

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:)
) Docket No. 72-1050
WASTE CONTROL SPECIALISTS LLC'S)
CONSOLIDATED INTERIM SPENT)
FUEL STORAGE FACILITY PROJECT)

**SIERRA CLUB'S MOTION FOR EXTENSION OF TIME TO INTERVENE IN
LICENSING PROCEEDING**

Comes now the Sierra Club and in support of this Motion for Extension of Time to Intervene in Licensing Proceeding, states as follows:

1. On January 30, 2017, the Nuclear Regulatory Commission (NRC) issued a notice in the Federal Register accepting the license application submitted by Waste Control Specialists (WCS) in this docket and establishing March 31, 2017, as the date by which interested parties must petition to intervene in this proceeding.

2. 10 C.F.R. § 2.307 provides that the time for intervention may be extended by the NRC for good cause.

3. WCS has just recently significantly revised its Safety Analysis Report (SAR) for this project. The SAR is a primary basis for determining what contentions Sierra Club and other prospective intervenors will present. In addition, at a meeting between NRC and WCS on March 1, 2017, representatives of the NRC stated that this application is complex and that it will take more than two

years for the NRC to make a decision on the application. So the extension of time requested herein would not unreasonably delay consideration of the license application.

4. Also at the March 1 meeting, NRC representatives acknowledged that the WCS application may not comply with the Nuclear Waste Policy Act (NWPA), and that the NRC is investigating that issue. This is because WCS has said it will not build or operate the proposed waste facility unless and until the federal government, through the Department of Energy, takes ownership of the spent fuel. However, the NWPA specifically states that the federal government will not take ownership of the spent fuel until it is received at a repository. 42 U.S.C. § 10131(a)(5). The proposed WCS site is not a repository, so there is no provision for the Department of Energy to take ownership of the waste, either before or after it is received at the WCS site. The NRC has said, "Congress intended to force the utilities to solve their own interim storage solutions" Private Fuel Storage, LLC (Independent Spent Fuel Storage Installation), CLI-02-29, 56 NRC 390, 405-406 (2002). Until this important issue is resolved with respect to the WCS site, parties should not be required to go to

the time and expense of intervening and presenting contentions.

5. For all of the reasons stated above, Sierra Club has established good cause for an extension of time to file a petition to intervene.

6. Service of documents on Sierra Club may be made on the undersigned attorney, whose name, address, telephone number and e-mail address are set out below.

WHEREFORE, Sierra Club requests that the NRC grant an extension of 120 days, to and including July 29, 2017, for parties to file a petition to intervene.

/s/ *Wallace L. Taylor*

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ATTORNEY FOR SIERRA CLUB

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that, on March 2, 2017, copies of Sierra Club's Motion for Extension of Time to Intervene in Licensing Proceeding were served in the above-captioned proceeding on the Secretary of the Nuclear Regulatory Commission through the Electronic

Information Exchange (the NRC's E-Filing System) and upon
Waste Control Specialists LLC by sending a copy of the
motion by certified mail to:

J. Scott Kirk, CHP
Vice President of Licensing and Regulatory Affairs
Waste Control Specialists LLC
5430 LBJ Fwy, Three Lincoln Centre, Suite 1700
Dallas, TX 75240

/s/ *Wallace L. Taylor*

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