

**United States Court of Appeals
For the Fifth Circuit**

No. 21-60743

STATE OF TEXAS; GREG ABBOTT, GOVERNOR OF THE STATE OF
TEXAS; TEXAS COMMISSION ON ENVIRONMENTAL QUALITY;
FASKEN LAND AND MINERALS, LIMITED; and
PERMIAN BASIN LAND AND ROYALTY OWNERS,

Petitioners,

v.

NUCLEAR REGULATORY COMMISSION;
UNITED STATES OF AMERICA,

Respondents.

APPENDIX VOLUME I

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CERTIFICATE OF SERVICE

On this 16th day of May, 2022 a true and correct copy of the foregoing was filed with the Clerk's Office of the United States Court of Appeals for the Fifth Circuit, which currently provides electronic service on the counsel of record.

/s/ Allan Kanner
Allan Kanner

CERTIFICATION UNDER ECF FILING STANDARDS

Pursuant to paragraph A(6) of this Court's ECF Filing Standards, I hereby certify that (1) required privacy redactions have been made, 5th Cir. R. 25.2.13; (2) the electronic submission is an exact copy of the paper document, 5th Cir. R. 25.2.1; and (3) the document has been scanned for viruses with the most recent version of a commercial virus scanning program and is free of viruses.

/s/ Allan Kanner
Allan Kanner

Tab 1

identify additional opportunities for improving customers' experience.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2017-15212 Filed 7-19-17; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—Partnership for Research and Education in Materials, University of Puerto Rico at Humacao (UPRH) (#1203) Site Visit

Date and Time: August 17, 2017; 8:00 a.m.–6:00 p.m.; August 18, 2017; 8:00 a.m.–12:00 p.m.

Place: University of Puerto Rico at Humacao, PR 908, Humacao, 00792 Puerto Rico.

Type of Meeting: Part-Open.

Contact Person: Dr. Jose Caro, Program Director, Partnership for Research and Education in Materials, PREM. Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230; Telephone (703) 292-4914.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

Agenda

Thursday, August 17, 2017

- 7:15 a.m. Bus leaves Hotel in Palmas del Mar, Humacao to UPRH
- 7:45 a.m.–8:15 a.m. Continental Breakfast Executive Session for Site Visit Team. (Closed)
- 8:15 a.m.–8:30 a.m. Break
- 8:30 a.m.–8:45 a.m. Welcome and Overview by Administration
- 8:45 a.m.–9:30 a.m. PI's Overview of PREM
- 9:30 a.m.–9:45 a.m. Q&A for PI's and Administrator's Overviews
- 9:45 a.m.–10:15 a.m. Partner Institutions Interactions Q&A
- 10:15 a.m.–10:30 a.m. Break
- 10:30 a.m.–12:00 a.m. Research Presentations/Q&A
- 12:00 p.m.–12:15 p.m. Q&A for Science Presentations
- 12:15 p.m.–1:15 p.m. Lunch with students and post docs (no faculty).
- 1:15 p.m.–2:15 p.m. Facilities Overview and Visit

- 2:15 p.m.–2:45 p.m. Visiting Team with University Management (Closed)
- 2:45 p.m.–4:00 p.m. Poster Session with refreshments
- 4:00 p.m.–5:00 p.m. Executive session—SV Team only (Closed)
- 5:00 p.m.–5:45 p.m. SV Team meets with PREM Management Team
- 5:45 p.m. Adjourn
- 6:00 p.m. Bus leaves from Natural Sciences Building for dinner
- 6:30 p.m. Dinner (Panel and Faculty): El Makito Restaurant, Naguabo, PR
- 9:00 p.m. Bus leaves Restaurant to Hotel (Approximate time)

Friday, August 18, 2017

- 7:00 a.m. Bus leaves hotel to UPRH
 - 7:30 a.m.–8:00 a.m. Continental Breakfast
 - 8:00 a.m.–9:30 a.m. Education and Outreach Activities
 - 9:30 a.m.–9:45 a.m. Q&A for Educational and Outreach Presentations
 - 9:45 a.m.–10:00 a.m. Break
 - 10:00 a.m.–11:45 a.m. Executive Sessions for Site Visit Team only (Closed)
 - 11:45 a.m.–12:00 p.m. NFS Debriefing with PREM PI
 - 12:00 p.m. End of Site Visit
 - 12:00 p.m. Working Lunch for Site Visit Team
- Reason for Closing:* The work being reviewed during closed portions of the site visit will include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: July 17, 2017.
Crystal Robinson,
Committee Management Officer.
[FR Doc. 2017-15264 Filed 7-19-17; 8:45 am]
BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Closed teleconference of the Committee on Strategy of the

National Science Board, to be held Tuesday, July 25, 2017 from 10:30 a.m. to 12:00 Noon. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Committee Chair's opening remarks; Review and discussion of the FY 2019 budget submission to the Office of Management and Budget; Committee Chair's closing remarks.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Kathy Jacquart, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-8000.

