

October 26, 2011

MEMORANDUM TO: Aby Mohseni, Deputy Director  
Division of Spent Fuel Alternative Strategies  
Office of Nuclear Material Safety  
and Safeguards

FROM: James Rubenstone, Branch Chief */RA/*  
Science Technology Branch  
Division of Spent Fuel Alternative Strategies  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: SUMMARY OF SEPTEMBER 28, 2011 NUCLEAR  
REGULATORY COMMISSION PUBLIC MEETING ON  
EXTENDED STORAGE AND WASTE CONFIDENCE

On September 28, 2011, the U.S. Nuclear Regulatory Commission (NRC) hosted a public meeting in Rockville, Maryland, to inform the public about the Agency's planned activities on technical and regulatory issues related to extended storage and transportation of spent nuclear fuel, and on plans to develop the draft environmental impact statement (EIS) for a possible update of the NRC's Waste Confidence decision. Another purpose of the meeting was to solicit input on how the NRC can best engage stakeholders on these programs in the future. A list of the meeting attendees is attached to this summary.

At this meeting, NRC staff provided an overview of NRC activities in extended storage and Waste Confidence. To provide some context, Jack Davis, a Deputy Director in NRC's Office of Nuclear Material Safety and Safeguards (NMSS), provided a general introduction and described the role of the agency in adapting to the changing national strategy for managing spent nuclear fuel. He stressed that the NRC's role is to protect the public and, to that end, the staff is working in an integrated and systematic fashion to understand the technical and regulatory issues and the potential environmental impacts associated with extended storage of spent nuclear fuel. He also emphasized the staff's interest in receiving feedback on how the NRC should engage stakeholders in the future. Dr. James Rubenstone, a Branch Chief in NMSS, then provided an overview of the two programs (the Waste Confidence update and the extended storage technical issues), highlighting the complementary nature of the programs and describing similarities and differences in the types of information needed by the two programs. Dr. Rubenstone also provided overview information about spent fuel storage casks and transportation modes. He then described generally the opportunities for stakeholders to be engaged in these two programs in the coming years.

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Several staff provided more detailed information about NRC's Waste Confidence decision and update plans. Tison Campbell and Lisa London, both attorneys in the NRC's Office of General Counsel, described the current Waste Confidence decision and noted that the NRC is currently involved in a lawsuit regarding the 2010 update of the Waste Confidence decision and rule. Christine Pineda, a project manager in NMSS, then described the staff's plans to develop an EIS to address the impacts associated with long-term storage of spent nuclear fuel and high-level waste. Ms. Pineda described a preliminary EIS framework report that the staff will be publishing soon for public comment, so that the staff can receive early feedback on major aspects of the proposed EIS scope. Ms. Pineda explained that the EIS is being developed to support a possible update of the Waste Confidence decision to account for storing spent fuel for periods longer than 120 years. She clarified that the EIS would specifically support any decision concerning Finding 4 of the Waste Confidence decision (which is published in the *Federal Register*, at 75 FR 81037, December 23, 2010). She clarified that the update may result in a change to the rule (Title 10 of the *Code of Federal Regulations* 51.23) but that the staff will not determine whether the rule should be revised until the staff develops the analyses and conclusions for the EIS. She also described the process for developing the long-term update, some of the staff's initial assumptions, and a proposed general methodology for the EIS.

Finally, Keith Compton, a senior technical analyst in NMSS, discussed the purpose and plans for the extended storage and transportation regulatory enhancement project. Dr. Compton discussed the background and motivation for this program and described the stepwise, phased approach that staff intends to use to analyze the regulatory basis to account for the potential for the extended storage of spent nuclear fuel. He emphasized that NRC is at the beginning of a multiyear process that needs to be grounded in a thorough understanding of the technical issues associated with extended dry storage. Dr. Compton then described the current technical and regulatory framework for regulating spent fuel storage, and gave some examples of technical and regulatory issues that staff might examine. He closed with a discussion of opportunities for stakeholder involvement in which he discussed plans for stakeholder engagement and requested feedback on the best mechanisms for stakeholder engagement throughout the process.

To close the meeting, Dr. Rubenstone provided a summary of the comments and questions that were raised in the meeting.

The following paragraph summarizes the comments NRC received but does not identify each comment made throughout the meeting. NRC staff have captured the specific public comments from the meeting and will address them as appropriate in staff reports on extended storage and the preliminary EIS framework planned for release (for public comment) later this year.

Some of the comments NRC received throughout the meeting concerned national policy and the relationship between extended storage and the lack of a clear path to the permanent disposition of spent nuclear fuel. Some attendees asked for clarification on the relationship between the Waste Confidence update and present and future regulatory and licensing actions. Other attendees stressed the importance of meaningful stakeholder involvement and maintaining government-to-government relationships with tribes. Some expressed frustration because they believe that the NRC has not been responsive to their concerns in the past. Some attendees provided specific input on the scope of the Waste Confidence environmental impact statement and expressed concern about prolonging the formal process to develop the EIS.

For those who could not attend the meeting in person, the NRC provided a telephone bridge line and an online webcast. Several commenters expressed frustration that they could not fully participate in the meeting, either because they were provided incorrect information or because the webcasting did not work, especially during the morning portion. The NRC regrets that issues with both the bridge line and the webcast made it difficult or impossible for people at offsite locations to participate in the meeting. The staff is working to ensure that these issues will not occur again in future meetings.

