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Atomic Safety and Licensing Board Admits One Contention in Proceeding on Texas Spent Fuel Storage Proposal

An Atomic Safety and Licensing Board of the Nuclear Regulatory Commission has admitted one contention in an adjudicatory proceeding on the application by Interim Storage Partners LLC to construct and operate a consolidated interim spent fuel storage facility in Andrews County, Texas.

The admitted contention, proposed by the Sierra Club, argues that the Environmental Report submitted by ISP as part of its application failed to sufficiently address the potential impacts of the facility on the habitats of the dune sagebrush lizard and the Texas hound lizard. The Environmental Report cited five studies in support of ISP's claim that any impacts would not be substantial. The Board agreed with the Sierra Club that the ER did not sufficiently describe those studies to allow others to judge their technical adequacy or make them available for independent review.

Interim Storage Partners, a joint venture of Waste Control Specialists and Orano USA, has applied for a license to build and operate a dry cask storage site for commercial spent nuclear fuel adjacent to the WCS low-level waste disposal facility in Andrews County.

The Board is composed of three administrative judges from the NRC's Atomic Safety and Licensing Board Panel. Boards conduct adjudicative hearings on major licensing actions by the NRC, and they are independent of the NRC staff. A Board's rulings may be appealed to the Commission, the five-member body that sets NRC policy.

Petitions for hearing and proposed contentions were filed by Sierra Club; Beyond Nuclear; Permian Basin Land and Royalty Organization and Fasken Land and Minerals; and a coalition of Don't Waste Michigan, Citizens' Environmental Coalition, Citizens for Alternatives to Chemical Contamination, Nuclear Energy Information Service, Public Citizen, San Luis Obispo Mothers for Peace, Sustainable Energy and Economic Development Coalition, and Leona Morgan. The Board heard oral arguments July 10-11, in Midland, Texas, on the standing of petitioners and the admissibility of their contentions.

In addition to Sierra Club, the Board granted standing to Beyond Nuclear, the Sustainable Energy and Economic Development Coalition, the Permian Basin Land and Royalty Organization, and Fasken, but ruled that only the Sierra Club raised an admissible contention.