



# **Status of NRC's Review of Proposed Consolidated Interim Storage Facility Applications**

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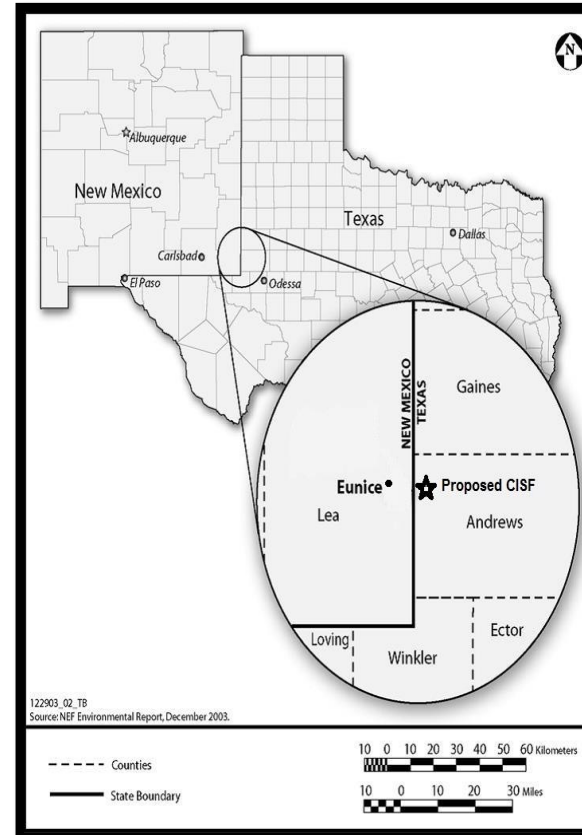
2022 NRC State Liaison Officers Conference  
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# Overview

- NRC received two applications for specific licenses to construct and operate consolidated interim storage facilities (CISFs) for commercial spent nuclear fuel.
  - WCS Consolidated Interim Storage Facility
    - Description
    - Status - License issued on September 13, 2021
  - Holtec HI-STORE Consolidated Interim Storage Facility
    - Description
    - Status – Under Licensing Review

# Interim Storage Partners, LLC (ISP) WCS CISF – Andrews County, Texas

- ISP requested to resume the review in July 2018.
- ISP, as applicant; joint venture between Waste Control Specialists and Orano CIS LLC (a subsidiary of Orano USA)
- Proposed site located near the existing WCS low-level waste disposal site in Andrews County, TX
- Initial application for 40-year license to store 5,000 metric tons of commercial spent fuel, including MOX, and 231 tons of GTCC waste; future plans to expand to 40,000 metric tons
- Above-grade design using 11 previously certified storage and transportation systems



# WCS CISF Safety and Environmental Reviews

- Safety evaluation report
  - Completed in June 2021
  - Issued at the same time as issuance of license
- Environmental review
  - Draft environmental impact statement issued May 2020
  - Final environmental impact statement issued July 2021
  - Record of decision issued at the same time as issuance of license
- License issued on September 13, 2021

