

July 29, 2011

The Honorable Dianne Feinstein  
Chairman, Subcommittee on Energy  
and Water Development  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Chairman Feinstein:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of May 13, 2011, reiterating the request made in your April 8, 2011 letter that the NRC initiate rulemaking to expedite the shift to dry cask storage for spent nuclear fuel. You also noted a particular concern with the use of high density fuel racks at the Beaver Valley Power Station. As discussed with your staff, I understand that you prefer a written response from me rather than treating your letter as a formal petition for rulemaking; therefore, I am providing that response here.

My June 16, 2011, letter to you stated the NRC's continuing belief that both spent fuel pools and dry casks provide adequate protection of public health and safety. I also indicated that, as we consider the events at the Fukushima Daiichi nuclear power station in Japan, we will re-examine our spent fuel storage regulations to determine whether changes are necessary and appropriate to providing continued protection of public health and safety.

In April 2009, FirstEnergy Nuclear Operating Company submitted a license amendment request for its Beaver Valley Power Station seeking to use high-density fuel racks, as permitted under NRC regulations. The NRC staff carefully reviewed the request and determined that this spent fuel storage approach provided reasonable assurance of adequate protection of public and safety. A license amendment was issued in April 2011.

As directed by the Commission in March 2011, the NRC established a senior-level task force to review lessons learned from the events at the Fukushima Daiichi site. The task force recently submitted its report to the Commission and it has been made publicly available. While the NRC initiated research on the differences in risk between spent fuel storage in casks versus pools in advance of the publication of the task force report, during a subsequent Commission meeting the staff indicated that the task force did not find overwhelming evidence that fuel would be safer in dry casks than in spent fuel pools. Based on the information available regarding the Fukushima events, the task force made recommendations in the following areas regarding spent fuel pools: (1) the instrumentation to provide information about the condition of the pool and the spent fuel, and (2) the plant's capability for cooling and water inventory management. The Commission will be considering the task force's specific recommendations and make a final determination of whether additional actions in the area of spent fuel are necessary. Should our evaluation lead us to make changes to our current regulatory approach for spent fuel storage, existing facilities such as Beaver Valley would be required to comply with those changes, as appropriate.

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Let me assure you once again that the NRC works diligently to ensure current spent fuel storage practices provide protection of public health and safety and common defense and security consistent with our mission. If you have any additional questions, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

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Gregory B. Jaczko