

November 20, 2002

Mr. Michael Collins  
P.O. Box 157  
Atascadero, CA 93422

SUBJECT: LETTER TO SENATOR BOXER REGARDING DIABLO CANYON

Dear Mr. Collins:

I am responding to your letter, dated September 9, 2002, to Senators Barbara Boxer and Dianne Feinstein and Congresswoman Lois Capps, in which you expressed concerns regarding spent nuclear fuel and terrorism. Senator Boxer forwarded your letter to the U.S. Nuclear Regulatory Commission (NRC) on October 24, 2002, and requested that we respond to you directly.

In your letter to Senators Boxer and Feinstein and Congresswoman Capps, you expressed your concern that since September 11, 2001, the federal government has indicated that spent fuel facilities at nuclear plants are vulnerable to terrorist acts, "yet no actions or change of policies have been enacted." You also stated your view that NRC has been using its resources to promote new nuclear plants, rather than adequately securing existing plants such as Diablo Canyon.

Since the events of September 11, 2001, NRC has taken extensive actions to make nuclear power facilities less vulnerable to terrorism. Soon after the attacks, the NRC staff began a comprehensive review of the existing NRC safeguards and security program. Among other matters, this reevaluation includes consideration of the potential consequences of terrorist attacks on spent nuclear fuel stored in spent fuel pools or in dry cask storage systems. As part of this reevaluation, NRC has also developed additional, interim compensatory measures to enhance security at all operating reactor facilities and all spent fuel storage facilities in the current threat environment. On February 25, 2002, NRC issued orders to all operating reactor licensees requiring that they implement interim compensatory measures to enhance security. On October 16, 2002, NRC issued additional orders to current licensees of spent fuel dry cask storage facilities requiring them to implement other interim compensatory measures specifically for those facilities. The measures required in both sets of orders generally included increased security patrols, augmented security forces and capabilities, additional security posts, closer coordination with law enforcement and military authorities, and greater restrictions on site access. These orders formalized a series of security measures that NRC licensees had taken in response to advisories issued by NRC shortly after the attacks of September 11, 2001, and imposed additional security enhancements that had emerged from the NRC's ongoing review. As of August 31, 2002, Pacific Gas and Electric Company (PG&E) is in full compliance with the NRC order issued for the Diablo Canyon nuclear power plant, and the enhanced security measures are in place. The measures imposed by the October 16, 2002, orders to dry cask

storage licensees will be considered and applied, if and when appropriate, to the proposed Diablo Canyon spent fuel dry cask storage facility. The requirements imposed by the NRC orders will remain in effect unless and until the Commission determines that other changes are needed. When the NRC staff completes its reevaluation of the safeguards and security program, the Commission will determine whether NRC regulations and requirements should be revised or updated, and will seek public comment on any proposed changes to our security rules.

The NRC staff is continuing its safety and environmental review of PG&E's license application for a spent fuel dry cask storage facility at Diablo Canyon, submitted on December 21, 2001. Although NRC regulations do not specifically require such structures to be designed to withstand aircraft crashes, they are required to withstand severe natural phenomena, including earthquakes, tornadoes, and airborne missiles, such as automobiles or telephone poles. This robust design of dry cask storage systems would therefore provide substantial protection for the spent fuel in case of an aircraft crash. NRC is currently sponsoring specific studies on the impacts of aircraft crashes, and will evaluate the results of those studies in determining the need for additional changes to our regulations.

Spent fuel can be safely stored in dry cask storage systems and in existing spent fuel pools at reactor sites. The pools are constructed of thick, reinforced concrete, and the pool structures are designed to cope with a seismic event. The pools' robust design, their relatively small size, and other site-specific procedures and characteristics minimize the likelihood that a terrorist attack would cause enough damage to result in a release of radioactive material off site. The February 25, 2002, NRC orders to reactor licensees also directed them to evaluate and address potential vulnerabilities of spent fuel pools and the reactor plant itself, and to develop specific guidance and strategies to respond to a hypothetical event that damages large areas of the plant, because of explosions or fire. Additional information regarding spent fuel pools can be found on the NRC website at: <http://www.nrc.gov/waste/spent-fuel-storage/pools.html>, and in NRC Chairman Richard Meserve's June 5, 2002, testimony before Congress at: <http://www.nrc.gov/reading-rm/doc-collections/congress-docs/congress-testimony/2002>.

M. Collins

3

Thank you for your interest in NRC activities. I hope this reply has responded to your concerns.

Sincerely,

/RA/

James R. Hall, Senior Project Manager  
Licensing Section  
Licensing and Inspection Directorate  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. 72-26  
50-275  
50-323

cc: Senator Barbara Boxer  
Senator Dianne Feinstein  
Congresswoman Lois Capps

M. Collins

3

Thank you for your interest in NRC activities. I hope this reply has responded to your concerns.

Sincerely,

/RA/

James R. Hall, Senior Project Manager  
Licensing Section  
Licensing and Inspection Directorate  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. 72-26  
50-275  
50-323

cc: Senator Barbara Boxer  
Senator Dianne Feinstein  
Congresswoman Lois Capps

DISTRIBUTION: (Ticket No. G20020641\LTR-02-0726)

NRC File Center	PUBLIC	SFPO r/f	EDO r/f	PShea, EDO
VEverett, RIV	DSpitzberg, RIV	SGagner, OPA	EWienstein, NSIR	
WHodges	GShukla, NRR	SLewis, OGC	ACoggins, OGC	CMiller
NJensen, OGC	BFleming	TCombs, OCA	EWBrach	SFPO t/f

C:\ORPCheckout\FileNET\ML023250542.wpd

\*see previous concurrence **ML023250332**

<b>OFC:</b>	SFPO		SFPO		SFPO		SFPO			
<b>NAME:</b>	SBaggett*		EZiegler*		JHall		JMonninger			
<b>DATE:</b>	11/ 14 /02		11/ 15 /02		11/ 15/02		11/20/02			

C = COVER

E = COVER & ENCLOSURE

N = NO COPY

**OFFICIAL RECORD COPY**