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December 4, 2008

The Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Rulemakings and Adjudications Staff

Re: NRC Regulations 10 CFR 51.23(a).

To Whom It May Concern:

The members of the Nuclear Waste Strategy Coalition (NWSC) welcomes the Nuclear Regulatory Commission's (NRC) proposed revision of the Waste Confidence Rule (WCR) that was last issued September 18, 1990 and reaffirmed in 1999.

We laud the NRC staff for the extensive studies undertaken with respect to the safety of commercial nuclear power plants; the long-term under water pool storage conditions; structure and components safety for extended facility operation for storage of spent fuel in water pools; the safety of dry storage; the potential risks of accidents; acts of sabotage of spent fuel storage facilities; and the necessary development for societal and political acceptance for a geological repository.

The NWSC believes that an effective disposal program should consist of a permanent repository; an integrated transportation plan; and centralized interim facilities that advance and complement the permanent repository while addressing near-term needs.

Inasmuch as we find no fault with the revised WCR findings that repository capacity will be available within 50 to 60 years beyond the licensed operation of all reactors and that spent nuclear fuel generated in any reactor can be safely stored without significant environmental impact for at least 60 years beyond the licensed operation of a reactor, we encourage the NRC staff to take further into consideration in its WCR:

- a) That the nation's ratepayers continue to pay annually approximately \$758 million into the Nuclear Waste Fund for the removal of spent nuclear fuel and high-level radioactive waste from existing nuclear plants sites and this amount will increase with the construction of new nuclear power plants.
- b) That additional cost will be incurred by the nation's ratepayers for the indefinite stranding of spent nuclear fuel and high-level radioactive waste at existing and future commercial nuclear power plants and decommissioned plants within 50 to 60 years beyond the licensed operation of all reactors or 100 years as stated in the NRC's *Federal Notice*.

Letter to the Nuclear Regulatory Commission
December 4, 2008

c) That moving spent nuclear fuel and high-level radioactive waste to a centralized interim storage facility would be safe and a cost-effective option for managing spent nuclear fuel and high-level radioactive waste from decommissioned power plants and other facilities and should be authorized and funded for the near-term while a geologic repository is being licensed by the NRC.

Further, we specifically encourage the NRC not to depart from its original 1984 decision to use a specific timeframe as a basis for assessing the degree of assurance for the availability of a geologic repository for the removal of spent nuclear fuel and high-level radioactive waste from decommissioned and nuclear plant sites to a geologic repository.

The Coalition was formed in 1993 out of frustration with the Department of Energy's lack of progress in developing a permanent repository for spent nuclear fuel and high-level radioactive waste, as well as Congress' failure to fully fund the nuclear waste disposal program since 1982. We are an ad hoc group of state utility regulators, state attorneys general, electric utilities and associate members representing 47 member/affiliate organizations in 31 states.

Respectfully yours,

A handwritten signature in black ink, appearing to read "D. Wright", written in a cursive style.

David Wright
Commissioner, South Carolina Public Service Commission and
Chairman, Nuclear Waste Strategy Coalition