as the NRC staff has sufficient technical information from the events in Japan, with a goal of commencing no later than the completion of the 90-day near-term effort. The task force will evaluate all technical and policy issues related to the events to identify any potential generic or research issues, changes to the reactor oversight process, and modifications to the NRC's regulations that should be pursued.

With those plans in place and underway, we also are currently pursuing actions that appear prudent, even though we do not yet have all the details needed to fully assess the implications of the Japanese events for the U.S. reactor fleet. Specifically, we have conducted inspection activities to look at licensees' readiness to deal with certain design basis accidents as well as more severe accidents. We have also issued an information notice to our licensees to make them aware of the events in Japan. Nuclear plant licensees are voluntarily verifying that their capabilities to mitigate conditions resulting from severe accidents, including the loss of

significant operational and safety systems, are in effect and operational. The NRC will take additional actions that we believe to be appropriate as our understanding of the events in Japan becomes more clear.

In your letter, you requested that the agency postpone its review of Pilgrim's relicensing efforts this year until the licensee (Entergy) agrees to begin transferring the spent fuel in its spent fuel pool to dry cask storage. At this time, the hearing regarding Pilgrim's license renewal application review is before the Atomic Safety and Licensing Board and has not been concluded. No action can be taken by the staff to renew the license until this process is completed. With regard to the storage of spent fuel, the agency considers storage in spent fuel pools and dry casks onsite to both be safe, and thus does not mandate the transfer of spent fuel to dry casks at any nuclear power plant. In its recently updated Waste Confidence Decision, the Commission found that, if necessary, spent fuel generated in any reactor can be stored safely and without significant environmental impacts for at least 60 years beyond the licensed operating life of the reactor, either in a spent fuel pool or in dry-cask storage. The agency is reviewing the lessons learned from the events in Japan with regard to spent fuel storage, but at this time has not recommended any regulatory changes in spent fuel storage practices. If changes are recommended for any issues, they will be applied to plants irrespective of whether a plant has a renewed license or not.

Finally, with regard to an offsite interim storage or permanent disposal facility for the nation's spent fuel and high-level waste, the NRC has responsibility for licensing such facilities, but the Department of Energy (DOE) has responsibility for their siting or establishment. After work was halted in 2010 on developing the Yucca Mountain repository in Nevada, DOE established the Blue Ribbon Commission on America's Nuclear Future. This Federal Advisory Commission will evaluate and provide recommendations for developing safe, long-term solutions to managing the Nation's spent nuclear fuel and high-level waste. In the interim, until a permanent repository is identified, licensed and developed, the NRC will ensure that Pilgrim Station safely stores spent nuclear fuel onsite in accordance with all NRC regulatory requirements.

I hope this letter has been responsive to your concerns. If you have any additional questions in this matter, please contact our Regional State Liaison Officers, Nancy McNamara or Doug Tiff, at (610) 337-5000.

Sincerely,

/RA/

William M. Dean
Regional Administrator

cc:
Pilgrim Distribution via ListServ
J. Giarrusso, SLO
Commonwealth of Massachusetts

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