



# Waste Confidence Decision: Background

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# Waste Confidence: Legal Requirements

- Whether there is reasonable assurance that an offsite disposal solution will be available by the expiration of the plants' operating licenses; and
- If not, whether there is reasonable assurance that the spent nuclear fuel can be stored safely at the sites beyond those dates.

# Waste Confidence: Purpose

- Goes beyond minimum legal requirements.
- Established to fulfill NRC's NEPA obligations.
- A generic determination.
- Assesses:
  - technical feasibility of a repository;
  - when disposal will be available; and
  - whether waste can be stored onsite past the expiration of facility licenses.

# Waste Confidence: Current Findings

- The NRC adopted the original Waste Confidence Decision and Rule (10 CFR 51.23) in 1984.
- The Decision and Rule were updated in 1990, reviewed in 1999, and updated in 2010.
- In the 2010 Decision and Rule (10 CFR 51.23) the Commission made five findings:
  1. Safe disposal in mined geologic repository is technically feasible.
  2. At least one mined geologic repository will be available when necessary.
  3. HLW and SNF will be safely managed until a repository is available.
  4. SNF can be stored safely and without significant environmental impacts for at least 60 years beyond the licensed life.
  5. Onsite or offsite storage for SNF will be made available if needed.

# Waste Confidence: Scope of Today's Meeting

- Rationale for 2010 Waste Confidence Rule and Decision has been authoritatively stated by the Commission in its Statements of Consideration, which are publicly available.
- State of New York, et al. v. USNRC, (Case No.11-1045), and consolidated cases, challenging the Waste Confidence Rule and related consideration of Environmental Impacts.
- The 2010 rulemaking is beyond the scope of today's meeting.

# NEPA Timeframe

