



Waste Confidence Decision: Background

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Office of Nuclear Material Safety and Safeguards

Waste Confidence: Legal Requirements

- Whether there is reasonable assurance that an offsite disposal solution will be available by the expiration of the plants' operating licenses; and
- If not, whether there is reasonable assurance that the spent nuclear fuel can be stored safely at the sites beyond those dates.

Waste Confidence: Purpose

- Goes beyond minimum legal requirements.
- Established to fulfill NRC's NEPA obligations.
- A generic determination.
- Assesses:
 - technical feasibility of a repository;
 - when disposal will be available; and
 - whether waste can be stored onsite past the expiration of facility licenses.

Waste Confidence: Current Findings

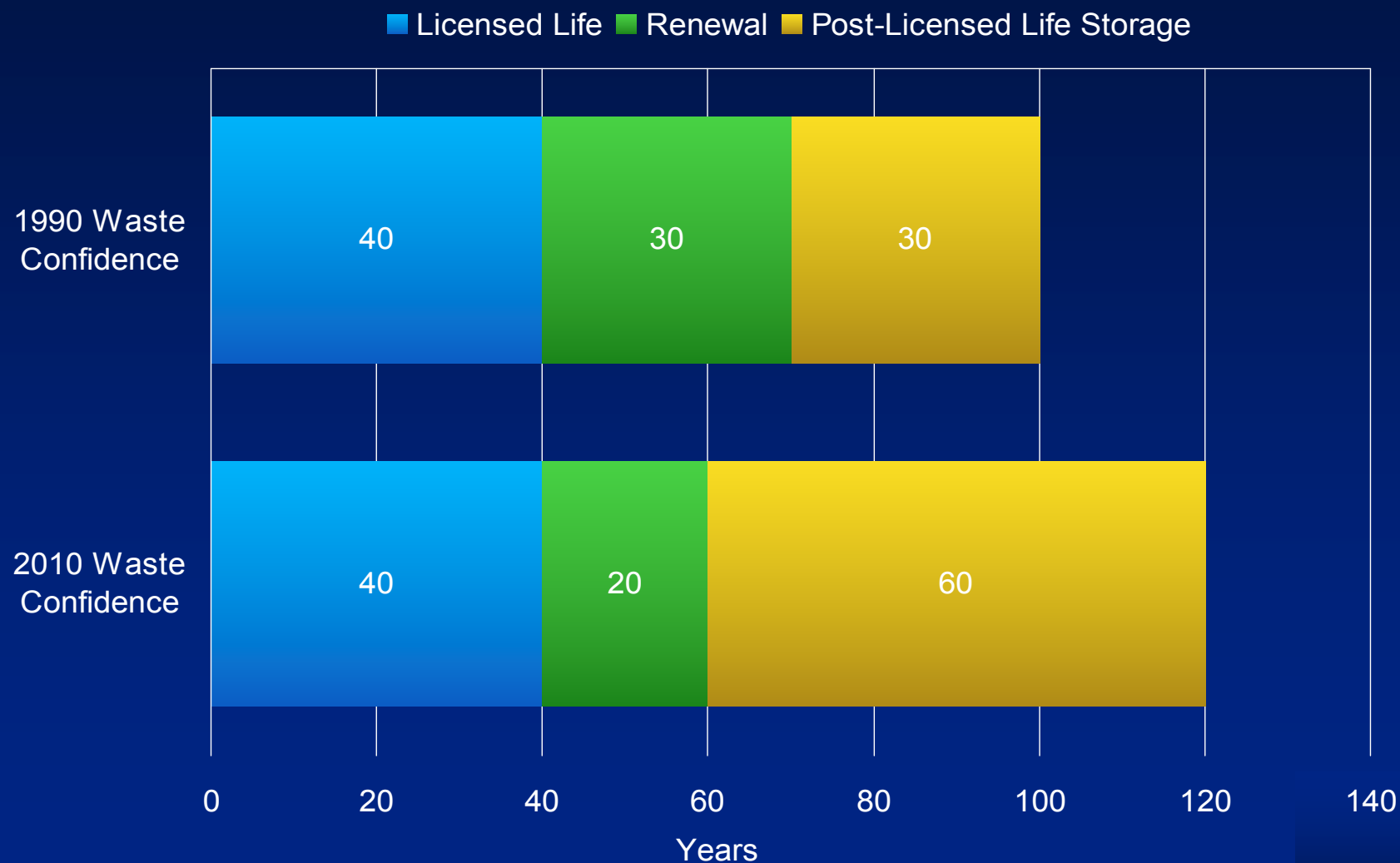
- The NRC adopted the original Waste Confidence Decision and Rule (10 CFR 51.23) in 1984.
- The Decision and Rule were updated in 1990, reviewed in 1999, and updated in 2010.
- In the 2010 Decision and Rule (10 CFR 51.23) the Commission made five findings:
 1. Safe disposal in mined geologic repository is technically feasible.
 2. At least one mined geologic repository will be available when necessary.
 3. HLW and SNF will be safely managed until a repository is available.
 4. SNF can be stored safely and without significant environmental impacts for at least 60 years beyond the licensed life.
 5. Onsite or offsite storage for SNF will be made available if needed.



Waste Confidence: Scope of Today's Meeting

- Rationale for 2010 Waste Confidence Rule and Decision has been authoritatively stated by the Commission in its Statements of Consideration, which are publicly available.
- State of New York, et al. v. USNRC, (Case No.11-1045), and consolidated cases, challenging the Waste Confidence Rule and related consideration of Environmental Impacts.
- The 2010 rulemaking is beyond the scope of today's meeting.

