

July 31, 2000

The Honorable Cynthia A. McKinney  
Member, United States House of Representatives  
246 Sycamore Street, Suite 110  
Decatur, Georgia 30030

Dear Congresswoman McKinney:

Thank you for your letter dated June 23, 2000, in which you expressed your concern about the Southern Company's application to renew the license for the Edwin I. Hatch Nuclear Power Plant (Hatch) in Baxley, Georgia. In particular, you stated your concern that, if the license were renewed, the Southern Company (the licensee) would store the spent nuclear fuel generated during the period of extended operation in a manner that could result in harm to the Altamaha River. For this reason, you urged us to deny the application.

The Nuclear Regulatory Commission (NRC) staff is evaluating the application in accordance with the Commission's regulations in 10 C.F.R. Parts 51 and 54, which set requirements for the NRC's environmental and safety reviews for a renewal application. As part of a revision to Part 51 in 1996, the NRC prepared a generic environmental impact statement (GEIS) that documented, among other things, the NRC's analysis of the on-site storage of spent nuclear fuel associated with a renewed license. As explained in the GEIS (NUREG-1437), and as set forth in the Commission's regulations at 10 C.F.R. § 51.53 and 10 C.F.R. Part 51, Subpart A, Appendix B, the NRC made a generic finding that the environmental impacts of on-site storage of spent fuel are small. The GEIS and the related regulations were adopted after an opportunity for public comment in accordance with our normal rulemaking procedures. The staff's evaluation of the environmental impacts at Hatch resulting from on-site storage of spent fuel will reflect the generic finding related to on-site spent fuel storage, unless new and significant information demonstrates unique aspects of spent fuel storage at Hatch which suggests reliance on the generic finding would be inappropriate. The NRC staff also held a public meeting in Vidalia, Georgia, on May 10, 2000, as part of its environmental review of the renewal application.

With regard to your concerns about the safety of on-site spent fuel storage, spent fuel at Hatch will be stored in dry casks at an onsite independent spent fuel storage installation (ISFSI) and in the spent fuel pool. The ISFSI complex at Hatch is designed and constructed for the interim

storage of spent fuel. The Southern Company, like any licensee authorized to operate a nuclear power plant under our regulations in 10 CFR Part 50, is authorized to operate an ISFSI at Hatch under the general license provisions of 10 CFR Part 72, Subpart K. The license holder is required to (1) use an NRC-approved cask design, (2) perform written evaluations to demonstrate compliance with cask licensing provisions, including site environmental and radiological requirements, (3) revise the site security plan to include ISFSI activities, and (4) do preoperational tests of all cask loading and unloading activities. Along with ISFSI design and construction activities, these evaluations and preoperational tests, are all subject to NRC inspections before cask loading. The safety of spent fuel storage is not an issue peculiar to license renewal.

Dry cask storage is not a new technology, and cask designs are subject to rigorous design reviews and challenging physical tests before being licensed for use. The HI-STAR 100 system cask in which spent fuel will be stored at Hatch was approved by the NRC on October 4, 1999, under Certificate of Compliance (CoC) No. 1008. The approval was based on the review of a safety analysis report (SAR) submitted by the cask designer. The SAR described cask operational and safety aspects of dry cask storage, including potential accidents due to natural phenomena such as earthquakes, floods, and tornadoes. The NRC staff reviewed the SAR, prepared a safety evaluation (SE) and CoC, including technical specifications, and published the SE and CoC in the Federal Register for public comment before approving the cask design.

The Hatch application for license renewal is currently under review. The NRC staff will conduct safety and environmental reviews and inspections before making a license renewal decision and expects the review to be completed next year. Mr. Eric Lausten of your Decatur Office has been placed on the mailing list for NRC correspondence related to the Hatch license renewal application to keep him informed of the staff's review. In addition, you and your staff can view the Hatch license renewal schedule and much of the information related to the Hatch license renewal application on the NRC's Web site at:

<http://www.nrc.gov/NRC/REACTOR/LR/index.html>

We appreciate your interest in this matter and will be pleased to respond to any particular questions you or your staff may have.

Sincerely,

/RA/

Greta Joy Dicus  
Acting Chairman

cc: The Honorable Roy Barnes  
Governor of Georgia