

October 9, 2013

MEMORANDUM TO: Cindy Bladey, Chief
Rulemaking and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Merri Horn */RA/*
Communications, Planning
and Rulemaking Branch
Waste Confidence Directorate, NMSS

SUBJECT: REGULATORY HISTORY INDEX – PROPOSED RULE “WASTE
CONFIDENCE – CONTINUED STORAGE OF SPENT NUCLEAR
FUEL” (10 CFR PART 51)

Enclosed is the regulatory history index of those documents of central relevance to the subject rulemaking. For the documents referenced in the proposed rule, either the ADAMS Accession number or the web address for the documents is provided. For those documents not referenced in the proposed rule, the ADAMS Accession number is provided for each document or package. The rulemaking would amend the regulations to provide a generic determination on the environmental impacts of continued storage of spent nuclear fuel. The title of the proposed rule was “Waste Confidence – Continued Storage of Spent Nuclear Fuel” and it was published in the *Federal Register* on September 13, 2013 (78 FR 56776).

Enclosure: Regulatory History Index

CONTACT: Merri Horn, NMSS\WCD
(301) 287-9167

MEMORANDUM TO: Cindy Bladey, Chief
Rulemaking and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Merri Horn
Communications, Planning
and Rulemaking Branch
Waste Confidence Directorate, NMSS

SUBJECT: REGULATORY HISTORY INDEX – PROPOSED RULE “WASTE
CONFIDENCE – CONTINUED STORAGE OF SPENT NUCLEAR
FUEL” (10 CFR PART 51)

Enclosed is the regulatory history index of those documents of central relevance to the subject rulemaking. For the documents referenced in the proposed rule, either the ADAMS Accession number or the web address for the documents is provided. For those documents not referenced in the proposed rule, the ADAMS Accession number is provided for each document or package. The rulemaking would amend the regulations to provide a generic determination on the environmental impacts of continued storage of spent nuclear fuel. The title of the proposed rule was “Waste Confidence – Continued Storage of Spent Nuclear Fuel” and it was published in the *Federal Register* on September 13, 2013 (78 FR 56776).

Enclosure: Regulatory History Index

CONTACT: Merri Horn, NMSS\WCD
(301) 287-9167

Distribution:

WCD r/f

DMendola

ADAMS Accession No.: ML13280A100

OFFICE	WCD/CPRB	WCD/CPRB	
NAME	MHorn	Almboden	
DATE	10/09/13	10/09/13	

OFFICIAL RECORD COPY

Regulatory History Index

SUBJECT: "Waste Confidence – Continued Storage of Spent Nuclear Fuel" Proposed Rule (RIN 3150-AJ20 Docket NRC-2012-0246)

Documents Referenced in the Proposed Rule

Document	Web (www.regulations.gov unless otherwise indicated)	ADAMS Accession Number
Waste Confidence Related Documents		
<i>Federal Register</i> notice - Notice of Intent Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation (77 FR 65137; October 25, 2012)	X	ML12305A035
Draft NUREG-2157, "Waste Confidence Generic Environmental Impact Statement"	X	ML13224A106
"Waste Confidence Generic Environmental Impact Statement Scoping Process Summary Report"	X	ML13060A128
"Scoping Comments on the Waste Confidence Generic Environmental Impact Statement"	X	ML13060A130
Transcript of November 14, 2012, Waste Confidence Scoping Meeting - Afternoon Session	X	ML12331A347
Transcript of November 14, 2012, Waste Confidence Scoping Meeting - Evening Session 9pm-12am	X	ML12331A353
Transcript of Scoping Meeting for the Waste Confidence Environmental Impact Statement: Webinar December 5, 2012	X	ML12355A174
December 6, 2012 Waste Confidence Scoping Webinar Transcript	X	ML12355A187
Minnesota v. NRC, 602 F.2d 412 (D.C. Cir. 1979)	http://scholar.google.com/scholar_case?case=15544749217851899941 Note: this link directs the reader to an unofficial copy of this case.	

