

Spent Nuclear Fuel Management- Where Are We?

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United States Nuclear Regulatory Commission

Waste Management Symposium
February 25, 2013

Agenda

- Where we've been
 - The Nuclear Waste Policy Act
 - Legal challenges
 - Blue ribbon commission
- Current status of spent nuclear fuel storage
 - Extended temporary storage
 - Waste confidence decision
- Keys to success

The Nuclear Waste Policy Act



Nuclear Waste Policy Act of 1982 (P.L. 97-425) 411

A. NUCLEAR WASTE POLICY ACT OF 1982, AS AMENDED

Public Law 97-425

96 Stat. 2201

January 7, 1983

Sec. 1. Short Title And Table Of Contents

This Act may be cited as the "Nuclear Waste Policy Act of 1982."
(TOC not duplicated here.)

42 USC 10101.

Sec. 2. Definitions

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "affected Indian tribe" means any Indian tribe—

(A) within whose reservation boundaries a monitored retrievable storage facility, test and evaluation facility, or a repository for high-level radioactive waste or spent fuel is proposed to be located;

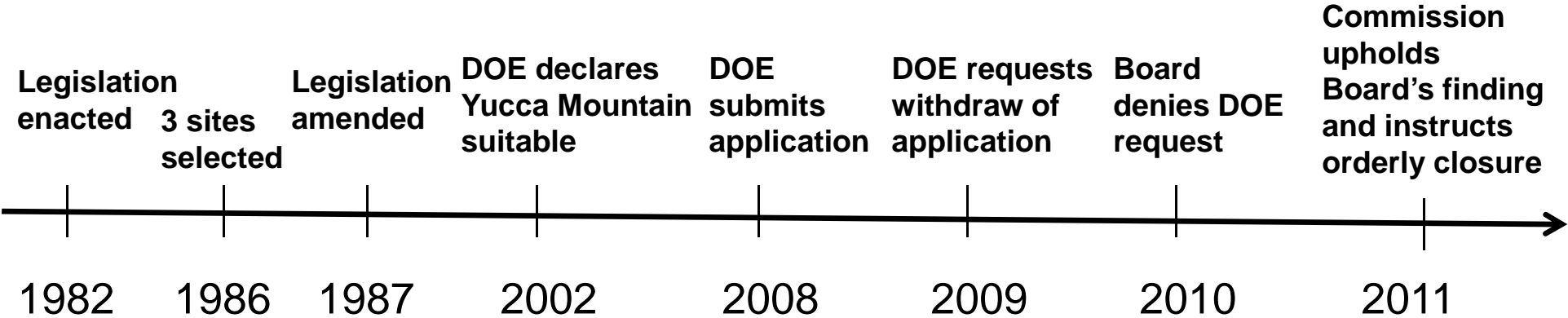
(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: Provided, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe;

“The Secretary shall submit to the Commission an application for a construction authorization for a repository...”

“The Commission shall consider an application for a construction authorization...”

“The Negotiator shall attempt to find a state or Indian tribe willing to host a repository ..and shall negotiate with any State or Indian tribe which expresses an Interest...”

Timeline of Actions on Yucca Mountain



Legal Challenges

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

—
Filed August 3, 2012

No. 11-1271

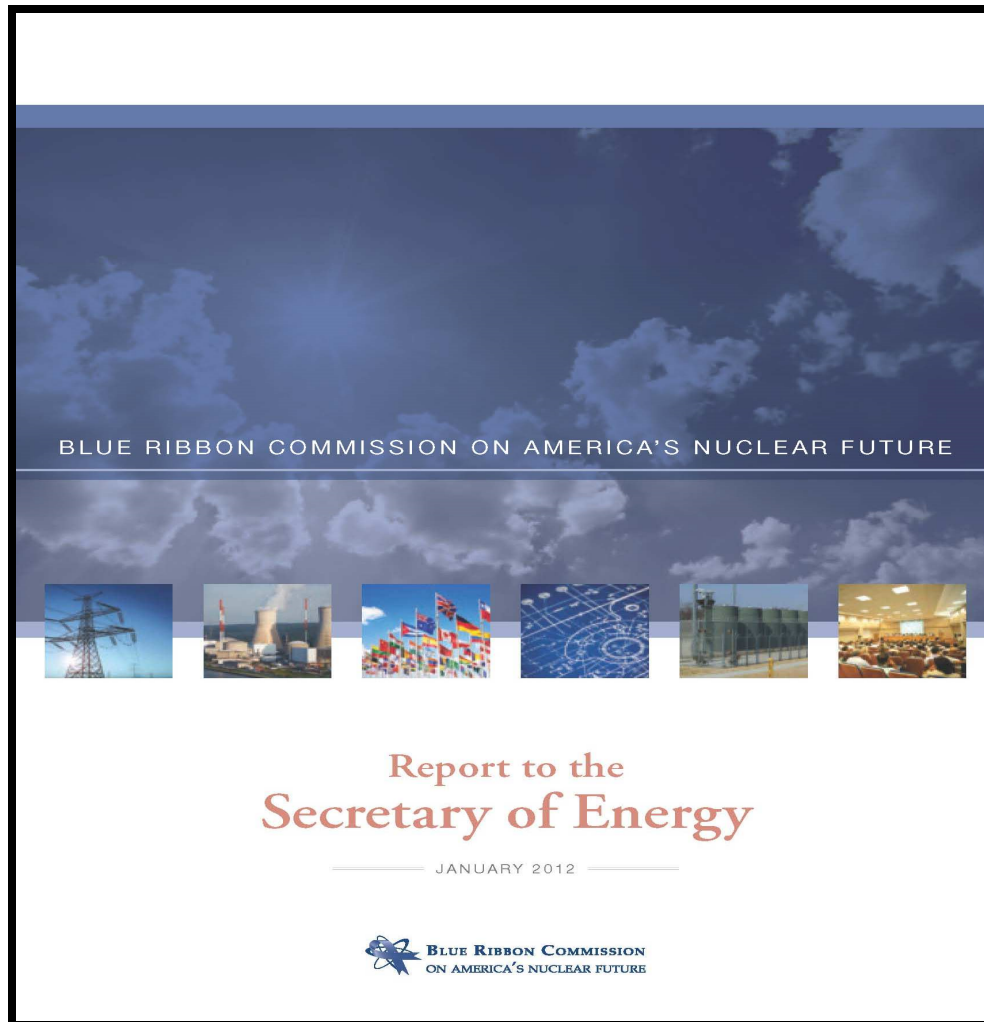
IN RE: AIKEN COUNTY, ET AL.,
PETITIONERS