You may find meeting information and updates (time, place, subject matter or status of meeting) at <http://www.nsf.gov/nsb/notices/>.

Dated: July 17, 2017.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017-15309 Filed 7-18-17; 11:15 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-1050; NRC-2016-0231]

Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

AGENCY: Nuclear Regulatory Commission.

ACTION: License application; withdrawal of notice of opportunity to request a hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing the notice of opportunity to request a hearing for Waste Control Specialists LLC's application to construct and operate a Consolidated Interim Storage Facility (CISF) for spent nuclear fuel at WCS's facility in Andrews County, Texas.

DATES: July 20, 2017.

ADDRESSES: Please refer to Docket ID NRC-2016-0231 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0231. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463;

email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the "Availability of Documents" Section II of this document.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0262; email: John-Chau.Nguyen@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

By letter dated April 28, 2016, as supplemented on July 20, August 19,

August 31, September 27, October 7, November 16, December 16, December 22, 2016, and March 16, 2017, WCS submitted an application for a specific license pursuant to part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste." In its letter, WCS requested authorization to store up to 5,000 metric tons of uranium for a period of 40 years in a CISF.

In addition, by letter dated July 21, 2016, WCS requested that the NRC initiate its environmental impact statement (EIS) process for the WCS CISF license application as soon as practicable. By letter dated October 7, 2016, the NRC informed WCS of its decision to start the EIS process in advance of making a decision on docketing the application. On November 14, 2016 (81 FR 79531), the NRC published a notice in the **Federal Register** announcing its intent to prepare an EIS and to open the scoping period for the EIS.

By letter dated January 26, 2017, the NRC informed WCS of its decision to accept the application and proceed with the technical review. Subsequently, on January 30, 2017 (82 FR 8773), the NRC published a notice in the **Federal Register** announcing the acceptance for docketing and opportunity to request a hearing and to petition for leave to intervene of the WCS application.

By letter dated March 16, 2017, WCS submitted Revision 1 to its license application. By letter dated April 18, 2017, WCS requested that the NRC temporarily suspend all safety and environmental review activities as well as public participation activities associated with WCS' license application. On April 19, 2017, WCS and the NRC staff jointly requested that the Commission withdraw the hearing notice, explaining that a new **Federal Register** notice to provide a fresh opportunity for interested persons to request a hearing would be issued if review of the application resumes. On May 10, 2017, the NRC staff granted WCS' request to temporarily suspend all safety and environmental review activities associated with its license application. On June 22, 2017, the Commission granted WCS's and the NRC staff's request and further directed that the NRC staff to publish a **Federal Register** notice withdrawing the opportunity to request a hearing on this license application and directed the NRC staff to publish a new notice of opportunity to request a hearing in the **Federal Register** if WCS requests that the NRC staff resume its review of WCS's application.

II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No.
WCS submittal of CISF license application, with Environmental Report	ML16132A533
WCS letter with schedule for response to NRC request for supplemental information	ML16193A314
WCS initial submittal in response to NRC request for supplemental information	ML16229A537
WCS submittal of supplemental security information	ML16235A467
WCS request for NRC to begin EIS process as soon as practicable	ML16229A340
WCS second submittal in response to NRC request for supplemental information	ML16265A454
WCS submittal of additional supplemental security information	ML16280A300
NRC response to WCS request to begin EIS process as soon as practicable	ML16285A317
WCS third submittal in response to NRC request for supplemental information	ML16287A527
WCS fourth submittal in response to NRC request for supplemental information	ML16330A116
WCS fifth submittal in response to NRC request for supplemental information	ML16356A346
WCS sixth submittal in response to NRC request for supplemental information	ML17018A292
NRC letter accepting application for review	ML17018A168
WCS license application Revision 1 submittal	ML17082A007
WCS request NRC to temporarily suspend all safety and environmental review activities	ML17110A206
NRC granting WCS request to temporarily suspend all safety and environmental review activities	ML17129A314