# WCS CISF Adjudicatory Hearing/ Litigation – Current Status

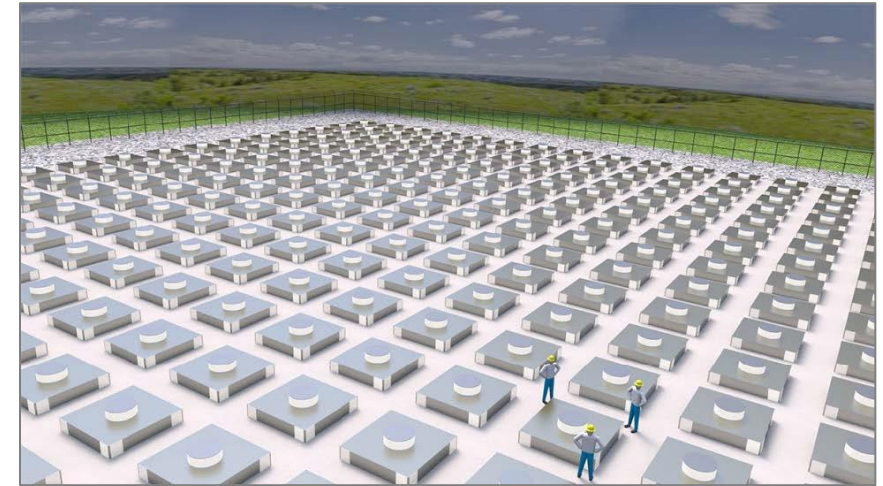


- Adjudicatory Hearing:
  - Board evaluated 4 initial hearing petitions and supplemental filings; approximately 40 contentions
  - One contention was initially admitted (contention of omission); later dismissed as moot
  - Several petitioners appealed Board decision; Commission upheld the Board findings
  - NRC rules allow staff to issue final licensing decision while appeals are pending
  - Seven consolidated appeals filed by petitioners with U.S. Circuit Court of Appeals for the D.C. Circuit are pending, challenging the NRC’s adjudicatory decisions or issuance of the license; an eighth has been filed and NRC has moved to consolidate that petition with the others
- Federal Court Litigation (Pending):
  - On March 29, 2021, the State of New Mexico filed suit in the U.S. District Court for the District of New Mexico against the NRC to stop NRC’s review of the Holtec International and the ISP license applications; Court dismissed suit on March 10, 2022
  - On September 23, 2021, the State of Texas filed a petition for review before the U.S. Court of Appeals, Fifth Circuit, seeking review of the NRC’s ISP licensing decision
  - On November 12, 2021, Fasken, one of the petitioners with an appeal pending before the U.S. Circuit Court of Appeals, also filed a petition for review before the U.S. Court of Appeals, Fifth Circuit, seeking review of the NRC’s ISP licensing decision; this was consolidated with Texas’s petition
  - On November 12, 2021, the State of New Mexico also filed a petition for review in the U.S. Court of Appeals, Eleventh Circuit, challenging the NRC’s issuance of the license

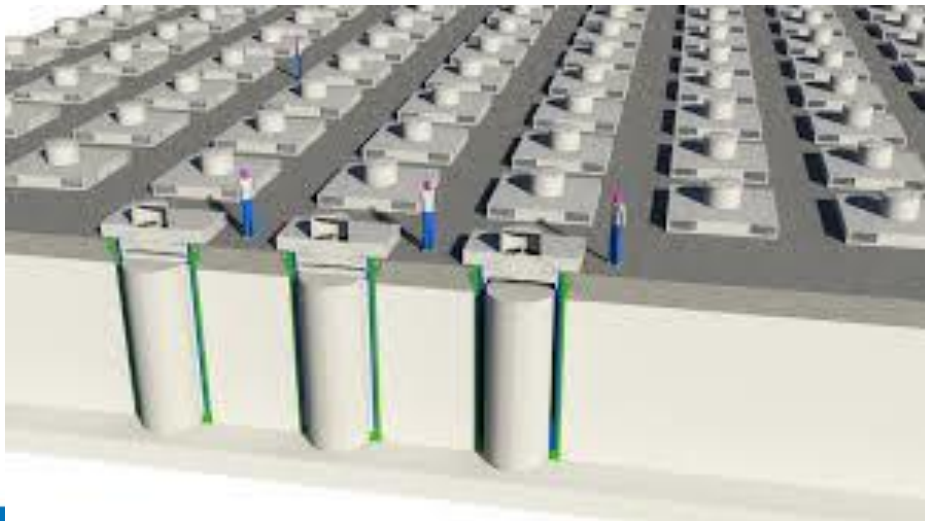


# Holtec HI-STORE CISF - Lea County, New Mexico

- License application submitted to NRC on March 30, 2017; detailed review began on February 28, 2018
- Holtec International is the applicant; proposed site is in Lea County, New Mexico
- Initial application for 40-year license to store up to 8,680 MTU (500 canisters) of commercial spent fuel, including MOX; future plans to expand up to 100,000 MTU (10,000 canisters)
- Proposed facility to use the HI-STORM UMAX Canister Storage System



# Holtec HI-STORM UMAX



# Holtec CISF Safety Review – Current Status



- NRC staff issued several requests for additional information (RAIs) to Holtec
  - First Round RAIs issued in 6 parts (~300 questions)
  - Conducted site audits at Holtec HQ and CISF site
  - Second Round RAI (~71 questions) issued May 20, 2021
  - Conducted several public meetings to discuss RAIs
- Review schedule delayed in response to Second Round RAI issues
  - Second RAI responses expected August 2021; missing information received October 29, 2021
  - Additional issues found in 2<sup>nd</sup> Round RAI responses; staff to issue 3<sup>rd</sup> Round RAIs in March 2022
  - Staff announced delay to review schedule; conducted audits with Holtec in December 2021/January 2022
  - Staff will announce new review schedule after 3<sup>rd</sup> Round RAI responses are received



# Holtec CISF Environmental Review – Current Status



- EIS public scoping process:
  - Four-month scoping comment period (March 30 - July 30, 2018); NRC held 5 in-person public meetings in New Mexico, plus one nationwide webinar
  - Received over 6,600 individual comments; received in-person, via email, website, and regular mail
- Draft EIS issued March 9, 2020:
  - Six-month public comment period on draft EIS; NRC held 6 nationwide virtual meetings/webinars
  - Received over 5,000 individual comments; received in-person, via email, website, and regular mail
- Publication of Final EIS after receipt and review of Holtec responses to 3<sup>rd</sup> RAI

# Holtec CISF Adjudicatory Hearing/Litigation – Current Status

- Adjudicatory Hearing:
  - Board received 6 hearing petitions (including Fasken, Beyond Nuclear, and Sierra Club); approximately 46 separate contentions
  - No contentions were admitted; on appeal, Commission upheld Board's decision
  - Beyond Nuclear, Sierra Club, Fasken, Don't Waste Michigan have appealed to U.S. Court of Appeals, D.C. Circuit
- On March 29, 2021, the State of New Mexico filed suit in the U.S. District Court for New Mexico against the NRC to stop NRC's review of the Holtec International and the ISP license applications; Court dismissed the suit on March 10, 2022

**Questions?**