

December 27, 2013

Mr. Louis A. Zeller, Executive Director
Blue Ridge Environmental Defense League
P.O. Box 88
Glendale Springs, NC 28629

SUBJECT: SPENT FUEL POOL SAFETY AND CONSIDERATION OF EXPEDITED
TRANSFER OF SPENT FUEL TO DRY CASK STORAGE

Dear Mr. Zeller:

I am responding to your letter dated September 18, 2013, to Chairman Macfarlane of the Nuclear Regulatory Commission (NRC) in which you raise a number of concerns regarding the agency's draft spent fuel pool study (SFP study) issued in June 2013. I apologize for the delayed response to your initial letter as we have been working our way through backlogged correspondence. The final SFP study was issued on October 9, 2013, and is available on the NRC website and in our Agencywide Documents Access and Management System (ADAMS) under Accession No. ML13256A342. The final report includes a new appendix (Appendix E) that compiles the public comments on the study. Many of the comments received are similar to the points raised in your letter, and the NRC responses to those comments that are provided in the appendix may address your concerns as well.

The accident at the Fukushima Daiichi nuclear facility in Japan led to public questions about the safe storage of spent fuel and whether the NRC should undertake regulatory action to require expedited transfer of spent fuel to dry cask storage at United States nuclear power plants. The agency determined further review was appropriate and the issue was prioritized as a "Tier 3" item because it required further staff study to support a regulatory action. The NRC staff is following the agency's well-established regulatory process in assessing this issue. This process involves several steps: technical analysis, regulatory and backfit analysis for the reference plant, and generic regulatory analysis. The SFP study is a technical analysis of the consequences of a low-likelihood severe earthquake on a reference plant. Appendix D to the SFP study provided a regulatory and backfit analysis for the reference plant and documented the NRC staff's finding that expediting the transfer of spent fuel from the storage pool of the reference plant would not provide a substantial cost-justified safety improvement. During the course of the study, the NRC engaged the public through the aforementioned solicitation of written comments and during two public meetings in August and September 2013.

The NRC staff used information from the SFP study and the results from earlier research studies on spent fuel to provide the Commission with information and a recommendation on whether additional study is warranted related to expediting the transfer of spent fuel to dry cask storage. The NRC staff's assessment was provided to the Commission on November 12, 2013 (COMSECY-13-0030, "Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 Issue on Expedited Transfer of Spent Fuel), which is available on the NRC website and accessible in ADAMS under accession no. ML13273A601.

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The Commission is currently deliberating on whether additional studies are needed to determine if regulatory action is warranted to require expedited transfer of spent fuel from storage pools to dry cask storage. A Commission meeting on SFP safety and consideration of expedited transfer of spent fuel is currently planned for January 10 2014. If you have any questions regarding the staff's activities related to this matter, please contact Mr. Kevin Witt of my staff at (301) 415-2145, or by email at kevin.witt@nrc.gov.

Sincerely,

/RA/

David L. Skeen, Director
Japan Lessons-Learned Project Directorate
Office of Nuclear Reactor Regulation

cc: NMSS
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