

August 23, 2013

MEMORANDUM TO: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff

FROM: Catherine Haney, Director /RA/
Office of Nuclear Material Safety
and Safeguards

SUBJECT: STAFF ACTIVITIES REGARDING INTERIM CONSOLIDATED
STORAGE OF SPENT FUEL

This memorandum replies to Commissioner Magwood's memorandum to the Executive Director of Operations dated August 6, 2013, "Staff Activities Regarding Interim Consolidated Storage of Spent Fuel." That memorandum asked the NRC staff to provide clarification and detailed information regarding what activities the staff is undertaking regarding any preparation to engage consolidated storage applicants and what guides "NRC expectations on content, format, and quality." U.S. Nuclear Regulatory Commission (NRC) staff is not encouraging applications from communities interested in hosting spent fuel storage activities and will not be engaged in the process to select a site for spent fuel storage.

The limited activities NRC staff has engaged in are for the purpose of being prepared to review a storage-only application for an interim consolidated storage facility, if the NRC receives such an application. An interim consolidated storage facility of this type would only store spent fuel; it would not repackage spent fuel or conduct spent fuel research and development. Consistent with the conclusion section of SECY-12-0037, dated March 13, 2012, "Blue Ribbon Commission Final Report: Status of Relevant Nuclear Regulatory Commission Activities," NRC staff continues to "monitor and coordinate, as appropriate, with DOE and industry, and engage public stakeholders to ensure that NRC's regulatory framework, processes, and programs support any changes in the National Policy on nuclear waste management." These activities have been limited to the following:

- Participating in periodic meetings with the U.S. Department of Energy (DOE) to discuss research and development activities of common interest and the licensing process and the associated timeline for a potential interim consolidated storage facility application, as well as related transportation activities and issues. Meeting separately with the Environmental Protection Agency to discuss related topics.

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- Attending two drop-in meetings with representatives from Carlsbad, NM and their contractors, who contacted NRC staff directly to discuss their intent to submit an interim consolidated storage facility application in 2015. Any other communities that may be interested in hosting a consolidated storage facility or repository have not contacted NRC staff for similar meetings; likewise, staff has not contacted any such communities.
- Presenting information on NRC's licensing processes and regulatory framework for dry storage at industry-sponsored conferences.
- Reviewing and revising agency guidance contained in Regulatory Guide 3.50, "Standard Format and Content for a License Application To Store Spent Fuel and High-Level Radioactive Waste" to incorporate lessons learned from various spent fuel storage licensing actions, including the licensing of the Private Fuel Storage independent spent fuel storage installation.

In short, the staff has been engaged in limited activities explaining NRC requirements and regulatory experience with the goal of receiving high quality and complete license applications, if entities plan to submit them. Please contact me if you require further information on this topic.

cc: SECY
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