



Scoping Process for the Waste Confidence Environmental Impact Statement

Webinars on December 5 and 6, 2012

Waste Confidence Directorate
Office of Nuclear Material Safety and Safeguards

Meeting Agenda

- I. Welcome and Ground Rules
- II. Waste Confidence and Mission
- III. Background
- IV. Scoping for the EIS
- V. Public Participation
- VI. Question and Answer Period
- VII. Break (10 mins)
- VIII. Public Comments
- IX. Closing

WASTE CONFIDENCE DIRECTORATE

Keith McConnell, Ph.D.
Director, Waste Confidence Directorate

Meeting Purposes

- Background
- Environmental impact statement
- Public participation opportunities
- ***We want to hear from you!***

Considerations

- Address three deficiencies identified by the Court decision
- NRC will not issue licenses dependent upon Waste Confidence until the remand is addressed

- **NRC's Mission**
 - Protect public health and safety
 - Promote common defense and security
 - Protect the environment
- Over 30 years experience regulating operating reactors and other civilian uses of nuclear materials

- The Waste Confidence Directorate
 - Office of Nuclear Material Safety and Safeguards
 - Staff experienced in the National Environmental Policy Act (NEPA)
 - Environmental, communications, rulemaking, and legal staff
 - Center for Nuclear Waste Regulatory Analyses

- **The Directorate's Mission**
 - Develop a generic environmental impact statement (EIS) and revised Waste Confidence Rule
 - Provide ample opportunity for public participation
- **Approach to Public Participation**
 - Focused communication team
 - Use of multiple communication tools
 - *www.nrc.gov/waste/spent-fuel-storage/wcd.html*

- Licenses dependent on Waste Confidence not issued until rule is updated
- Waste Confidence Directorate formed – most knowledgeable NEPA experts
- Focus on communication
- Ample public participation

WASTE CONFIDENCE BACKGROUND

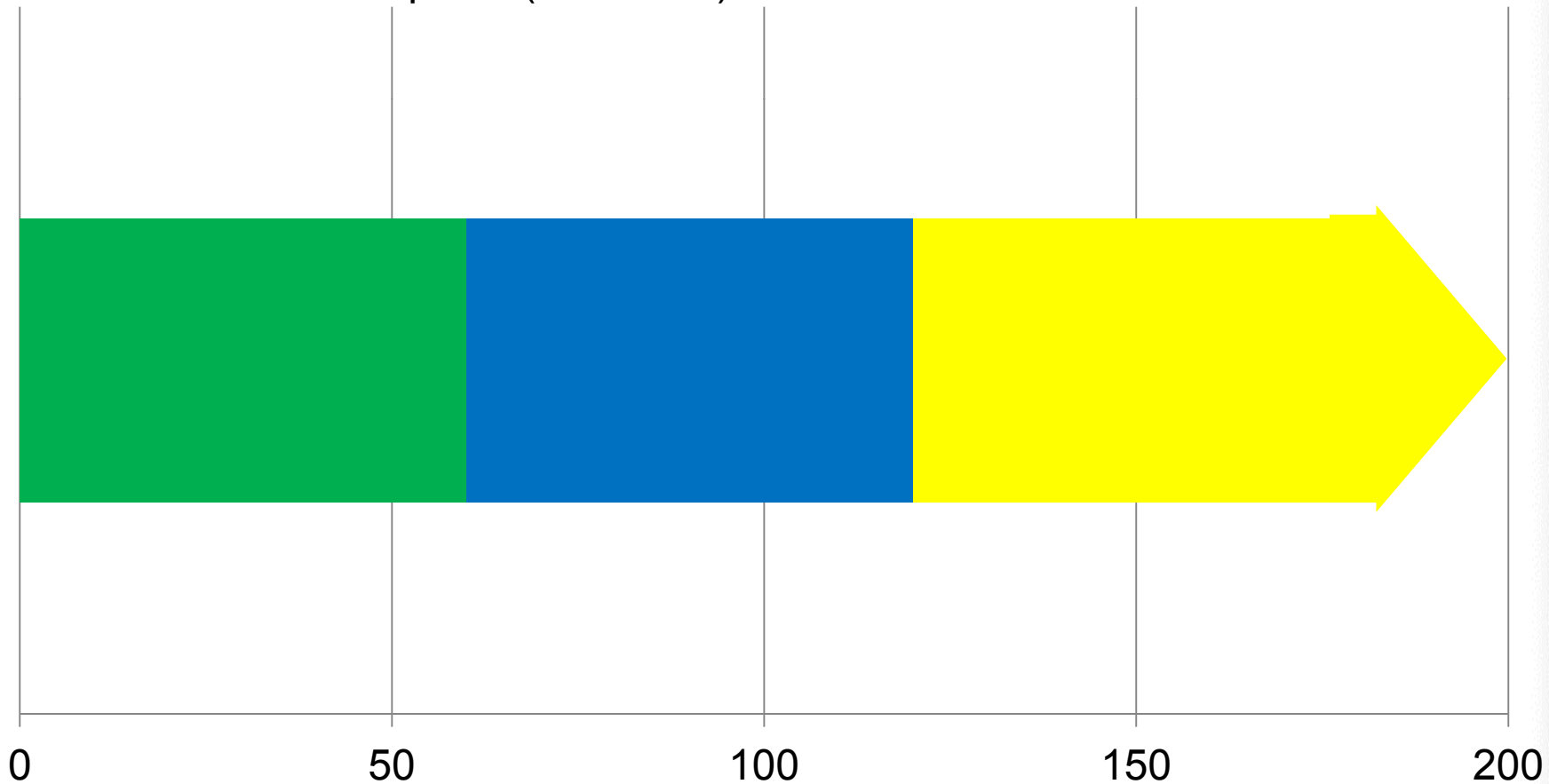
Lisa London
Reactors and Materials Rulemaking
Office of the General Counsel

What is Waste Confidence?

