

Atomic Safety and Licensing Board Rules on Petitioners' Appeals Remanded by the Commission

In an Order issued today, the Atomic Safety and Licensing Board (ASLB or Board), states it has determined, "that Sierra Club Contentions 15, 16, 17, and 19 are not admissible. We deny Sierra Club's motion to reopen the record, and we also deny Sierra Club's motion to late-file Sierra Club Contention 30 for separate and independent reasons. We deny Fasken's motion for leave to file Fasken Contention 2 as originally submitted."

The Board's Order states that it will address Fasken's motion to amend Fasken Contention 2, and the associated motion to reopen the record, in a subsequent Order.

The Board's Memorandum and Order LBP-19-04 Order issued May 7, 2019, 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.

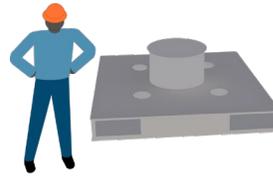
Following the May 2019 Order, petitioners in the legal proceeding filed appeals to the Commissioners of the Nuclear Regulatory Commission (Commission) in accordance with

the legal process. As late as May 2020, petitioners moved to reopen the record and to amend earlier versions of their contentions.

On April 23, 2020, in response to petitioners' appeals, the Commission substantially affirmed the Board's rulings in LBP-19-04, but reversed in part and remanded for further consideration four contentions (Sierra Club Contentions 15, 16, 17, and 19) back to the ASLB. Also, the Commission remanded, for the Board's ruling on admissibility, two contentions that were proffered several months after the ASLB had initially terminated the proceeding at the Licensing Board level. Except for the Fasken most recent filing, the ASLB Memorandum and Order LBP-20-06, issued today, officially responds to the contentions and reopen requests remanded by the Commission.

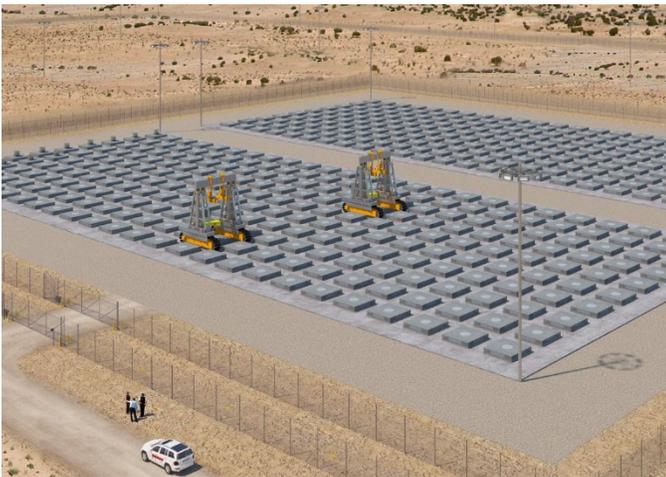
Draft Environmental Impact Statement Recommends Issuing NRC License

In March, the U.S. Nuclear Regulatory Commission (NRC) issued its draft environmental impact statement (DEIS) for HI-STORE, Holtec International's proposed consolidated interim storage facility (CISF) in Southeastern New Mexico. The DEIS evaluates a wide variety of environmental impacts that might occur from the HI-STORE facility and concludes that it is recommended to issue an



NRC license to Holtec to construct and operate a CISF for SNF at the proposed location.

“The DEIS and Holtec’s application to the NRC for HI-STORE reaffirms Holtec’s commitment to protecting public health and safety and preserving the environment,” explained Ed Mayer, Program Director for HI-STORE CISF. “This commitment will be paramount throughout the life of HI-STORE from construction and operations through to decommissioning of the facility.”



Rendering of the Proposed HI-STORE Consolidated Interim Storage Facility (CISF)

The NRC’s DEIS looked at the potential environmental impacts of the facility and identified no significant environmental concerns. These areas included land use, transportation, geology and soils, surface and ground water, ecological resources such as threatened and endangered species, noise,

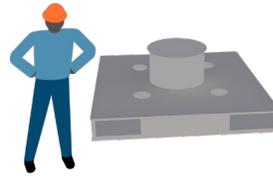
historical and cultural resources, public and occupational health, environmental justice, socioeconomic and others.

