

October 9, 2013

The Honorable Thomas R. Carper
United States Senate
Washington, DC 20510

Dear Senator Carper:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of September 13, 2013. You asked for an update on NRC actions related to the Petition for Rulemaking (PRM 72-7) received from the Nuclear Energy Institute (NEI) to amend certain provisions of Title 10 of the Code of Federal Regulations Part 72, as well as the NRC's initiatives to make the dry cask licensing process more efficient.

The NRC agrees that the agency can continue to work towards regulatory efficiencies in the dry cask licensing process while still ensuring public safety is maintained. As you pointed out in your letter, in December 2010, the Commission approved, in part, the NRC staff's plan to conduct a thorough review of the regulatory programs for spent fuel storage and transportation to evaluate their adequacy. The NRC staff initiated a review of the related regulations, guidance, and licensing processes with the goal of not only assuring the adequacy of the rules, but also identifying near-term efficiency and effectiveness enhancements to the regulatory framework and processes. Although our review and improvement efforts are not complete, efforts to date have improved and streamlined the licensing process through enhanced internal coordination, more frequent communication with applicants and reactor licensees to understand their challenges, improved case tracking mechanisms, and improved overall technical reviews.

NRC staff has engaged stakeholders, including NEI, in public meetings to obtain their perspectives on potential licensing process enhancements. This stakeholder interaction has resulted in development of a new, more expedited process for certain minor revisions to dry cask storage certificates of compliance (CoC). NRC staff is currently reviewing the first of these submittals under the expedited process.

NRC received NEI's petition in October 2012. This petition requests several changes to NRC regulations, including a new rule that governs the format and content of spent fuel storage cask CoCs, application of the backfit rule to CoC holders, and other changes that NEI believes will result in "more efficient and effective NRC oversight of dry cask storage activities." The NRC published this petition in the *Federal Register* for comment. Although the formal public comment period has closed, the agency will consider your views along with the other comments received as the staff completes its review of the petition. The staff intends to provide their recommendations on this petition to the Commission by August 2014.

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The NRC has sufficient resources to address current workload needs in this area, and periodically solicits industry input to project the timing of applications and potential changes in that workload.

Thank you for your interest in this matter. If you need any additional information, please contact me or Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Allison M. Macfarlane

Identical letters sent to:

The Honorable Thomas R. Carper
United States Senate
Washington, DC 20510

The Honorable Jeff Sessions
United States Senate
Washington, DC 20510

The Honorable Benjamin L. Cardin
United States Senate
Washington, DC 20510

The Honorable John Barrasso, M.D.
United States Senate
Washington, DC 20510