—
On Petition for Writ of Mandamus

—
Before: GARLAND and KAVANAUGH, *Circuit Judges*, and
RANDOLPH, *Senior Circuit Judge*.

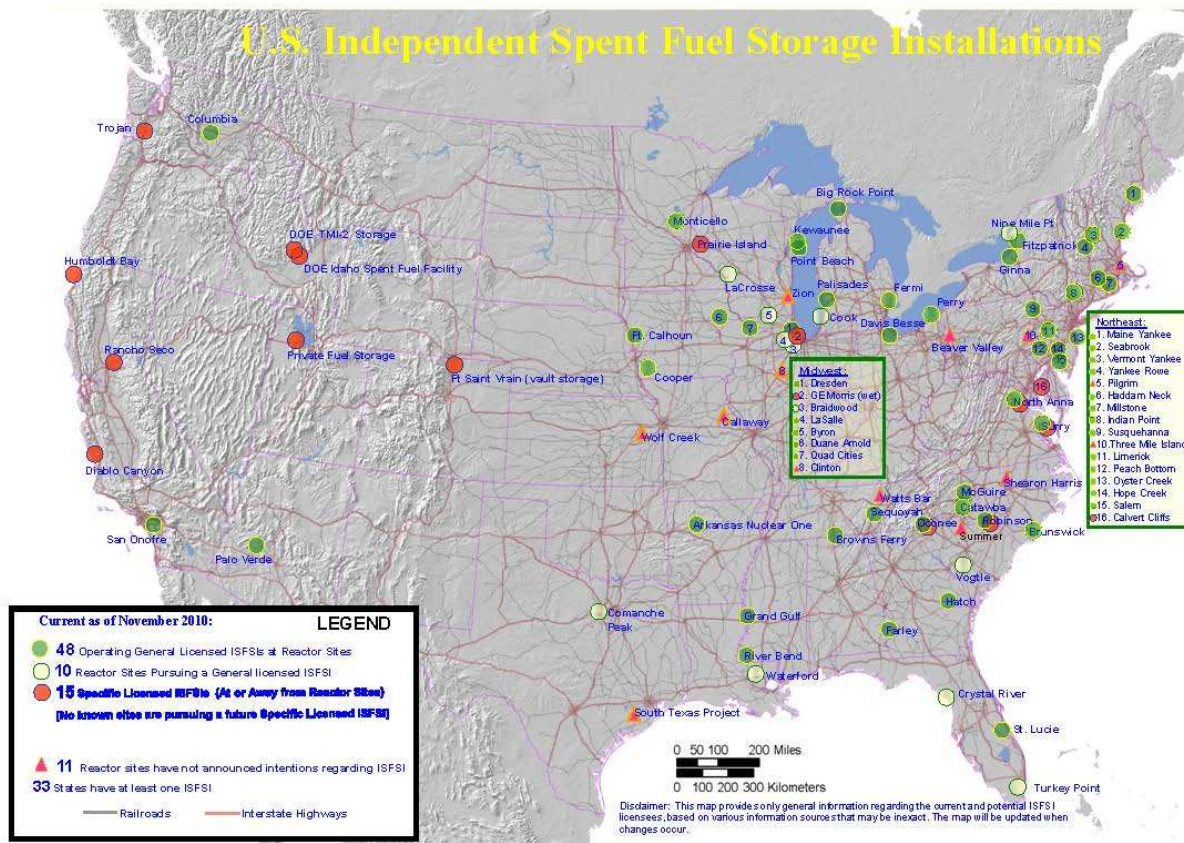
ORDER

Blue Ribbon Commission Recommendations



1. Consent-based siting
2. New organization
3. Access to disposal fees
4. Develop a repository
5. Develop a storage facility
6. Prepare for transport
7. Support technology advances
8. Active U.S. leadership

Storage of Spent Nuclear Fuel in the U.S.



