

ASLB Denies Intervenors' Requests-for-Hearing and Terminates the Legal Proceedings on the HI-STORE CIS Program

"Because no petitioner has both demonstrated standing and proffered an admissible contention, this proceeding is terminated" reads the Atomic Safety and Licensing Board (ASLB) Memorandum and Order issued May 7 in the licensing process for the Holtec's HI-STORE CIS facility (NRC's press release on this matter is attached). With the hearings hurdle removed, Holtec's effort to establish the HI-STORE CISF (consolidated interim storage facility) in New Mexico remains on track for licensing in 2020. The license application for the HI-STORE CISF was submitted to the USNRC on March 31, 2017 and was accepted by the Commission in February 2018 (USNRC Docket No. 72-1051).

In accordance with the NRC licensing process, an Atomic Safety Licensing Board (ASLB) was established to preside over the HI-STORE CISF licensing process. In the 137-page ASLB decision issued today, the judges denied the admissibility of all contentions filed by several opponents of the proposed facility. Because the NRC regulations require that there be at least one admissible contention for a hearing to proceed, the Board's rejection of all petitioners' contentions extinguished the prospect of any hearing on the HI-STORE CIS program. The NRC Staff's technical and environmental reviews will continue, which are proceeding smoothly.

"We thank the diligent efforts by the Holtec, and Pillsbury teams led by the veteran attorney Jay Silberg (pictured) for this splendid outcome. We also thank our ELEA partners (Eddy Lea Energy Alliance) and the local community in New Mexico for their steadfast support and confidence in our technology's innate safety implicit in this NRC ruling," stated Joy Russell, Holtec's SVP, Business Development and Communications.

The licensing of HI-STORE CISF will provide the nation an interim storage solution for the long-standing used nuclear fuel storage problem. The used fuel packaged in all-welded canisters, presently stored in a variety of above-ground storage systems at different nuclear plant sites will be aggregated and stored in terror-resistant, *below-ground* systems known as HI-STORM UMAX which will provide ready retrievability to ship the canisters to any licensed repository at any time. The HI-STORE CIS can serve as the aging facility for the fuel (which is necessary to cool it down for interment in any repository). The HI-STORE CIS could thus serve a critical missing link in the nation's back-end high-level-waste management program. The canisters stored in HI-STORM UMAX will be exposed to low humidity and the benign atmosphere of the dry plateau of Southeastern New Mexico meaning they will sustain virtually no reduction in their service life. "From a technical standpoint one cannot conceive of a more ideal, safe and secure interim storage of used fuel than the proposed HI-STORE CIS site," says Holtec's VP of Engineering and Licensing, Dr. Stefan Anton.



Jay Silberg, Esquire, noted Energy lawyer, celebrates 50 years of legal career this year.



NRC NEWS

Office of Public Affairs, Headquarters

Washington, DC. 20555-0001

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No: 19-021

May 7, 2019

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NRC Atomic Safety and Licensing Board Denies Evidentiary Hearing on Holtec International's Proposed Spent Fuel Storage Facility in New Mexico

A Nuclear Regulatory Commission Atomic Safety and Licensing Board has denied requests by several petitioners to hold an evidentiary hearing challenging Holtec International's license application to construct and operate a consolidated interim storage facility for spent nuclear fuel in southeastern New Mexico.

The three-judge board held oral arguments in Albuquerque in January on the standing of the various petitioners and the admissibility of their proposed contentions under NRC regulations. While the judges agreed that some of the six petitioners met the qualifications for standing, they concluded the nearly 50 contentions raised were not admissible for an evidentiary hearing. The judges held that the contentions either were not relevant to the application or did not establish a genuine dispute with aspects of the application.

The NRC's hearing process allows interested parties who might be affected by a proposed licensing action to challenge the application on technical (safety) or environmental grounds. Most hearings are conducted by licensing boards appointed from the Atomic Safety and Licensing Board Panel, a group of administrative judges independent of the NRC staff. Board rulings may be appealed to the Commission.

Holtec, a vendor of dry cask storage systems, has proposed to store spent nuclear fuel from the nation's commercial nuclear power plants at a facility in Lea County, in the southeastern corner of New Mexico. Hearing petitions were filed by Beyond Nuclear, the Sierra Club and the Fasken Land and Minerals and Permian Basin Land and Royalty Owners, which were granted standing. Two other petitioners – a coalition of several different organizations and NAC International, a rival dry storage cask vendor – were denied standing. The standing of a sixth petitioner, the Alliance for Environmental Strategies, was not decided.

The board's ruling, issued May 7, is available on the NRC's [Electronic Hearing Docket](#) on the agency website, under Holtec International 72-1051.