

October 27, 2011

MEMORANDUM TO: Aby Mohseni, Deputy Division 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 6, 2011, NUCLEAR REGULATORY
COMMISSION PUBLIC MEETING ON EXTENDED STORAGE
AND WASTE CONFIDENCE

On October 6, 2011, the U.S. Nuclear Regulatory Commission (NRC) hosted a public meeting in San Luis Obispo, California, 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 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
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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 NRC received many comments and questions throughout this meeting, and the meeting time was extended until 5:00 pm to accommodate as many comments as possible. The following paragraphs summarize the comments NRC received but do 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.

Many of the commenters expressed their opposition to the use of nuclear power and specific and longstanding opposition to the Diablo Canyon nuclear power plant, which is located about 12 miles from San Luis Obispo. Many commenters described their longtime concerns regarding various aspects of the regulation and operation of Diablo Canyon, including the plant's facilities for storing spent fuel. Commenters raised many specific technical topics for discussion in the context of these larger concerns. Among the most frequently repeated concerns were those about earthquakes and related potential impacts. Many commenters expressed concern about the accumulation of spent nuclear fuel in pools, stating that the Diablo Canyon pool is overcrowded. Others expressed concern about long-term storage and about the dry storage facility. Some suggested that the NRC should impose additional requirements for spent fuel

storage such as requiring the use of newer, more robust, and hardened storage designs. Some expressed concerns about different aspects of transportation, and a few others stated they do not support any transportation of spent fuel. One attendee stated that NRC needs to consider a scenario in its EIS that accounts for a loss of societal and government institutions, with a resulting lack of control over, and knowledge about, nuclear plants and radioactive waste.

In addition to providing comments on policy or technical issues, several commenters stated that the NRC is reaching out to the community too late, but were appreciative that the NRC had held this meeting and requested that the NRC return for future interactions. Other attendees stated that NRC has not done enough to build solid relationships with the government and people of California; they stressed the importance of meaningful stakeholder involvement and government-to-government relationships with California agencies and with tribes. Commenters expressed their frustration with and disapproval of NRC's use of language or phrasing, specifically with respect to the term "waste confidence" and to the agency's descriptions of its interactions with the public, saying also that the terms NRC uses downplay the importance of the situation. Attendees emphasized that the NRC is under a legal obligation to use plain language and should reduce the use of acronyms and jargon.

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:

1. List of meeting attendees

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



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

MEETING ATTENDEES

Waste Confidence & Extended Storage and
Transportation Informational Public meeting

October 6, 2011
Embassy Suites, San Luis Obispo, CA

Name	Organization
Shelly Abajian	U.S. Senator Dianne Feinstein
Mary Jane Adams	n/a
Liz Apfelberg	San Luis Obispo Mothers for Peace
Susan Atlee	San Luis Obispo Mothers for Peace
Rochelle Becker	n/a
Cory Black	n/a
Barbara Byron	California Energy Commission
Milt Carrigan	n/a
Leana Carroll	n/a
Sam Casalina	Alliance for Nuclear Responsibility
Roy Cinowalt	n/a
Keith Compton	U.S. Nuclear Regulatory Commission
Jim Conroy	MRP
Paula Daillak	n/a
Jack Davis	U.S. Nuclear Regulatory Commission
Bill Denneen	n/a
Andrea Devitt	Cuesta College, San Luis Obispo
S.W. Ela	n/a
Henry Fong	n/a
Lindsay Fowler	n/a
Fred Frank	n/a
Patricia Frank	n/a
William P. Gloege	n/a
Eric Greening	n/a
Henriette Groot	Peace and Earthcare Committee, Central Coast Friends Meeting
Karl Richard Hansen	n/a
Terry Hayes	n/a
Joyce Heddleson	n/a
Adam Hill	San Luis Obispo Board of Supervisors
Ace Hoffman	n/a
Nick Homick	San Luis Obispo Mothers for Peace
Elaine Holder	San Luis Obispo Mothers for Peace
Judy Jones	n/a

n/a = not applicable (no organization identified)

ENCLOSURE



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

MEETING ATTENDEES

Waste Confidence & Extended Storage and
Transportation Informational Public meeting

October 6, 2011

Embassy Suites, San Luis Obispo, CA

Name	Organization
Miriam Juckett	Center for Nuclear Waste Regulatory Analyses
Lynne Levine	San Luis Obispo Mothers for Peace
Tony Llorens	Southern California Edison
Marian Mellow	n/a
Martin Meltz	n/a
Laura Micewski	U.S. Nuclear Regulatory Commission
Mark Nelson	Southern California Edison, Rosemead
Larry Parker	Pacific Gas and Electric Company
Christine Pineda	U.S. Nuclear Regulatory Commission
James Quinn	n/a
Loretta Quinn	n/a
Mary Ranelletti	n/a
James Rubenstone	U.S. Nuclear Regulatory Commission
Klaus Schumann	n/a
Linda Seeley	San Luis Obispo Mothers for Peace
George Sheffield	n/a
M. Sheffield	n/a
John Shoals	Pacific Gas and Electric Company
John Stamatakos	Center for Nuclear Waste Regulatory Analyses
Jenessa Stemke	n/a
Jane Swanson	San Luis Obispo Mothers for Peace
Ken Thompson	Avila Valley Advisory Council
Floyd Tift	Senior Study Group, San Luis Obispo
Kay Tift	Senior Study Group, San Luis Obispo
Shirley Vaine	Alliance for Nuclear Responsibility
Ed Waage	Pismo Beach City Council
Hugh Wadman	n/a
Kelly Van Buren	San Luis Obispo County Office of Emergency Services
Peter von Langen	Central Coast Regional Water Quality Control Board

n/a = not applicable (no organization identified)