

# Waste Management Today

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Good morning and thanks for checking in with Waste Management Today. Here are the stories we're following:

### **Continued Storage Litigation Movement Expected in Fall**

The legal challenge to the Nuclear Regulatory Commission's Continued Storage of Spent Nuclear Fuel Rule, formerly known as Waste Confidence, will not see major action until the fall of 2015, two attorneys involved in the dispute said yesterday during a panel on the rulemaking. A coalition of states and environmental groups filed a suit earlier this year against the rulemaking in the U.S. Court of Appeals for the D.C. Circuit, alleging that the NRC failed to address the court's 2010 demands to strengthen its Waste Confidence assertion. "We are still waiting on a briefing schedule from the court, and there may be some additional lawsuits associated with the Commission's recent decision to reject the petition," said Jonathan Rund, Assistant General Counsel with the Nuclear Energy Institute, who has joined as an intervener with the NRC. "It's not exactly clear what the schedule is going to be, but I think as we move forward we will have briefings later this year." Geoffrey Fettus, lead nuclear attorney for the Natural Resources Defense Council, also echoed Rund's timeline: "third or fourth Quarter is about when it will take place. The briefing schedule will come from the court, in my guess, sometime in May."

The NRC determined in its response rulemaking to the court's order that spent fuel could be safely stored on site well past a reactor's lifespan. When the NRC first issued a revised waste confidence rule in 2010, the Commission extended the length of time assumed to be safe for storage of spent fuel at a reactor site from 30 to 60 years. In its new update, the NRC based its rule on a generic environmental impact statement that found the environmental impact of storing spent fuel on-site was small in most categories, including an indefinite timeframe. This final rulemaking, though, removed language concerning a timeline for the availability of a repository after the Commission determined that was a policy decision outside the NRC's regulation jurisdiction. Although the challengers have yet to lay out their formal court argument, it is widely believed to center on an alleged failure on NRC's part to fully consider all the things needed for a National Environmental Policy Act review, including a thorough alternatives analysis.

### **NNSA Preparing Small Business Set-Aside Opportunities This Fiscal Year**

The National Nuclear Security Administration is planning to move forward this fiscal year with three contracting opportunities to be set aside for small businesses, an agency official said yesterday. Such opportunities will include a contract to provide NEPA support services, which is set to be worth approximately \$125 million over five years, NNSA Small Business Program Manager Greg Gonzales said during remarks at the Waste Management conference, being held in Phoenix. The contract will be competed using GSA Schedule 899, Gonzales said.

By the third quarter of this fiscal year, NNSA plans to issue a Request for Proposals for the second round of Design, Integration, Construction, Communications and Engineering (DICCE) contracts for the Second Line of Defense program, Gonzales said. The new DICCE contracts are expected to be worth \$200-300 million over five years, and are expected to be Indefinite Delivery/Indefinite Quantity-type contracts with multiple awardees. NNSA also plans by the third quarter of this fiscal year to move forward with a procurement to provide information

technology support for the Office of Secure Transportation, Gonzales said. The contract is expected to be worth approximately \$40 million over five years, and the NNSA is still considering whether to compete the contract using a GSA schedule, he said.

### David Hess Leaving EMCBC

David Hess, a senior official at the DOE Office of Environmental Management's Consolidated Business Center, is leaving his position within the next month. Hess' departure was noted during remarks at the conference yesterday by Chris Honkomp, director of project assessment for EM, who also said a replacement has not yet been named. Hess currently serves as Assistant Director of the EMCBC Office of Contracting, a position he has held since July 2012. He is reportedly moving to take a position with Atomic Energy of Canada Limited (AECL).



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### Preview: Panel to Highlight Consent-Based Siting

The notion of consent-based siting will be featured in a panel today, titled "The Future of Consent-Based Disposal Siting and Discussion of the Alternatives." The Department of Energy's strategy for waste management hinges on the notion of consent-based siting, and with Yucca Mountain and interim storage dominating Congressional debate on the future of nuclear waste policy, consent-based siting has become the buzz word for any community looking to host a disposal or storage facility. The panel includes both sides of the local Nevada debate on the future of Yucca Mountain, as well as representatives from communities looking to host an interim storage facility. The panel will take place at 8:30 a.m. in room 102BC. Panelists include: Carl Reinhold Brakenhielm, Chairman of the Swedish National Council; Bob Halstead, Executive Director, State of Nevada - Office of the Governor, Agency for Nuclear Projects; Jim Hamilton, Founder and President, National Spent Fuel Collaborative; John Heaton, Chairman of the Eddy-Lea Energy Alliance; Monty Humble, Manager, AFCI Texas LLC.; Darrel Lacy, Director, Nye County, NV; Dan Metlay, Senior Professional Staff, Nuclear Waste Technical Review Board; and Jeff Sayer, Director of the Idaho Department of Commerce and Chairman of the Governor's Leadership in Nuclear Energy Commission.

Key questions for the panel include: How does one go about determining a lasting consent-based agreement? What does consent-based look like (referendum, resolutions, etc.)? What guarantees would host communities want in a consent-based process?



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### Preview: Used Fuel Panel to Feature NRC's Ostendorff

NRC Commissioner William Ostendorff will participate in a panel today highlighting strategic and operational management of used nuclear fuel. The panel could hit on a wide range of topics in used fuel management—from the NRC's Waste Confidence rulemaking to the nation's spent nuclear fuel disposal policy. The panel will take place at 1:30 p.m. in room 102BC, and the panelists will include: Frederick Bailly, Vice-President, Integration and Strategic Development, AREVA; Timothy Frazier, Director, Nuclear Waste Initiative, Bi-Partisan Policy Center; William Ostendorff, Commissioner, NRC; Andrew Griffith, Acting Associate Deputy Assistant Secretary for Fuel Cycle Technologies (NE-5), Office of Nuclear Energy; Everett Redmond, Senior Director, Policy Development, NEI; and Carl Reinhold Brakenhielm, Chair, Swedish National Council for Nuclear Waste.

Key questions for the panel include: How does the NRC's Continued Storage Rulemaking affect the urgency in spent fuel disposition? What steps is the Department of Energy taking to implement the Obama Administration's strategy to deal with spent nuclear fuel? How do the efforts in the U.S. differ from the international community?


## Preview: Friday's NRC Part 61 Workshop

The Nuclear Regulatory Commission will hold a workshop tomorrow on the 10 CFR Part 61 Rulemaking and Implementation of the Concentration Averaging and Encapsulation Branch Technical Position. The 10 CFR Part 61 rulemaking addresses the disposal of large quantities of depleted uranium, blended waste and unanalyzed waste streams by requiring the performance of site specific performance assessment and by allowing for the disposal of waste via use of waste acceptance criteria as an alternative to the waste classification tables in 10 CFR Part 61.55. The NRC released a proposed rule last year, and it should have a completed rulemaking by the end of this year. The workshop runs from 8:30 a.m. until 2:00 p.m., and it will be located at the Renaissance Marriot near the Convention Center.

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