

Atomic Safety and Licensing Board Denies Petitioners' Motions

We are pleased to report that the Atomic Safety and Licensing Board (ASLB) issued an order in early September 2020 denying legally untenable motions by Fasken Land and Minerals, Ltd., and Permian Basin Land and Royalty Owners. The motions sought to reopen the record and allow for a late contention to be filed in regard to the regulatory licensing process for HI-STORE.

The petitioners' contentions were filed in May, well past the original September 2018 deadline for original hearing requests and contentions. The ASLB noted how the contentions did not respond nor identify any new information that was not already included as part of Holtec's original application.

In issuing its order, the ASLB said, "Fasken's failure to satisfy either the requirements for reopening a closed record or for proffering a contention out of time, without more, necessarily requires us to reject Fasken Amended Contention 2." The ASLB further stated in its order, "Moreover, we conclude that Fasken's motion also does not address a significant safety or environmental issue."

The petitioners subsequently appealed the ASLB's decision to the U.S. Nuclear Regulatory

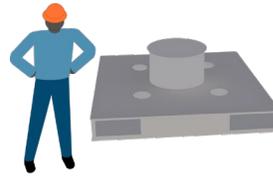
Commission on September 28. Holtec plans on filing a formal response to the appeal.

NRC Concludes Public Comment Period on Draft Environmental Impact Statement

On September 22, the U.S. Nuclear Regulatory Commission (NRC) closed the public comment period on the draft environmental impact statement (DEIS) for Holtec's HI-STORE Consolidated Interim Storage Facility (CISF). Feedback collected during the public comment period is expected to be factored in the NRC's final environmental impact statement scheduled to be issued next year.

By a letter dated September 22, 2020, the NRC informed Holtec that it has revised its schedule for completing the review of Holtec's application. The schedule impact is due to the extended comment period that was originally slated to end on May 20, but in addition to the original 60-day comment period, the NRC granted two supplementary 60-day extensions, lengthening the comment period to September 22, 2020.

The NRC's letter also indicates that the final Environmental Impact Statement (EIS) is now scheduled to be published by July 2021 instead of March 2021 as previously stated. The letter



also revised the date for the final Safety Evaluation Report (SER) to be completed by May 2021, provided Holtec delivers “timely and high-quality responses to all outstanding requests for additional information (RAIs) by November 2020, and that no follow-up RAIs are necessary.”

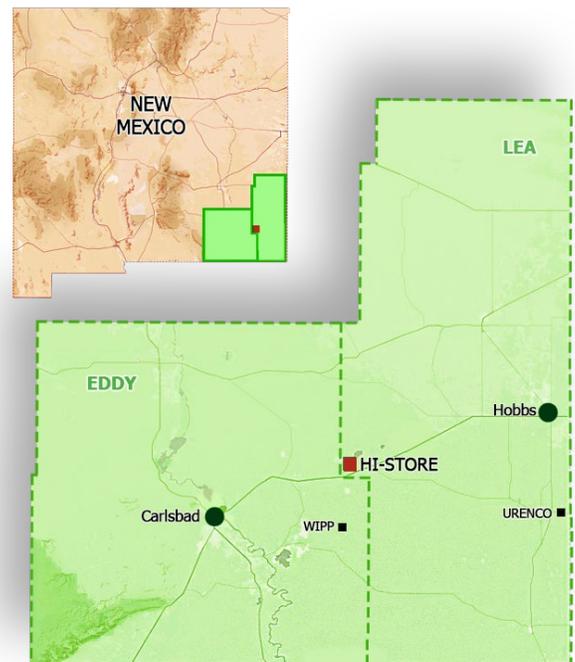
The estimated cost for the NRC to complete their reviews and make a licensing decision is still approximately 7.5 million dollars, which Holtec is paying in its entirety.

Responding to the NRC’s letter, Ed Mayer, Program Director for HI-STORE CISF stated, “While we are disappointed with the schedule extension, we agree that protection of the public’s health and safety during the pandemic must trump other priorities.” Mayer continued, “The NRC offered the public several safe opportunities and methods to provide comments on the DEIS.”

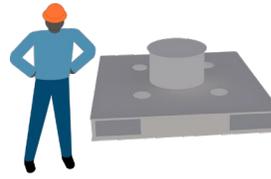
To ensure the health and safety of the public during the COVID-19 public health emergency, hosting public in-person meetings was not possible. In response to this challenge, the NRC first extended the public comment period from May 22 to July 22 and hosted two virtual webinars. To ensure there were ample opportunities for public comment available during the public health emergency, the NRC extended the comment period for a second time to September 22 and hosted *four* more virtual webinars.

In addition to the extended comment period and added virtual webinars, the NRC initially hosted five public scoping meetings in New Mexico, along with a sixth meeting at the NRC headquarters as it began preparing the DEIS.

“We want to thank those who participated in the public scoping meetings, the virtual webinars and those who submitted written comments identifying focus areas for the NRC,” says Mayer. “We also wish to thank those providing support of HI-STORE. Your ongoing support is vital to the continued and future success of the project, and its positive impact on Southeastern New Mexico.”