- Waste Confidence *is*
 - A generic environmental analysis
 - A generic determination that fuel can be stored safely until a repository becomes available
- Waste Confidence *does not*
 - License any particular site or facility
 - Allow for long-term storage of spent fuel at any site

Waste Confidence and Reactor Licensing

- Licensed Life for Operations (Site Specific)
- Post-Licensed Life Storage (Waste Confidence)
- Disposal (Table S-3)



- The NRC adopted the original Waste Confidence Rule in 1984
- Most recent update in 2010
- 2010 Rule vacated and remanded by the Court of Appeals in 2012

2010 Decision and Rule: NY v. NRC

- D.C. Circuit Court of Appeals vacated and remanded the 2010 Rule
- Found that analysis did not evaluate the environmental effects of failing to secure permanent disposal
- Directed the Commission to provide updated assessment of spent fuel pool leaks and spent fuel pool fires
- A generic Environmental Assessment or Environmental Impact Statement is acceptable

Two Things to Remember

1. Waste Confidence is a small part of the NRC's NEPA analysis for reactor licensing.
2. Waste Confidence does not license any facility or authorize storage after the expiration of a facility's license.

WASTE CONFIDENCE UPDATE ENVIRONMENTAL IMPACT STATEMENT

Paul Michalak, Chief
Environmental Impact Statement Branch
Waste Confidence Directorate

- Develop a Waste Confidence update that will be informed by analysis and conclusions in an EIS
- Currently working to define the scope of the Waste Confidence environmental review
- We want your feedback

Why an EIS?

- Revise the Waste Confidence Rule to address deficiencies identified by the Court
- Comply with NEPA by considering the effect of its actions on the environment

NRC's Proposed Action

- **Revise the Waste Confidence Rule to account for the safety and environmental impacts of continued spent fuel storage**

- Potential Scenarios
 - Storage until a repository becomes available at the *middle* of the century
 - Storage until a repository becomes available at the *end* of the century
 - Continued storage in the event a repository is *not available*

Other Considerations

- Generic analysis of impacts; not focused on capturing site-specific issues
- Affected environment – a set of general characteristics and ranges to bound the conditions of spent fuel storage in the U.S.
- Assess spent fuel pool leaks and fires

Scoping Process

- We are at the beginning of this scoping process
- We welcome your comments

PUBLIC PARTICIPATION

Andy Imboden, Chief
Communications, Planning, and Rulemaking Branch
Waste Confidence Directorate

Preliminary Schedule

- Now through Jan 2, 2013 – Scoping Period
- Spring 2013 – Scoping Summary Report
- Fall 2013 – Publish and Comment on Draft EIS and Proposed Rule
- Fall 2013 – Draft EIS public meetings
- Aug 2014 – Publish Final EIS
- Sept 2014 – Publish Final Rule

- Submit your comments now through January 2, 2013
- What scenarios and environmental issues should we consider?
- Where should we hold regional draft EIS meetings next fall?
- Scoping summary report will be issued in Spring 2013

Draft EIS and Proposed Rule

- Publish draft EIS and proposed Rule in Fall 2013
- Public comment period on both the draft EIS and Rule will follow
- NRC will hold several regional EIS public meetings
- Additional webcast meetings and webinars

Final EIS and Rule

- Publish final EIS in August 2014
- Final EIS will contain responses to comments on the draft
- Publish final Rule in September 2014

How to Submit Scoping Comments

- Submit electronic comments to www.regulations.gov using Docket ID **NRC-2012-0246**
- Mail Comments to:
 - Cindy Bladey, Chief, RADB
 - Office of Administration
 - Mail Stop: TWB-05-B01M
 - U.S. Nuclear Regulatory Commission
 - Washington, DC 20555-0001
- Fax Comments to Cindy Bladey at (301) 492-3446

COMMENTS DUE BY JANUARY 2, 2013

- **Contact for EIS Scoping Information:**
Sarah Lopas, NEPA Communications Project Manager
Sarah.Lopas@nrc.gov or telephone (301) 492-3425
- **Waste Confidence Website:**
<http://www.nrc.gov/waste/spent-fuel-storage/wcd.html>
- **Commission Press Release:**
<http://pbadupws.nrc.gov/docs/ML1225/ML12250A653.pdf>
- **Federal Register Notice – EIS and Scoping:**
<https://federalregister.gov/a/2012-26295>
- **Staff Paper, Staff Requirements Memo, Commission Votes:** *<http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2012/>*

Call-in number to present a comment by phone:

1-800-475-8385

Passcode 3682386