Document	Web (www.regulations.gov unless otherwise indicated)	ADAMS Accession Number
(New York v. NRC, 681 F.3d 471 (D.C. Cir. 2012))	http://www.cadc.uscourts.gov/internet/opinions.nsf/57ACA94A8FFAD8AF85257A1700502AA4/\$file/11-1045-1377720.pdf	
<i>Federal Register</i> notice announcing generic proceeding on Waste Confidence (44 FR 61372, 61373; October 25, 1979)		
<i>Federal Register</i> notice - 1984 Waste Confidence Final Rule (49 FR 34688; August 31, 1984)		ML033000242
<i>Federal Register</i> notice - 1984 Final Waste Confidence Decision (49 FR 34658; August 31, 1984)		ML033000242
<i>Federal Register</i> notice - 1990 Waste Confidence Final Rule (55 FR 38472; September 18, 1990)		ML031700063
<i>Federal Register</i> notice - 1990 Waste Confidence Decision (55 FR 38474; September 18, 1990)		ML031700063
<i>Federal Register</i> notice - 1999 Waste Confidence Decision Review (64 FR 68005; December 6, 1999)		ML003676331
<i>Federal Register</i> notice - 2010 Waste Confidence Final Rule (75 FR 81037; December 23, 2010)		ML103350175
<i>Federal Register</i> notice - 2010 Waste Confidence Decision Update (75 FR 81032; December 23, 2010)		ML120970147
Commission Order CLI-12-16		ML12220A094
SRM-COMSECY-12-0016 - Approach for Addressing Policy Issues Resulting from Court Decision to Vacate Waste Confidence Decision and Rule		ML12250A032
Waste Confidence References – NRC Documents		
<i>Federal Register</i> notice announcing the 1977 Denial of PRM-50-18 (42 FR 34391; July 5, 1977)		
<i>Federal Register</i> notice - Final Rule to Amend 10 CFR 73.1: Design Basis Threat (72 FR 12705; March 19, 2007)		ML070520692
<i>Federal Register</i> notice - Power Reactor Security		ML083380546

Document	Web (www.regulations.gov unless otherwise indicated)	ADAMS Accession Number
Requirements Final Rule (74 FR 13926; March 27, 2009)		
<i>Federal Register</i> notice - Denial of Petitions for Rulemaking (PRM-51-10 and PRM-51-12) (73 FR 46204; August 8, 2008)		ML081890124
<i>Federal Register</i> notice - "Draft Technical Basis for Rulemaking Revising Security Requirements for Facilities Storing SNF and HLW; Notice of Availability and Solicitation of Public Comments" (74 FR 66589; December 16, 2009)		ML093340103
<i>Federal Register</i> notice - Decommissioning Planning Rule (76 FR 35512; June 17, 2011)		ML103510117
<i>Federal Register</i> notice - License Renewal GEIS Final Rule (78 FR 37282; June, 20, 2013)		ML13101A059
Department of Energy; Notice of Acceptance for Docketing of a License Application for Authority to Construct a Geologic Repository at a Geologic Repository Operations Area at Yucca Mountain, Nevada (73 FR 53284; September 15, 2008)		ML082490757
NUREG-0586, "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, Supplement 1: Regarding the Decommissioning of Nuclear Power Reactors," Volume 1 Main report. November 2002		ML023500395
NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" 2013		ML13106A241 for main volume 1, ML13106A242 for volume 2, and ML13106A244 for volume 3
NUREG-1738, "Technical Study of Spent Fuel Pool		ML010430066

