



# NRC NEWS

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## NRC DIRECTS STAFF TO CONDUCT TWO-YEAR ENVIRONMENTAL STUDY AND REVISION TO WASTE CONFIDENCE RULE

The Nuclear Regulatory Commission today directed the agency's staff to develop an environmental impact statement (EIS) and a revised waste confidence decision and rule on the temporary storage of spent nuclear fuel. The EIS and rule, which are in response to a June 8 ruling of the U.S. Court of Appeals for the District of Columbia Circuit, are to be completed within 24 months.

In a Staff Requirements Memorandum, the Commission directed the staff to "proceed directly" with development of the EIS and a revised waste confidence rule to satisfy the deficiencies the Appeals Court found in the NRC's 2010 waste confidence revision. The Commission said the staff should draw on the agency's "long, rich history" with waste confidence determinations as well as work performed by other agencies, such as environmental assessments, technical studies and reports addressing the impacts of transportation and consolidated storage of spent fuel.

The Appeals Court ruled that NRC should have considered the potential environmental effects in the event a permanent repository for disposing of spent fuel is never built, and found other deficiencies with the agency's consideration of leaks and fires involving spent fuel pools.

"Resolving this issue successfully is a Commission priority," said NRC Chairman Allison M. Macfarlane. "Waste confidence plays a core role in many major licensing actions, such as new reactors and license renewals. I applaud my fellow Commissioners for their swift action in setting a path forward to resolve the Court's remand, and we have confidence in the staff's ability to meet this demanding deadline."

"Waste confidence" is a generic finding that spent nuclear fuel can be safely stored for decades beyond the licensed operating life of a reactor without significant environmental effects. It enables the NRC to license reactors or renew their licenses without examining the effects of extended waste storage for each individual site pending ultimate disposal.

On Aug. 7, the Commission issued an Order that NRC will not issue licenses dependent on the waste confidence rule – such as new reactors and renewal of existing reactor operating licenses – until the Court's remand is appropriately addressed. That Order remains in effect.

The Commission directed the staff to “provide ample opportunity for public comment” on the EIS and rule, even while looking for ways to make the EIS and rulemaking process more efficient. It said the staff should form an inter-office team of the agency’s most-accomplished environmental experts to develop the EIS and resolve comments “with the urgency that this matter deserves.”

The NRC’s Office of Nuclear Material Safety and Safeguards, which has regulatory responsibility over spent fuel storage and disposal, has established a Waste Confidence Directorate to develop the waste confidence EIS. The new directorate will be headed by Dr. Keith I. McConnell, currently deputy director of the Division of Waste Management and Environmental Protection in the Office of Federal and State Materials and Environmental Management Programs.

The Commission’s SRM, a staff paper outlining options to address the Court’s ruling (COMSECY-12-0016), and the Commissioners’ vote sheets with comments, are available on the [NRC website](#).

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