# NOTATION VOTE

## RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: GREGORY B. JACZKO

SUBJECT: SECY-09-0090 – FINAL UPDATE OF THE COMMISSION'S WASTE CONFIDENCE DECISION

Approved _X_ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached _X_ None ___

Gregory B Jaczko

SIGNATURE

09/ 17 /2009

DATE

Entered on "STARS" Yes _X_ No ___

**Chairman Jaczko's Comments on SECY-09-0090**
**Final Update of the Commission's Waste Confidence Decision**

I support the staff's position and general findings for the Waste Confidence decision. The staff has worked hard to develop a good final product and I am comfortable with it as written.

That said, in the interest of trying to find a compromise and coming to resolution on this matter, I would also support a few changes to Findings 2 and 3. These changes would need to be re-noticed for a short, narrow, public comment period, and the staff should return to the Commission with a recommendation after the comments have been considered.

The staff paper makes it quite clear that the Commission's waste confidence decision is not based on the Yucca Mountain program, but rather that safe disposal for high-level waste (HLW) and spent fuel in a mined geologic repository is technically feasible. Given the current state of the Yucca Mountain program, as described by the staff in the SECY paper, I believe that the Commission should make it clear that we believe that these findings apply because we are confident that a disposal solution is technically feasible for HLW and spent fuel, whether it be a mined geologic repository or some other approach.

Therefore, Findings 2 and 3 could be revised as follows:

> Finding 2: The Commission has reasonable assurance that sufficient high-level radioactive waste and spent fuel disposal capacity will be available within 50-60 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of any reactor to dispose of the commercial high-level radioactive waste and spent fuel originating in such reactor and generated up to that time.
>
> Finding 3: The Commission finds reasonable assurance that HLW and spent fuel will be managed in a safe manner until sufficient disposal capacity is available to assure the safe disposal of all HLW and spent fuel.

I commend the staff for their excellent work on this paper and on this issue.

Gregory B. Jaczko

09/17/2009

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