



# NRC NEWS

**U.S. NUCLEAR REGULATORY COMMISSION**

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No. 08-185

October 8, 2008

## **NRC SEEKS PUBLIC COMMENT ON PROPOSED REVISIONS TO ITS WASTE CONFIDENCE DECISION**

The Nuclear Regulatory Commission is seeking public comment on proposed revisions to its waste confidence findings, in particular whether the findings should continue to include a timeframe for the availability of a repository for high-level nuclear waste disposal.

The proposed revisions, to be published and discussed in two separate notices tomorrow (Oct. 9) in the *Federal Register*, are intended to support the agency's reviews of license applications for new commercial power reactors by resolving appropriate issues generically in rulemaking.

The waste confidence findings were first issued in 1984, subsequently revised in 1990, and reaffirmed in 1999. They state the Commission's confidence that a geologic repository would be available sometime in the first quarter of the 21<sup>st</sup> century and that spent nuclear fuel can be safely stored without significant environmental impacts for at least 30 years beyond the licensed operation of a reactor, including the term of a renewed license. These findings are codified in NRC regulations at 10 CFR 51.23(a).

The proposed revisions would predict that repository capacity will be available within 50 to 60 years beyond the licensed operation of all reactors, and that spent fuel generated in any reactor can be safely stored without significant environmental impact for at least 60 years beyond the licensed operation of the reactor.

The agency is also seeking public comment on whether a timeframe for the availability of a repository should be included at all.

Eliminating the 2025 timeframe is not intended to signal a lack of confidence that a repository will be available by that date. However, the NRC recognizes that a repository can only be available by that date if the agency ultimately approves the Department of Energy's application to construct a repository at Yucca Mountain, Nev. That decision must await the results of the staff's technical review and the outcome of an NRC licensing proceeding on the application. The application was submitted June 3 and formally docketed on Sept. 8.

The Commission does not believe the existence of the 2025 date undermines its oft-stated commitment to be an impartial adjudicator of the Yucca Mountain application. However, the agency believes that deleting this date will remove even an appearance of prejudice in a licensing proceeding for Yucca Mountain.

Revising its findings on the period for safe storage of spent fuel reflects the NRC's confidence in the safety and security of spent fuel storage in pools and dry casks. This confidence is bolstered by operational experience over the past two decades, as well as extensive security assessments performed by the NRC and security enhancements ordered by the agency in the aftermath of the Sept. 11, 2001, terrorist attacks.

Public comments on the proposed revisions will be accepted through Dec. 8, or 60 days following publication. They may be submitted over the Federal e-Rulemaking Portal at <http://www.regulations.gov> by searching for Docket ID NRC-2008-0404; by e-mail to [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov); by mail to Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, ATTN: Rulemakings and Adjudications Staff; or by fax to 301-415-1101.

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