

April 25, 2016

The Honorable Brian Higgins  
United States House of Representatives  
Washington, DC 20515

Dear Congressman Higgins:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 15, 2016, in which you expressed concern regarding the U.S. Department of Energy's (DOE) proposed transport of liquid nuclear waste through your district in western New York and requested that the agency remove this route from consideration.

The NRC is a part of the national framework for safe transportation along with the U.S. Departments of Transportation (DOT) and Homeland Security, and State and local governments. For NRC-licensed materials, shippers must comply with DOT regulations, State transportation requirements, and NRC transportation security regulations, as applicable. Under NRC regulations, the agency approves routes for NRC licensees to ensure the proposed route meets transportation security requirements. NRC reviews factors such as whether the proposed route includes locations of safe havens, transfer points for escorts, and sufficient and appropriate communication and coordination with local law enforcement.

The proposed DOE shipment you mention in your letter is not a shipment of NRC-licensed material and therefore will be conducted by DOE under DOE's own authority. Although not required to do so, as a "good practice" DOE does come to the NRC for route approval when seeking to ship spent fuel under the DOE Global Threat Reduction Initiative's Foreign Research Reactor Spent Nuclear Fuel Acceptance Program, through which DOE repatriates U.S.-origin spent nuclear fuel. This was the case with the route you noted. However, because the DOE is not an NRC licensee for the proposed shipments, the NRC has no regulatory control over the DOE transport routes.

You also raised safety concerns about this shipment. As you noted, DOE will use an NRC-approved cask supplied by NAC International (NAC) to ship the material. NRC regulations require cask vendors to obtain our approval for any modifications to a certified cask design prior to using the cask for a new purpose. Because this is the first time NAC will be using the cask to ship this particular material, NAC applied for an amendment to its NRC certification. NRC reviewed the amendment request, including the proposed modifications, and determined that the shipping cask met NRC regulatory requirements and can perform as designed with this material intact.

I hope this information is useful to you. If you have any questions, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

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Stephen G. Burns