Waste Confidence- Background

- Generic determination that an offsite disposal site will be available, and, if not, that fuel can be safely stored
- Originated from a 1979 challenge to the NRC's decision to license without a repository
- Updated periodically
- 2010 decision challenged



Waste Confidence Remand

- Environmental impacts if sufficient geologic repository capacity is not available when necessary
- Forward looking analysis of spent fuel pool fires and leaks
- Probability and consequences of spent fuel pool fires

**“We grant the petitions for review, vacate the WCD Update and TSR, and remand for further proceedings consistent with this opinion.
So Ordered”¹**

¹ U.S. Court of Appeals. State of NY et. al vs. USNRC, June 8. 2012.

Waste Confidence- Commission Direction

- Commission directed that final licenses not be issued but licensing activities continue
- Priority Commission activity due to link to reactor licensing
- Commission directed that the revision be issued within 24 months



Waste Confidence-Status

- Waste confidence directorate
- Steering committee
- Scoping completed
- Draft EIS to Commission
August 2013
- Robust and active program in
place



Keys to Success of Regulatory Initiatives

1

- **Continued safe storage of spent nuclear fuel**

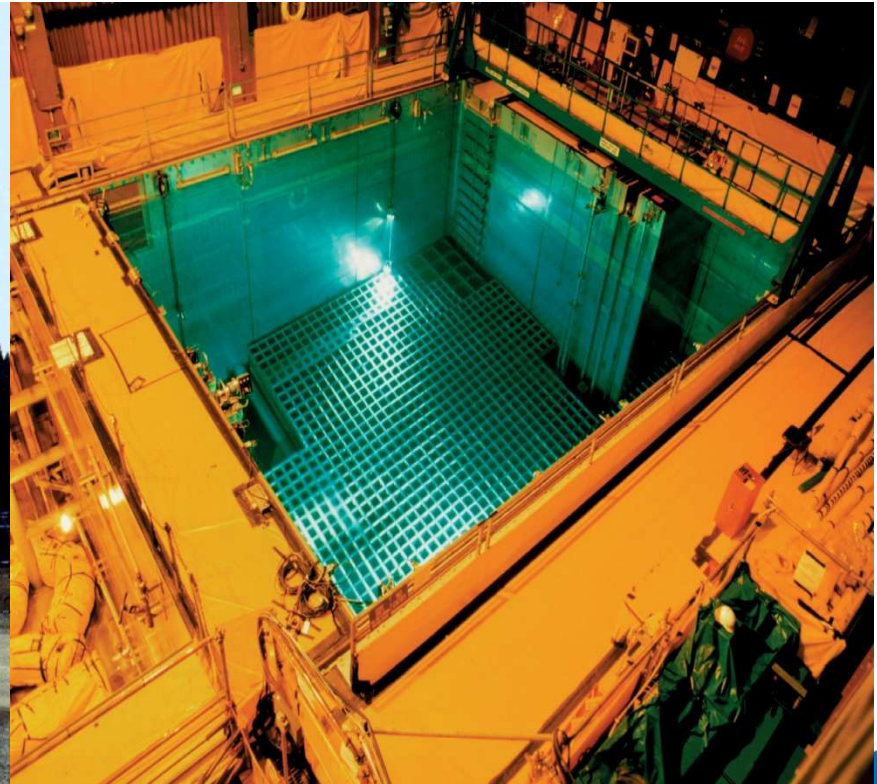
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- **Proactive risk communication**

3

- **Regulatory stability**

Continued Safe Storage



Proactive Risk Communication

- Good communication builds public trust and confidence
- Good communication is early, accurate, and understandable
- Meaningful stakeholder engagement is critical

Regulatory Stability and Predictability

Efficiency:

“...Regulatory activities should be consistent with the degree of risk reduction they achieve. Where several effective alternatives are available, the option which minimizes the use of resources should be adopted. Regulatory decisions should be made without undue delay.”

Regulatory Stability and Predictability

Reliability:

“Regulations should be based on the best available knowledge..Once established, regulation should be perceived to be reliable and not unjustifiably in a state of transition. ”

Closing

- We can learn from where we've been
- The NRC is taking proactive regulatory actions
- The keys to regulatory success are:
 - Continued safe operations
 - Proactive risk communication
 - Stable and predictable regulatory processes

Thank You



Questions

Comments

Discussion