Dated at Rockville, Maryland, this 13th day of July 2017.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017-15239 Filed 7-19-17; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81146; File No. SR-NYSEMKT-2017-44]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.38E To Specify the Ranking of an Odd Lot Order That Has a Display Price That Is Better Than Its Working Price

July 14, 2017.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that on June 30, 2017, NYSE MKT LLC (the “Exchange” or “NYSE MKT”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.38E (Odd and Mixed Lots) to specify the ranking of an odd lot order that has a display price that is better than its working price. The proposed rule change is available on the Exchange’s Web site at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.38E (Odd and Mixed Lots) to specify the ranking of an odd lot order that has a display price that is better than its working price.

Rule 7.38E provides that the working price of an odd lot order will be adjusted both on arrival and when resting on the Exchange Book based on the limit price of the order as follows:

- If the limit price of an odd lot order is equal to or worse than the contra-side PBBO, it will have a working price equal to the limit price.
- If the limit price of an odd lot order is better than the contra-side PBBO, it will have a working price equal to the contra-side PBBO.
- If the PBBO is crossed, the odd lot order will have a working price equal to the same-side PBB or PBO.

By moving the working price, an odd lot order to buy (sell) will not trade at a price above (below) the PBO (PBB), or if the PBBO is crossed, above (below) the PBB (PBO). In either case, if the odd lot order is ranked Priority 2—Display Orders,⁴ its display price would not change when its working price is adjusted.

Exchange rules are currently silent regarding how a resting odd lot order that has a display price that is better than its working price would be ranked for trading at that working price.⁵ This scenario would only occur if a resting odd lot order is displayed at a price, and then an Away Market PBBO crosses that display price. In that limited scenario, pursuant to Rule 7.38E(b)(1) described above, the working price of the odd-lot order would be adjusted to a price inferior to the display price, but it would remain displayed at the now crossed price.

The Exchange proposes to specify that in such case, the ranking and priority category applicable to such an order at its display [sic], *i.e.*, the price it is

displayed and Priority 2—Display Orders, would govern its ranking for purposes of a trade at its different, inferior working price.⁶ This ranking would differ from the Exchange’s general rule that an order is ranked based on its working price.⁷ However, the Exchange believes that if the display price of an order is better than its working price, such order has already demonstrated a public willingness to trade at a more aggressive price because it continues to be published in a market data feed at the more aggressive display price.⁸ In such case, the order should receive the benefit of the ranking (both price and priority category) associated with its better display price when determining how that order would be traded at its working price. In other words, an odd-lot order with a better display price than its working price would not be ranked based on its working price, including that it would not be assigned Priority 3—Non-Display Orders at its working price.

The Exchange further believes that if an odd-lot order is assigned a new working price that is worse than its display price, such order should not be assigned a new working time. In other words, when trading at its working price, its time ranking would be based on the working time associated with its display price.⁹ Maintaining the original working time of such order would ensure that it maintains its original ranking, even if it trades at a different price.

To effect this change, the Exchange proposes to amend Rule 7.38E(b)(1) to provide that an odd-lot order ranked Priority 2—Display Orders would not be assigned a new working time if its working price is adjusted under Rule 7.38E(b)(1). In addition, if the display price of an odd lot order to buy (sell) is above (below) its working price, it would be ranked based on its display price.¹⁰

⁶ As described in Rule 7.36E(c), an order is ranked based on price, priority category, and time. Such ranking is only applicable once an order is resting on the Exchange Book.

⁷ Rule 7.36E(d) provides that all orders are ranked based on the working price of the order. Rule 7.36E(e)(3) generally provides that non-marketable orders for which the working price is not displayed have third priority behind Market Orders and non-marketable Limit Orders that are displayed at their working price. This proposed rule change would be an exception to these rules.

⁸ See Rule 7.36E(b)(1) (odd-lot sized orders are considered displayed for ranking purposes).

⁹ Rule 7.36E(f)(2) provides that an order is assigned a new working time any time the working price of the order changes. This proposed rule change would be an exception to this general rule.

