

July 28, 2016

The Honorable Lou Barletta  
Unites States Representative  
1 South Church Street, Suite 100  
Hazleton, PA 18201

Dear Congressman Barletta:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of May 23, 2016, forwarding correspondence from your constituent, Sabatini Monatesti.

Mr. Monatesti is concerned that the Salem Township Zoning Hearing Board recently approved a permit necessary to expand an Independent Spent Fuel Storage Installation (ISFSI) at the Susquehanna Steam Electric Station without allowing for adequate citizen participation. He indicates that the Board's approval was granted based on representations from the licensee, Talen Generation, LLC, that the NRC has sole jurisdiction over this activity, and thus the Zoning Hearing Board had no authority to deny the permit. Mr. Monatesti also questions whether the NRC has undertaken a review of the proposed expansion.

While the NRC was present at the April 19, 2016, hearing, the agency was not formally consulted by the Township prior to the meeting and has not taken a position on the specific circumstances of this case. Local jurisdictions retain the right to adopt zoning ordinances, and nuclear facilities have to comply with them. However, if such ordinances are written or enforced in such a manner as to suggest that the underlying motivation is to protect against a radiological safety hazard or otherwise thwart the objectives of the Atomic Energy Act, they are preempted by Federal authority.

At this point, the NRC has not been a party to this permitting action and the Zoning Hearing Board's decision to grant the permit is not contrary to our regulations. I believe your constituent's concern with the Zoning Hearing Board's action needs to be addressed to the Board.

Regarding NRC review of this ISFSI expansion, Talen Energy has a general license for the storage of its own spent fuel in an ISFSI on its reactor site. The general license allows Talen Energy to construct an ISFSI, store its spent fuel, and expand the ISFSI, as long as it complies with NRC regulations. These regulations include a requirement to use NRC-approved casks to store the spent fuel. Talen Energy also is subject to routine inspection and oversight by the NRC's inspectors to ensure it is complying with the conditions of its license and NRC regulations, and operating in a way that protects public health and safety.

L. Barletta

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On April 27, 2016, Mr. Monatesti attended the NRC's Open House on the 2015 safety performance of the Susquehanna nuclear power plant, and spoke at length about many of his concerns with Daniel Schroeder, an NRC Region I Branch Chief. Mr. Schroeder appreciated the opportunity to personally meet with Mr. Monatesti to discuss his concerns and answer his questions.

I hope this information is useful to you. If you have any questions, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

***/RA/***

Victor M. McCree  
Executive Director  
For Operations

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