Document	Web (www.regulations.gov unless otherwise indicated)	ADAMS Accession Number
Accident Risk at Decommissioning Nuclear Power Plants"		
NUREG-1864, "A Pilot Probabilistic Risk Assessment of a Dry Cask Storage System at a Nuclear Power Plant"		ML071340012
NUREG-2107, "Technical Evaluation Report on the Content of the U.S. Department of Energy's Yucca Mountain Repository License Application – Postclosure Volume: Repository Safety After Permanent Closure"		ML11223A273
NUREG-2108, "Technical Evaluation Report on the Content of the U.S. Department of Energy Yucca Mountain Repository License Application - Preclosure Volume: Repository Safety Before Permanent Closure"		ML11250A093
NUREG/CR-6451, "A Safety and Regulatory Assessment of Generic BWR and PWR Permanently Shutdown Nuclear Power Plants"	http://www.osti.gov/bridge/servlets/purl/510336-gmwPBP/webviewable/510336.pdf	
NUREG/CR-6831, "Examination of Spent PWR Fuel Rods after 15 Years in Dry Storage"		ML032731021
Regulatory Guide 4.22, Decommissioning Planning During Operations		ML12158A361
NRC Information Notice IN 2012-20, "Potential Chloride-Induced Stress Corrosion Cracking of Austenitic Stainless Steel and Maintenance of Dry Cask Storage System Canisters"		ML12319A440
NRC Order Number EA-12-049, Issuance of Order to Modify Licenses With Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events		ML12054A735
NRC Order EA-12-051, Issuance of Order to Modify Licenses With Regard to Reliable Spent Fuel Pool Instrumentation		ML12054A679
<i>Luminant Generation Co. LLC (Comanche Peak Nuclear</i>		ML12076A190

Document	Web (www.regulations.gov unless otherwise indicated)	ADAMS Accession Number
Power Plant, Units 3 and 4), et al., CLI-12-7, 75 NRC 379, 391-92 (March 16, 2012)		
Waste Confidence References – Non-NRC Documents		
NRDC v. NRC, 582 F.2d 166 (2d Cir. 1978)	http://scholar.google.com/scholar_case?case=1292280692394324643 Note: This link directs the reader to an unofficial copy of this case.	
<i>Village of Bensenville v. Federal Aviation Administration</i> , 457 F.3d 52, 71-72 (D.C. Cir. 2006).	http://scholar.google.com/scholar_case?case=6559910666849441800 Note: This link directs the reader to an unofficial copy of this case.	
<i>Marsh v. Oregon Natural Resources Council</i> , 490 U.S. 360, 374 (1989)	http://scholar.google.com/scholar_case?case=10887052189863115558&q Note: This link directs the reader to an unofficial copy of this case.	
Nuclear Waste Policy Act 96 Stat. 2201 (1983) (current version at 42 U.S.C. 10132 (2006))	http://www.epw.senate.gov/nwpa82.pdf	
Blue Ribbon Commission on America's Nuclear Future, Report to the Secretary of Energy		ML120970375
DOE, Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste		ML13011A138
DOE Yucca Mountain FEIS, "Final Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County Nevada" (Yucca Mountain FEIS))		ML081750212
Letter from J M Maddox, Eddy-Lea Energy Alliance, LLC, to C Haney, NMSS, re Notice of Intent to Submit a License Application for Consolidated Used Nuclear Fuel Storage Facility, February 26, 2013		ML13067A278
DOE Motion to Withdraw Application for Yucca Mountain		ML100621397

Document	Web (www.regulations.gov unless otherwise indicated)	ADAMS Accession Number
Request for Termination of NRC License No. SNM-2513 for Private Fuel Storage LLC		ML12356A063
Billone, M.C., T.A. Burtseva, and R.E. Einziger.2013 "Ductile-to-Brittle Transition Temperature for High-Burnup Cladding Alloys Exposed to Simulated Drying-Storage Conditions." Journal of Nuclear Materials 433(1–3): 431–448	http://www.sciencedirect.com/science/article/pii/S0022311512005181	
IAEA, "Scientific and Technical Basis for the Geologic Disposal of Radioactive Wastes, Technical Reports Series No. 413"	http://www-pub.iaea.org/MTCD/Publications/PDF/TRS413_web.pdf	
IAEA Technical Report Series No. 443, "Understanding and Managing Ageing of Materials in Spent Fuel Storage Facilities"	http://www-pub.iaea.org/MTCD/publications/PDF/TRS443_web.pdf	
IAEA, "Radioactive Waste Management Studies and Trends, IAEA/WMDB/ST/4"	http://www-pub.iaea.org/MTCD/Publications/PDF/WMDB-ST-4.pdf	
IAEA TECDOC-1012, "Durability of Spent Nuclear Fuels and Facility Components in Wet Storage"	http://www-pub.iaea.org/MTCD/publications/PDF/te_1012_prn.pdf	
IAEA, "The Use of Scientific and Technical Results from Underground Research Laboratory Investigations for the Geologic Disposal of Radioactive Waste, IAEA-TECDOC-1243"	http://www-pub.iaea.org/MTCD/Publications/PDF/te_1243_prn.pdf	
IAEA TECDOC1343, "Spent Fuel Performance Assessment and Research: Final Report of a Cordinated	http://www-pub.iaea.org/MTCD/publications/PDF/te_1343_web.pdf	