¹⁰ For example, assume the PBBO is 10.07×10.10 and the Exchange receives orders ranked Priority

Continued

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

Tab 2

construction permit for the RPF even if the 10 CFR 70.21(f) timing requirement has not been met. The NRC is considering issuing the requested exemption. The proposed action would not significantly: (a) Affect probabilities of evaluated accidents; (b) affect margins of safety; (c) affect the effectiveness of programs contained in licensing documents; (d) increase effluents; (e) increase occupational radiological exposures; or (f) affect operations or decommissioning activities of the RPF. The reason the environment would not be significantly affected is because the requested exemption affects only the timing of construction and does not affect the previous evaluation regarding the environmental impacts of constructing and operating the NWMI RPF, as described in the Environmental Impact Statement for Construction Permit for the Northwest Medical Isotopes Radioisotope Production Facility, Final Report (NUREG–2209). The impacts of connected 10 CFR part 70 actions at the RPF were evaluated in NUREG–2209. On the basis of the EA included in Section II of this document, and incorporated herein by reference, the NRC has determined not to prepare an EIS for the proposed action. The related environmental documents are: (a) NWMI Exemption request dated December 17, 2017, as supplemented on March 12, 2018 (ADAMS Accession Nos. ML17362A040 and ML18088A175); (b) NWMI Preliminary Safety Analyses Report, Chapter 19, “Environmental Report,” Corvallis, OR, revision OA dated June 2015, (ADAMS Accession Nos. ML15210A123, ML15210A128, ML15210A129, and ML15210A131; and (c) NUREG–2209, “Environmental Impact Statement for the Construction Permit for the Northwest Medical Isotopes Radioisotope Production Facility,” issued in May 2018 (ADAMS Accession No. ML17130A862).

This FONSI and other related environmental documents may be examined, and/or copied for a fee, at the NRC’s PDR, located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly-available records are also accessible online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC’s PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to pdr.resource@nrc.gov.

Dated at Rockville, Maryland this 24th day of August, 2018.

For the Nuclear Regulatory Commission.
Brian W. Smith,
Deputy Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–18757 Filed 8–28–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1050; NRC–2016–0231]

Interim Storage Partner’s Waste Control Specialists Consolidated Interim Storage Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Revised license application; opportunity to request a hearing and to petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received a request from Interim Storage Partners, a joint venture between Waste Control Specialists, LLC (WCS) and Orano CIS, LLC by letters dated June 8, 2018, and July 19, 2018, to resume NRC staff review of a license application for the WCS Consolidated Interim Storage Facility (CISF) in Andrews County, Texas. By letter dated April 18, 2017, the previous applicant, WCS, asked NRC to temporarily suspend all safety and environmental review activities. **DATES:** A request for a hearing or petition for leave to intervene must be filed by August 29, 2018. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to Sensitive Unclassified Non-Safeguards Information (SUNSI) is necessary to respond to this notice must request document access by September 10, 2018.

ADDRESSES: Please refer to Docket ID NRC–2016–0231 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2016–0231. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the “Availability of Documents” section of this document.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0262; email: John-Chau.Nguyen@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received, by letter dated April 28, 2016, an application from WCS for a specific license pursuant to 10 CFR part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste.” WCS proposed to construct a Consolidated Interim Storage Facility (CISF) on its approximately 60.3 square kilometer (14,900 acre) site in western Andrews County, Texas. WCS currently operates facilities on this site that process and store Low-Level Waste and Mixed Waste (*i.e.*, waste that is considered both hazardous waste and Low-Level Waste). The facility also disposes of both hazardous waste and toxic waste.

On January 30, 2017, the NRC published two notices in the *Federal Register*: (1) A notice describing the closing date for the scoping period for the Environmental Impact Statement (EIS), and dates, times, and locations of scoping meetings wherein the NRC received oral comments as part of the EIS scoping process (82 FR 8771); and (2) a notice of its acceptance of the WCS application and an opportunity to request a hearing and petition for leave to intervene (82 FR 8773). On March 16, 2017 (82 FR 14039), the NRC published a notice in the *Federal Register* of an extension to the scoping period and

additional public meetings. On April 4, 2017, and in a corrected notice dated April 10, 2017, the NRC published in the **Federal Register** (82 FR 16435; 82 FR 17297) an order granting all petitioners an extension of time until May 31, 2017, to file hearing requests on WCS's license application. On July 20, 2017 (82 FR 33521), the NRC published a notice in the **Federal Register** that WCS had asked NRC to temporarily suspend all safety and environmental review activities. The July 20, 2017, notice in the **Federal Register** withdrew the notice of opportunity to request a hearing for WCS's application and explained that the NRC staff would publish a notice in the **Federal Register** if WCS requested that the NRC staff resume its review of WCS's application.

