

December 16, 2011

The Honorable Lori Donchak  
Mayor of San Clemente  
100 Avenida Presidio  
San Clemente, CA 92672

Dear Mayor Donchak:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 1, 2011, to Chairman Jaczko expressing: (1) the City Council's support of the recent requests from Senators Boxer and Feinstein regarding nuclear plant relicensing and the recommendations of the NRC's Near-Term Task Force on the Fukushima Dai-ichi accident, and (2) your request that the NRC require licensees to move spent fuel rods to dry cask storage.

In your letter you expressed specific support for the points raised in Senator Feinstein's April 20, 2011, letter to the NRC. As you may be aware, the NRC responded to Senator Feinstein's letter publicly in a letter dated August 10, 2011. In the response, the NRC stated, in part, the following:

The NRC often reviews and revises its regulations, including those related to license renewal, in light of new information. Prior to publishing our current license renewal regulations, the NRC examined a number of issues that could be addressed in the license renewal process. The Commission determined that, with the exception of age-related degradation of certain passive, long-lived systems, structures, and components (SSCs), the NRC's existing regulatory process is adequate to ensure that the licensing bases of all currently operating plants maintain public safety and security. The Commission considered whether or not to include emergency planning, security, and other topics, but determined that the existing regulatory process was sufficient. Those topics currently are considered on an ongoing basis in connection with the NRC's oversight of operating reactors, so that any matter of significance would be evaluated promptly rather than waiting for a licensee to apply for license renewal. For example, the Commission is currently considering changes to emergency preparedness regulations that, if approved, would be applied to all facilities, both in their initial term of operation as well as during the term of renewal.

Following the events in Japan, the Commission established a task force to conduct a near-term review of recent events in Japan and to recommend issues for additional analysis and/or regulation over a longer term. The topics you cite are among those being examined by the task force or are otherwise under active review within the agency. If at any time during this process it is determined that the Commission's regulations should be further examined and potentially revised, the agency will promptly undertake such an examination.

The NRC's entire response is publicly available through our Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession No. ML11143A053. Please note that after the NRC's letter was sent, the Commission approved the changes to emergency preparedness requirements discussed in that letter. The final rule was published in the *Federal Register* on December 1, 2011 (76 FR 74630).

Regarding your comment on the timing of the agency's implementation of the Near-Term Task Force's recommendations, the agency has established a senior-level steering committee reporting to the Executive Director for Operations to lead the review and implementation of the recommendations, as directed by the Commission in staff requirements memoranda dated October 18 and October 19, 2011 (ML112911571 and ML112920034, respectively). In keeping with the agency's open and transparent processes, the NRC's review will include evaluation by the Advisory Committee on Reactor Safeguards and dialogue with external stakeholders, including public interest groups; the industry; academia; Federal, State, and local agencies; and members of the public. The NRC will also continue to gather the information necessary for us to take a longer, more thorough look at the events in Japan and their lessons for the agency. Based on these activities, the NRC will take all appropriate actions necessary to ensure the continuing safety of the American public.

Furthermore, the NRC believes that spent fuel pools and dry casks both provide adequate protection of public health and safety and the environment. Information the NRC has obtained to date indicates that no offsite radioactive release occurred from spent fuel stored in the pools or dry casks at Fukushima Dai-ichi. We have not learned anything in our review of the Fukushima accident that would indicate that there is a safety or security reason to mandate the accelerated transfer of spent fuel from pool storage to casks. Nevertheless, consistent with the NRC's mission, the NRC is continuing research on event progression in spent fuel pools following a loss of cooling water. This effort includes an ongoing study of the effect of removing older fuel from pools in an expedited manner and placing the fuel in dry storage. The NRC recognizes that a number of factors must be considered when moving spent fuel to dry cask storage, and the agency plans to explore all issues fully to ensure the continued safe storage of spent fuel.

On behalf of the NRC, I want to thank you for your continued involvement in matters related to nuclear safety. The City Council's interest and feedback help us not only fulfill our mission of keeping the American public safe, but they also help us do our jobs openly and transparently.

Sincerely,

*/RA by Martin J. Virgilio for/*

R. W. Borchardt  
Executive Director  
for Operations

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R. W. Borchardt  
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\*concurrence via e-mail

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<b>DATE</b>	12/13/2011	12/13/2011	12/14/2011	12/ 16 /2011

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