Document	Web (www.regulations.gov unless otherwise indicated)	ADAMS Accession Number
Research Project on Spent Fuel Performance Assessment and Research (SPAR) 1997–2001”		
IAEA, “Joint Convention on Safety of Spent Fuel Management and on Safety of Radioactive Waste Management, INFCIRC/546”	http://www.iaea.org/Publications/Documents/Infcircs/1997/infcirc546.pdf	
Organisation for Economic Cooperation and Development, Nuclear Energy Agency, “Lessons Learnt from Ten Performance Assessment Studies,” 1997	http://www.oecd-nea.org/rwm/reports/1997/ipag.pdf	
Organisation for Economic Cooperation and Development, Nuclear Energy Agency, “Moving Forward with Geological Disposal of Radioactive Waste,” 2008	http://www.oecd-nea.org/rwm/reports/2008/nea6433-statement.pdf	
Canadian Nuclear Fuel Waste Disposal Concept Environmental Assessment Panel, <i>Report of the Nuclear Fuel Waste Management and Disposal Concept Environmental Assessment Panel</i>	http://www.ceaa.gc.ca/default.asp?lang=En&n=0B83BD43-1&xml=0B83BD43-93AA-4652-9929-3DD8DA4DE486&toc=show	
NWMO, <i>Annual Report 2007: Moving Forward Together</i>	http://www.nwmo.ca/uploads_managed/MediaFiles/327_NWMO_2007_Annual_Report_E.pdf	
NWMO, <i>Learning More Together – Annual Report for 2012</i>	http://nwmo.ca/uploads_managed/MediaFiles/2089_ar2012_english_web.pdf	

Documents Not Referenced in the Proposed Rule

Package Number	Accession Number	Document Title	Document Date	Author Name	Availability
	ML13085A092	COMSECY-13-0014 - The Structure of 2014 Waste Confidence Rulemaking	04/10/2013	McConnell K I	Non-Publicly Available
ML13126A129	ML13126A129	Review and Concurrence: Proposed Rule on Waste Confidence.			Non-

Package Number	Accession Number	Document Title	Document Date	Author Name	Availability
					Publicly Available
ML13126A129	ML13126A131	Review and Concurrence: Proposed Rule on Waste Confidence.	05/06/2013	McConnell K I	Non-Publicly Available
ML13126A129	ML13126A139	Commission Paper - Proposed Rule: Waste Confidence - Continued Storage Of Spent Fuel Beyond The Licensed Life For Operation Of A Reactor (RIN 3150-AJ20).	05/06/2013	Borchardt R W	Non-Publicly Available
ML13126A129	ML13126A146	Congressional Letters for Proposed Rule.	05/06/2013	Schmidt R L	Non-Publicly Available
ML13126A129	ML13126A143	Draft GEIS - NUREG-2157 DRC Waste Confidence Generic Environmental Impact Statement.	05/06/2013		Non-Publicly Available
ML13126A129	ML13126A141	FRN for Proposed Rule -Waste Confidence - Continued Storage of Spent Nuclear Fuel Beyond the Licensed Life for Operation of a Reactor.	05/06/2013		Non-Publicly Available
ML13143A387	ML13143A387	SECY-13-0061 - Proposed Rule: Waste Confidence - Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20)			Publicly Available
ML13143A387	ML13143A371	SECY-13-0061 - Proposed Rule: Waste Confidence - Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20)	06/07/2013	Borchardt R W	Publicly Available
ML13143A387	ML13143A374	SECY-13-0061 Enclosure 1: FRN - "Waste Confidence - Continued Storage of Spent Nuclear Fuel"	06/07/2013	Vietti-Cook A L	Publicly Available
ML13143A387	ML13150A347	SECY-13-0061- Enclosure 2: "Waste Confidence Generic Environmental Impact Statement"	06/07/2013		Publicly Available
ML13143A387	ML13143A380	SECY-13-0061 - Background: Congressional Letters - Proposed Rule: Waste Confidence - Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20)	06/07/2013	Schmidt R L	Non-Publicly Available
	ML13217A358	SRM-SECY-13-0061 - Proposed Rule: Waste Confidence - Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20)	08/05/2013	Bavol R C	Publicly Available
ML13217A245	ML13217A245	VR-SECY-13-0061 - Proposed Rule: Waste Confidence - Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20)			Publicly Available