The meeting was a Category 3 public meeting. The NRC staff presentations may be found in NRC's Agencywide Documents Access and Management System through the following Accession Numbers:

ML112870500—NRC's Plan for Extended Storage and Transportation and Related Waste Confidence Considerations (Jack Davis)

ML112870505—Overview of NRC Program Plans for Updating the Waste Confidence Decision and Extended Storage and Transportation (James Rubenstone)

ML112870506—Waste Confidence Decision: Background (Tison Campbell and Lisa London)

ML112870508—Waste Confidence Update for Long-Term Storage (Christine Pineda)

ML112870512—Enhancing the Technical and Regulatory Bases for Extended Storage and Transportation of Spent Nuclear Fuel (Keith Compton)

Enclosure:

1. List of meeting attendees

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Enclosure:

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<b>DISTRIBUTION:</b>			
J. Davis, NMSS	K. Wood, NRR	A. Malliakos, FSME	R. Einziger, NMSS
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M. Gavrilas, RES	L. Kokajko, NMSS	S. Wastler, NSIR	RidsOPAMail Resource
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NAME	J. Rubenstone	V. Ordaz	J. Biggins	A. Mohseni
DATE	10/26/11	10/26/11	10/26/11	10/26/11

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**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

MEETING ATTENDEES

Waste Confidence & Extended Storage and  
Transportation Informational Public Meeting

September 28, 2011  
NRC Headquarters, Rockville, MD

<b>Name</b>	<b>Organization</b>
Sven Bader	AREVA
Lake Barrett	Dairyland Power
Jana Bergman	Sciencetech, CWFC
Syed Bokhari	U.S. Department of Energy
Elva BowdenBerry	U.S. Nuclear Regulatory Commission
William Bracey	Transnuclear
Mike Callahan	Governmental Strategies Incorporated
Ronald Callen	Public Law Resource Center, PLLC
Tison Campbell	U.S. Nuclear Regulatory Commission
Bob Capstick	The Yankee Companies
Cheri Collins	Southern Nuclear
Keith Compton	U.S. Nuclear Regulatory Commission
Tom Danner	NAC International
Jack Davis	U.S. Nuclear Regulatory Commission
Antonio Dias	U.S. Nuclear Regulatory Commission
Dwight Diercks	Argonne National Laboratory
Nick DiNunzio	U.S. Department of Energy
Joseph Fray	Morgan Lewis
Brian Gutherman	GTS, LLC
Ed Hackett	U.S. Nuclear Regulatory Commission
Ben Heshmatpour	U.S. Department of Homeland Security
Elaine Hiruo	Platts
Cristina Ionescu	GTS, LLC
Christian Jacobs	U.S. Nuclear Regulatory Commission
Banad Jagannath	U.S. Nuclear Regulatory Commission
Miriam Juckett	Center for Nuclear Waste Regulatory Analyses
Ashok Kapoor	U.S. Department of Energy
Don Keskey	Public Law Resource Center, PLLC
John Kessler	Electric Power Research Institute
Janet Kotra	U.S. Nuclear Regulatory Commission
Kwanhee Lee	U.S. Nuclear Regulatory Commission
Adam Levin	Exelon
Joseph Lindell	U.S. Nuclear Regulatory Commission
Lisa London	U.S. Nuclear Regulatory Commission

ENCLOSURE



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NUCLEAR REGULATORY COMMISSION**

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Waste Confidence & Extended Storage and  
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September 28, 2011  
NRC Headquarters, Rockville, MD

<b>Name</b>	<b>Organization</b>
Tim McCartin	U.S. Nuclear Regulatory Commission
Rod McCullum	Nuclear Energy Institute
Pamela Moffat	Episcopal Peace Fellowship
Aby Mohseni	U.S. Nuclear Regulatory Commission
Steve Nesbit	Duke Energy
Cyrus Nezhad	U.S. Department of Energy
Marc Nichol	Nuclear Energy Institute
Martez Norris	Nuclear Waste Strategy Coalition
Rob Pauline	Center for Nuclear Waste Regulatory Analyses
Terry Pickens	Xcel Energy
Christine Pineda	U.S. Nuclear Regulatory Commission
Morgan Pinnell	Physicians for Social Responsibility
Peggy Rehder	Community of Redwing, MN
James Rubenstone	U.S. Nuclear Regulatory Commission
V. Sreenivas	U.S. Nuclear Regulatory Commission
King Stablein	U.S. Nuclear Regulatory Commission
John Stamatakos	Center for Nuclear Waste Regulatory Analyses
Venkata Venigalla	Transnuclear
Keith Waldrop	Electric Power Research Institute
Heather Westra	Prairie Island Indian Community
S. Whitfield	InScope International
Rob Woodward	U.S. Nuclear Regulatory Commission
Michael Weber	U.S. Nuclear Regulatory Commission
Diane D'Arrigo	Nuclear Information and Resource Service
Jeannette Arce	U.S. Nuclear Regulatory Commission
Kevin Kamps	Beyond Nuclear
Jeff Williams	U.S. Department of Energy
Pamela Longmire	U.S. Nuclear Regulatory Commission
Vonna Ordaz	U.S. Nuclear Regulatory Commission