

January 11, 2002

The Honorable Sandra R. Galef
New York State Assembly
Albany, New York 12248

Dear Ms. Galef:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of November 16, 2001, in which you addressed the issue of a permanent storage facility for the radioactive spent fuel rods at the Indian Point nuclear plants. In your letter you requested that NRC determine a site for permanent storage and produce an acceptable timetable for its creation.

The Nuclear Waste Policy Act of 1982, as amended, governs the nation's policy for disposal of high-level radioactive waste, including the selection of a repository site for permanent disposal of spent fuel from nuclear power plants such as Indian Point. This law gives the U.S. Department of Energy (DOE) the responsibility to recommend a repository site and a timetable for the development of the site. On January 10, 2002, the Secretary of Energy notified the Governor of Nevada that he intended to recommend to President Bush that development of a repository at the Yucca Mountain, Nevada, site proceed. If the President approves the Secretary's recommendation, the State of Nevada has the opportunity to formally object to the President's decision. If the State of Nevada formally objects, Congress must vote on the recommendation. If Congress rejects the President's recommendation, then Congress must provide specific direction to DOE for the next step. If either the State of Nevada does not formally object or Congress approves the President's recommendation, the President's decision becomes final and DOE would submit an application for a license to the NRC. The NRC would then review the application to determine if all applicable NRC regulations have been met. Until such time as a DOE repository is in operation, the NRC will continue to ensure that licensees for Indian Point and other nuclear power plants safely and securely store spent fuel.

The Commission appreciates your concerns. If you have further comments or questions, please contact me.

Sincerely,

/RA/

Richard A. Meserve