The DEIS also confirms that there are no adverse impacts to other enterprises in the area including oil and gas, ranching and farming. Furthermore, HI-STORE will have a positive impact on the region, helping to create hundreds of jobs and economic growth. “The NRC’s issuance of the DEIS is a key milestone in the federal regulatory process,” said Mayer. “We look forward to working with the NRC and addressing any additional questions or requests that may arise throughout the ongoing licensing process.”

The NRC is also conducting a safety review of the HI-STORE project, which will be documented in a safety evaluation report (SER), to ensure that facility operations do not pose any undue risk to worker and public health and safety.

NRC Extends Public Comment Period on Draft Environmental Impact Statement

Due to recent events associated with the COVID-19 public health emergency, the U.S. Nuclear Regulatory Commission (NRC) has extended the public comment period to allow the public more time to develop and submit their comments on the draft environmental



impact statement (DEIS) issued for Holtec's HI-STORE Consolidated Interim Storage Facility (CISF).

Commenting on this development, Ed Mayer, Program Director for HI-STORE CISF said, "Stakeholder participation is an important part of the regulatory approval process. An extension is the NRC's prerogative; Holtec supported NRC's decision last May to extend the public comment period by 60 days. However, Holtec would not support a second extension because Holtec believes that a further extension is unlikely to yield any environmental consideration that the Staff hasn't already identified."

The NRC public comment period was originally scheduled to run through May 22 with several public meetings planned in New Mexico. The comment period has now been extended to July 22 and the NRC recently announced it will conduct two public meetings via a webinar to support public participation: [June 23](#) and [July 9](#).

The public comment period is part of the NRC's ongoing efforts to solicit feedback throughout its regulatory process. The goal of the public comment period is to allow for interested stakeholders to provide the NRC any additional information that may be factually relevant to the environmental impacts of the facility. In 2018, in addition to the public comment process, the

NRC hosted five public scoping meetings in New Mexico along with a sixth meeting at NRC headquarters as it began preparing the DEIS. Feedback collected during the current public comment period will be used to help the NRC prepare a final environmental impact statement scheduled to be issued in March 2021.

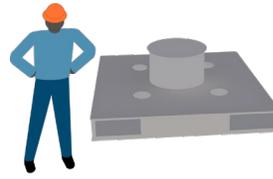
"This is a great opportunity to support HI-STORE and its positive impact on Southeastern New Mexico and we encourage those who support the project to make sure their voices are heard," said Mayer.

To submit public comments on the DEIS, email comments to Holtec-CISFEIS@nrc.gov. Comments are also being accepted via mail to Office of Administration, Mail Stop: TWFN-7-A60M, ATTN: Program Management, Announcements and Editing Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

HI-STORE Legal and Regulatory Update

May 2019: The Atomic Safety Licensing Board (ASLB) denies request for hearings from more than 50 organizations due to lack of standing or admissible contentions.

April 2020: NRC commissioners reject majority of appeals filed in opposition to ASLB ruling due to lack of standing or admissible contentions.



The commissioners remanded four contentions rejected by the ASLB for further consideration of their admissibility regarding site characterization. NRC commissioners remand two late-filed contentions back to the ASLB for consideration on their admissibility, timeliness and capacity to meet the reopening standards.

June 2020: Opposing organization files petition with U.S. Court of Appeals for the D.C. Circuit challenging the NRC's refusal to dismiss the proceedings.

NRC staff and Holtec formally oppose an opposing organization's Amended Contention and the accompanying motion to reopen the record because opposing organization fails to meet the requirements of 10 C.F.R. §§ 2.309(c)(1), 2.309(f)(1), and 2.326. on timeliness, admissibility, and reopening.

June 18, 2020: ASLB Memorandum and Order LBP-20-06 states "that Sierra Club Contentions 15, 16, 17, and 19 are not admissible. We deny Sierra Club's motion to reopen the record, and we also deny Sierra Club's motion to late-file Sierra Club Contention 30 for separate and independent reasons. We deny Fasken's motion for leave to file Fasken Contention 2 as originally submitted."

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HI-STORE Consolidated Interim Storage Facility

Safe, Secure, Temporary, Retrievable

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