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



U.S. Nuclear Industry Council Supports HI-STORE

The U.S. Nuclear Industry Council (USNIC) recently sent a letter to President Donald J. Trump voicing its support for Holtec's HI-STORE Consolidated Interim Storage Facility (CISF) in Southeastern New Mexico. The letter was in response to concerns raised by New Mexico Governor Lujan Grisham in a previous letter to the President.

In its letter, the USNIC wrote, "It is important to note that the NRC's draft generic environmental impact statement (GEIS) findings concerning these sites conclude that the proposed facility in New Mexico poses minimum risk to the surrounding population and to the environment."

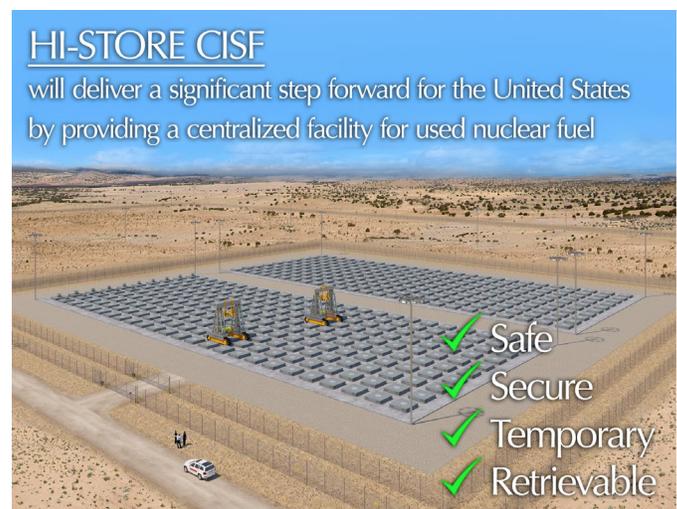
The USNIC also added, "Accordingly, USNIC has filed comments with the NRC supporting the NRC's draft GEIS on the proposed New Mexico CISF. As we made clear in our comments, USNIC fully supports the NRC's assessment process and its findings of the proposed New Mexico CISF."

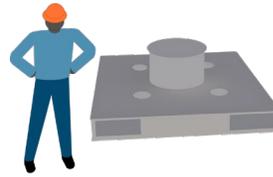
The USNIC is the leading business consortium advocate for advanced nuclear energy and promotion of the American nuclear supply chain globally. Composed of over 80 companies, USNIC represents the "Who's Who" of the nuclear energy supply chain community,

including key utility movers, technology developers, fuel cycle companies, construction engineers, manufacturers and service providers.

Addressing safety concerns raised in the initial letter to President Trump, the USNIC said, "As to the safety record of the modern U.S. nuclear industry, we simply point to facts, not just opinions, to support our presentation of a record in which we take pride. Our outstanding modern record of safety in terms of nuclear plant operations and spent fuel storage and transportation, is unquestionably the best in the world."

Specifically, the USNIC highlighted several safety milestones related to the transportation of used fuel. This included the more than 50-year track record of both the U.S. Navy and U.S. Department of Energy in shipping used fuel without any impact on public health and safety and the environment.





NEI to Host a New Mexico Used Fuel Transportation Symposium

The Nuclear Energy Institute (NEI) will host an invitation-only symposium in January 2021 to facilitate a stakeholder conversation with New Mexico stakeholder groups about the transportation of used nuclear fuel. The event will provide opportunities for engagement and practical exercises to discuss the safe execution of private shipments of used nuclear fuel from nuclear power sites to Consolidated Interim Storage Facilities (CISFs).

“NEI sponsored a table-top event in Minnesota in May 2019 that began a conversation between stakeholders that included commercial interests, state and local authorities, regulatory agencies, tribal communities and non-profit organizations. The conversation continued when the Midwest Council of State Governments conducted a similar tabletop in November 2019. As we move towards the anticipated transportation of spent nuclear fuel, NEI is creating a forum to provide an opportunity for New Mexico elected officials, state and local law enforcement, emergency management organizations and representatives of tribal communities to have a voice in this

ongoing conversation,” said Mark Richter, NEI Senior Project Manager for Decommissioning and Used Fuel. NEI will be hosting a prequel event in October to inform the content of the January symposium.

The symposium will include panelists and speakers representing federal regulators, including the Federal Railroad Administration and the NRC, as well as transportation experts, rail car manufacturers, peer state first responders and emergency management personnel, and representatives of tribal communities. The conversation will focus on the technical and logistical elements necessary for the private shipment of used nuclear fuel, allowing participants to gain a better understanding of the transportation process and how it relates to their specific roles and responsibilities. Participants will also participate in a workshop to develop project plans for transportation scenarios. The NRC has expressed specific interest in participating on both days and hopes to see a strong regulatory component in the workshop. The events will be conducted virtually due to COVID-19 constraints.

HI-STORE Consolidated Interim Storage Facility

Safe, Secure, Temporary, Retrievable

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