



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

September 26, 1989

The Honorable J. Bennett Johnston, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee are copies of Federal Register notices of a proposed update to the Commission's Waste Confidence decision and a proposed rule to incorporate the Commission's revised findings into its regulations. At the time of the Commission's initial Waste Confidence Decision in 1984, the Commission stated that it would review its conclusions at least every five years until a repository for high-level radioactive waste and spent fuel is available. This is the Commission's first review and update of that Decision.

As explained in the proposed Decision, the focus of DOE's repository program on Yucca Mountain as a result of the Nuclear Waste Policy Amendments Act of 1987 makes it necessary to consider the possibility that this site will be found unsuitable, and that DOE will have to find and characterize another site for the first repository. Consequently, one of the Commission's findings has been revised to indicate that the Commission has reasonable assurance that at least one mined geologic repository will be available within the first quarter of the twenty-first century. Due to continuing advances in dry storage of spent fuel and safe operating experience with both pool and dry storage, the Commission also proposes to revise its findings to reflect its confidence that if necessary, spent fuel generated in a reactor can be stored safely and without significant environmental impacts for at least 30 years beyond the licensed life for operation (which may include the term of a revised license) of that reactor at its spent fuel storage basin, or at either onsite or offsite independent spent fuel storage installations. This would permit a generic treatment of the safety and environmental impacts of post-operational storage if a utility were willing to upgrade an operating plant sufficiently to meet Commission requirements to renew the plant's operating license for an additional period up to 30 years.

The enclosed Federal Register notices would allow 90 days for public comment.

Sincerely,

Dennis K. Rathbun  
Congressional Affairs  
Office of Governmental  
and Public Affairs

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Enclosures:

1. Federal Register Notice on NRC's Waste Confidence Decision
2. Federal Register Notice of Proposed Amendment

cc: Senator Mark O. Hatfield

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Dennis K. Rathbun  
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cc: Representative John T. Myers





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cc: Representative Carlos J. Moorhead



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