

May 16, 2008

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated April 8, 2008. In your letter, you stated your desire to better understand the Commission's position on the issue of waste confidence in preparation for the planned NRC oversight hearing.

On September 7, 2007, following a public meeting where the Commission was briefed by the Nuclear Energy Institute and other industry representatives, the Commission "agreed with the nuclear industry view that it was appropriate to update the NRC's waste confidence findings in the near term." Thus, the staff was directed to include waste confidence in its proposal to the Commission regarding potential rulemaking to resolve issues that are generic to Combined Operating License applications.

This issue is a high priority for the NRC. Specifically, the NRC staff is evaluating each of the Commission's five waste confidence findings, as well as the current waste confidence rule (see 10 CFR 51.23), in light of pertinent events that have occurred since the last consideration of waste confidence in 1999. This evaluation will be the basis for the NRC staff's recommendations to the Commission. The Commission expects to receive these recommendations, including draft rule language, by early summer 2008.

In summary, the Commission believes that the best method for implementing updates to the waste confidence rule is a public notice and comment rulemaking, rather than case-by-case evaluation during individual licensing hearings. If you need additional information on this matter, please do not hesitate to contact me.

Sincerely,

/RA/

Dale E. Klein

Identical letter sent to:

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

The Honorable George Voinovich
Ranking Member, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510