

October 27, 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 OCTOBER 4, 2011, NUCLEAR REGULATORY  
COMMISSION PUBLIC MEETING ON EXTENDED STORAGE  
AND WASTE CONFIDENCE

On October 4, 2011, the U.S. Nuclear Regulatory Commission (NRC) hosted a public meeting in Oakbrook Terrace, Illinois, 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. 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.

CONTACT: Christine Pineda, NMSS/SFAS  
301-492-3154

Christine Pineda, a project manager in NMSS, 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. Ms. Pineda also described the staff's plans to develop an environmental impact statement (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 (10 CFR 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 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.

Most of the questions NRC received throughout the meeting concerned specific aspects about the methodology or scope of the EIS and about the technical issues associated with extended storage. For example, attendees were interested in how the staff would identify the generic sites to be analyzed in the EIS, how lessons from the Fukushima event would be factored into the EIS, and whether the staff would identify scenarios with longer or shorter storage times.

One attendee asked about the transportation of aged spent fuel and about the range of radionuclides that NRC would focus on for its EIS and other technical activities. Some attendees stressed the need for the use of plain language in communications with stakeholders.

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

ML11276A153 - NRC's Plan for Extended Storage and Transportation and Related Waste Confidence Considerations (Jack Davis)

ML11276A155 - Overview of NRC Program Plans for Updating the Waste Confidence Decision and Extended Storage and Transportation (James Rubenstone)

ML11276A152 - Waste Confidence Decision: Background, Waste Confidence Update for Long-Term Storage (Christine Pineda)

ML11276A154 - 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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**DISTRIBUTION:**

J. Davis, NMSS	K. Wood, NRR	A. Malliakos, FSME	R. Einziger, NMSS
A. Frazier, OEDO	T. Ulses, NRR	D. Diaz-Toro, FSME	M. Waters, NMSS
J. Guttman, NMSS	F. Sturz, NSIR	B. Hill, NMSS	D. Dorman, NMSS
M. Gavrilas, RES	L. Kokajko, NMSS	S. Wastler, NSIR	RidsOPAMail Resource
E. BowdenBerry, OGC	D. McIntyre, OPA	A. Mohseni, NMSS	V. Ordaz, NMSS
T. Campbell, OGC	M. Young, OGC	RidsAcrsAcnw_MailCTR	RidsEDOMailCenter
L. London, OGC	J. Rubenstone, NMSS	W. Reckley, NRO	K. Stablein, NMSS
RidsNMSSOD	D. Weaver, NMSS	M. Weber, OEDO	T. McCartin, NMSS
C. Haney, NMSS			

**ML11300A159**

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NAME	J. Rubenstone	J. Biggins	A. Mohseni
DATE	10/27/11	10/27/11	10/26/11

**OFFICIAL RECORD COPY**



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

MEETING ATTENDEES

Waste Confidence & Extended Storage and  
Transportation Informational Public meeting

October 4, 2011  
Hilton Garden Inn, Oakbrook Terrace, IL

<b>Name</b>	<b>Organization</b>
Larry Booth	Zion Solutions/Energy Solutions
S.Y. Chen	Argonne National Laboratory
Prema Chandrathil	U.S. Nuclear Regulatory Commission
Michael Compher	U.S. Environmental Protection Agency, Region 5
Keith Compton	U.S. Nuclear Regulatory Commission
Matthew Cosenza	Exelon Nuclear
Jack Davis	U.S. Nuclear Regulatory Commission
Rhex Edwards	U.S. Nuclear Regulatory Commission
Eric Gahala	NALCO
Matt Goward	U.S. Nuclear Regulatory Commission
Scott Grissom	Exelon Nuclear
Shanna Horvatin	U.S. Environmental Protection Agency, Region 5
Erika Keyes	U.S. Nuclear Regulatory Commission
Miriam Juckett	Center for Nuclear Waste Regulatory Analyses
Matt Learn	U.S. Nuclear Regulatory Commission
Christine Lipa	U.S. Nuclear Regulatory Commission
Krista Lopykinski	Exelon Nuclear
Joel Matteson	U.S. Nuclear Regulatory Commission
Holly Nicholson	Northern Illinois University
Christine Pineda	U.S. Nuclear Regulatory Commission
Elizabeth Poole	U.S. Environmental Protection Agency, Region 5
Angela Raspa	Zion Solutions/Energy Solutions
James Rubenstone	U.S. Nuclear Regulatory Commission
John Schrage	Exelon Nuclear
John Stamatakos	Center for Nuclear Waste Regulatory Analyses
Clifford Thompson	Illinois Emergency Management Agency, Division of Nuclear Safety
Pat Thurman	Zion Solutions/Energy Solutions

**ENCLOSURE**