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NRC Approves Final Rule on Spent Fuel Storage and Ends Suspension of Final Licensing Actions for Nuclear Plants and Renewals

The Nuclear Regulatory Commission on Tuesday approved a final rule on the environmental effects of continued storage of spent nuclear fuel and will lift its suspension of final licensing actions on nuclear power plant licenses and renewals once the rule becomes effective.

The Commission's action signals the end of a two-year effort to satisfy a remand by the U.S. Court of Appeals for the District of Columbia Circuit. The court in June 2012 struck down the NRC's 2010 revision of its "waste confidence" rule, directing the agency to consider the possibility that a geologic repository for permanent disposal of spent fuel might never be built, and to do further analysis of spent fuel pool leaks and fires. The Commission responded in August 2012 by suspending final licensing decisions on new reactors, reactor license renewals and spent fuel storage facility renewals. It subsequently directed the staff to develop a new rule and a supporting Generic Environmental Impact Statement (GEIS) within 24 months.

The continued storage rule adopts the findings of the GEIS regarding the environmental impacts of storing spent fuel at any reactor site after the reactor's licensed period of operations. As a result, those generic impacts do not need to be re-analyzed in the environmental reviews for individual licenses. The GEIS analyzes the environmental impact of storing spent fuel beyond the licensed operating life of reactors over three timeframes: for 60 years (short-term), 100 years after the short-term scenario (long-term) and indefinitely.

The GEIS analyzes impacts across a number of resource areas throughout each timeframe. Areas examined include land use, air and water quality, and historic and cultural resources. It also contains the NRC's analysis of spent fuel pool leaks and fires in response to the Appeals Court remand.

The rule does not authorize, license or otherwise permit nuclear power plant licensees to store spent fuel for any length of time.

Tuesday's action approved the final rule and GEIS, renamed from "waste confidence" to "continued storage of spent nuclear fuel." The name was changed in response to near-unanimous public comment to more accurately reflect the nature and content of the rule.

In a separate Order, the Commission approved lifting the suspensions and provided direction on the resolution of related contentions in 21 adjudications before the Commission and the Atomic Safety

and Licensing Boards. The Order authorizes the NRC staff to issue final licensing decisions as appropriate once the final rule becomes effective, 30 days after publication in the *Federal Register*.

A proposed rule and draft GEIS were published in September 2013, with a public comment period of 98 days. The staff conducted 13 public meetings across the country during that period to present the proposed rule and draft GEIS and receive public comments, Appendix D of the final GEIS contains summaries of the comments received and the NRC responses. The Commission expects the final rule and GEIS to be published in September.

More information about the rule and GEIS is available on the [NRC website](#). The Commissioners' individual vote records and comments on the final rule and GEIS will be posted [here](#) (reference SECY-14-0072), and the Memorandum and Order lifting the licensing suspensions and providing direction on the resolution of related adjudicatory contentions will be posted [here](#).