

April 20, 2011

The Honorable Gregory Jaczko
Chairman, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Jaczko:

I am writing to request that the Nuclear Regulatory Commission (NRC) begin examining seismic and tsunami hazards, operational issues, plant security, emergency preparedness, spent fuel storage options and other elements of a nuclear power plant's "design basis" within the scope of the relicensing process.

The current relicensing process is focused entirely on identifying and managing the detrimental effects of aging plant facilities. The process does not reevaluate the threat assessment that formed the basis of the plant's original design.

I believe that our understanding of many threats – especially seismic threats, tsunami threats, spent fuel risks, and terrorist threats – has improved dramatically since most nuclear power plants were originally designed and licensed thirty or more years ago. Relicensing these facilities offers a unique opportunity to review the original assessment of potential threats, in order to ensure that a facility is designed to endure all threats safely.

I appreciate that the NRC continuously reviews threats, and has required upgrades to address newly understood concerns outside of the relicensing process. For instance, the Commission issued rules to lower the risk of hydrogen explosions when this threat was identified in the 1980s. However, the ongoing assessment process places the burden of proof on the NRC to demonstrate that a design or operational modification of a fully licensed facility is necessary. In contrast, the relicensing process would place the burden of proof on the facility to demonstrate that it is designed to endure and survive all potential threats.

Recent events demonstrate that thirty year old threat assessments can be devastatingly inaccurate. In Japan there have been two earthquakes in four years that exceeded the "design basis" of nuclear plants. In California, researchers have recently found new faults close to nuclear power plants, and tsunami experts have learned that submarine landslides can generate local tsunamis far larger than

previously believed. Finally, recent research has demonstrated the susceptibility of storing radioactive spent fuel in densely packed pools. These new threats logically should be considered in a relicensing process, just as they would be in the licensing of a new nuclear power plant in the United States.

I strongly encourage the NRC to modify its relicensing policies in order to assure a full reexamination of design basis elements, including seismic and tsunami hazards, operational issues, plant security, emergency preparedness, and spent fuel storage options. If you have any questions or concerns about this request, please do not hesitate to contact me. I look forward to working with you to ensure that the United States has the world's safest nuclear industry.

Sincerely,

Dianne Feinstein, Chairman
Subcommittee on Energy and Water Development

###