Package Number	Accession Number	Document Title	Document Date	Author Name	Availability
ML13217A245	ML13217A363	VR-SP13-0061 - Proposed Rule: Waste Confidence - Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20)	08/05/2013	Bavol R C	Publicly Available
ML13217A245	ML13217A261	Chairman Macfarlane vote on SECY-13-0061	07/12/2013	Macfarlane A M	Publicly Available
ML13217A245	ML13217A247	Commissioner Svinicki vote on SECY-13-0061	07/17/2013	Svinicki K L	Publicly Available
ML13217A245	ML13217A248	Commissioner Apostolakis vote on SECY-13-0061	07/15/2013	Apostolakis G	Publicly Available
ML13217A245	ML13217A249	Commissioner Magwood vote on SECY-13-0061	07/12/2013	Magwood W D	Publicly Available
ML13217A245	ML13217A250	Commissioner Ostendorff vote on SECY-13-0061	07/12/2013	Ostendorff W C	Publicly Available
ML13226A065	ML13226A068	ADM Transmittal memo for SRM Proposed Rules.	08/14/2013	Imboden A S	Publicly Available
ML13226A065	ML13226A075	09-04-13 Congressional Letters - FRN on Proposed Rule on Waste Confidence .	09/04/2013	Schmidt R L	Publicly Available
ML13266A065	ML13226A073	10 CFR Part 51 [NRC-2012-0246] RIN 3150-AJ20 Waste Confidence - Continued Storage of Spent Nuclear Fuel; Proposed Rule.	08/30/2013	Hart K R	Publicly Available
ML13226A065	ML13226A076	Compare Version of Federal Register Notice for Waste Confidence Proposed Rule.	09/13/2013	Hart K R Vietti-Cook A L	Publicly Available
	ML13241A030	Federal Register Notice of Availability Draft Waste Confidence Generic Environmental Impact Statement - Cover Memo			Publicly Available
ML13241A208	ML13241A208	PACKAGE: NOTICE OF PUBLIC MEETINGS ON WASTE CONFIDENCE PROPOSED RULE AND GENERIC ENVIRONMENTAL IMPACT STATEMENT			Publicly Available
ML13241A208	ML13241A209	Memo - NOTICE OF PUBLIC MEETINGS ON WASTE CONFIDENCE PROPOSED RULE AND GENERIC ENVIRONMENTAL IMPACT STATEMENT			Publicly Available
ML13241A208	ML13241A210	FRN - NOTICE OF PUBLIC MEETINGS ON WASTE CONFIDENCE PROPOSED RULE AND GENERIC			Publicly Available

Package Number	Accession Number	Document Title	Document Date	Author Name	Availability
		ENVIRONMENTAL IMPACT STATEMENT			
ML13256A121	ML13256A121	Notice Of Public Meetings On Waste Confidence Proposed Rule And Generic Environmental Impact Statement (RIN 3150-AJ20) (NRC-2012-0246).			Publicly Available
ML13256A121	ML13256A116	FRN for WCD Public Meetings.	09/12/2013	Imboden A S	Publicly Available
ML13256A121	ML13256A118	Notice of Public Meetings on Waste Confidence Proposed Rule And Generic Environmental Impact Statement (RIN 3150-AJ20) (NRC-2012-0246).	09/12/2013	Imboden A S	Publicly Available
	ML13280A100	Regulatory History for Waste Confidence Proposed Rule	10/09/2013	Horn M	Publicly Available