NEPA Timeframe





Waste Confidence Update for Long-Term Storage

October 4, 2011

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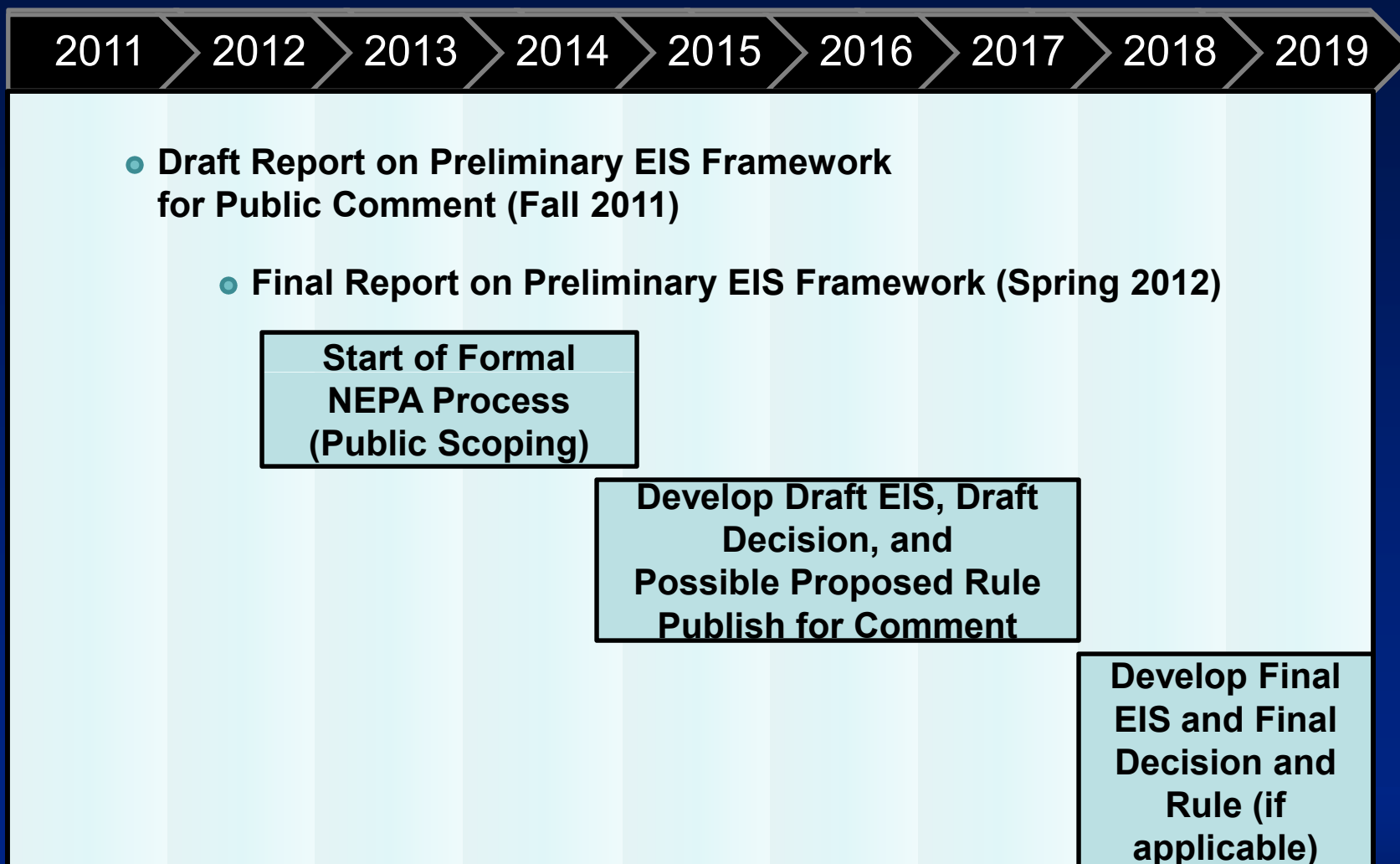
Overview

- NRC will develop a proposed long-term Waste Confidence update that would be informed by analysis and conclusions in an environmental impact statement (EIS)
- NRC is currently working to define EIS scope, methodology and assumptions
- We want feedback regarding stakeholder input opportunities

Long-Term Update

- Report on Preliminary EIS Framework
- Elements of the Update
 - Draft environmental impact statement
 - Draft Waste Confidence Decision
 - Proposed Waste Confidence Rule based on the EIS and Decision, if applicable

General Timeline for Developing Long-Term Waste Confidence Update



Draft Report on Preliminary EIS Framework

Storage scenarios

General methodology

Assumptions

EIS development process

Waste Confidence EIS

Preliminary Scope

Preliminary assumed storage period for analysis: on the order of 200 years

Preliminary scenarios for comparing impacts:

- Onsite (at-reactor) storage
- Regional storage
- Centralized storage
- Combination + some reprocessing

Waste Confidence EIS

Preliminary Methodology

Important aspects of methodology

- Composite, generic sites
- Generic impacts
- Range of impacts in NRC EISs
- Qualitative and quantitative analyses

EIS will take advantage of relevant information from extended storage and transportation technical activities

Waste Confidence EIS

Examples of Preliminary Assumptions

- Continuation of current regulatory program
- Spent fuel stored primarily in dry casks
- Accident scenarios include natural events
- Terrorism impacts are in EIS scope
- Storage of wastes from reprocessing commercial spent nuclear fuel in EIS scope
- Disposal is endpoint for all scenarios

Process and Stakeholder Engagement

Meaningful stakeholder input is essential for developing an informative, high-quality EIS and an appropriate proposed update to the Rule and Decision.

Expected opportunities to provide input:

- This fall, draft Preliminary Framework report for comment
- NEPA process

What other opportunities should NRC provide?