By letters dated June 8, 2018, and July 19, 2018, NRC received a request from Interim Storage Partners (ISP), a joint venture between WCS and Orano CIS, LLC to resume NRC staff review of the license application for the WCS Consolidated Interim Storage Facility (CISF) in Andrews County, Texas. ISP provided Revision 2 of the License Application, including a revised Safety Analysis Report and Environmental Report. In its June 8, 2018, letter, ISP stated that the Physical Security Plan and Safeguards Contingency Plan submitted with Revision 1 of its License Application remain applicable to the current application. The NRC staff has determined that Revision 1 of the Emergency Plan also remains applicable to the current application. Though ISP is the new owner, the name of the proposed facility remains the WCS CISF.

An NRC administrative completeness review found the revised application acceptable for a technical review. Prior to issuing the license, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (AEA), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report and an EIS.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR part 2. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at

<http://www.nrc.gov/reading-rm/doc-collections/cfr/>. A copy of the regulations is also available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d), the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of

this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to

submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59

p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory

documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

IV. Availability of Documents

The documents identified in this **Federal Register** notice are accessible to interested persons in ADAMS under the accession numbers identified in the table below.

Title	ADAMS accession No.
WCS CISF License Application, Revision 2, with Safety Analysis Report and Environmental Report	ML18206A595
WCS CISF Physical Security Plan, Revision 1, and Safeguards Contingency Plan, and Guard Training and Qualification Plan (redacted)	ML17075A289
WCS submittal of Supplemental Security Information (redacted)	ML16235A467
WCS submittal of Supplemental Security Information (redacted)	ML16280A300
WCS CISF Emergency Plan, Rev. 1	ML17082A054

V. Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)). Requirements for access to SGI are primarily set forth in 10 CFR parts 2 and 73. Nothing in this Order is intended to conflict with the SGI regulations.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI or SGI is necessary to respond to this notice may request access to SUNSI or SGI. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI or SGI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI, SGI, or both to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov* respectively.¹ The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

(3) If the request is for SUNSI, the identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention; and

(4) If the request is for SGI, the identity of each individual who would have access to SGI if the request is granted, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the SGI. In addition, the request must contain the following information:

(a) A statement that explains each individual's "need to know" the SGI, as required by 10 CFR 73.2 and 10 CFR 73.22(b)(1). Consistent with the definition of "need to know" as stated in 10 CFR 73.2, the statement must explain:

(i) Specifically why the requestor believes that the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in this proceeding;² and

(ii) The technical competence (demonstrable knowledge, skill, training, or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(b) A completed Form SF-85, "Questionnaire for Non-Sensitive Positions," for each individual who would have access to SGI. The completed Form SF-85 will be used by the Office of Administration to conduct the background check required for access to SGI, as required by 10 CFR part 2, subpart C, and 10 CFR 73.22(b)(2), to determine the requestor's trustworthiness and reliability. For security reasons, Form SF-85 can only be submitted electronically through the electronic questionnaire for investigations processing (e-QIP) website, a secure website that is owned and operated by the Office of Personnel Management. To obtain online access to

² Broad SGI requests under these procedures are unlikely to meet the standard for need to know; furthermore, NRC staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requestor's need to know than ordinarily would be applied in connection with an already-admitted contention or non-adjudicatory access to SGI.

the form, the requestor should contact the NRC's Office of Administration at 301-415-3710.³

(c) A completed Form FD-258 (fingerprint card), signed in original ink, and submitted in accordance with 10 CFR 73.57(d). Copies of Form FD-258 may be obtained by writing the Office of Administrative Services, Mail Services Center, Mail Stop P1-37, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by email to *MAILSVC.Resource@nrc.gov*. The fingerprint card will be used to satisfy the requirements of 10 CFR part 2, subpart C, 10 CFR 73.22(b)(1), and Section 149 of the Atomic Energy Act of 1954, as amended, which mandates that all persons with access to SGI must be fingerprinted for an FBI identification and criminal history records check.

(d) A check or money order payable in the amount of \$324.00⁴ to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted.

(e) If the requestor or any individual(s) who will have access to SGI believes they belong to one or more of the categories of individuals that are exempt from the criminal history records check and background check requirements in 10 CFR 73.59, the requestor should also provide a statement identifying which exemption the requestor is invoking and explaining the requestor's basis for believing that the exemption applies. While processing the request, the Office of Administration, Personnel Security Branch, will make a final determination whether the claimed exemption applies. Alternatively, the requestor may contact the Office of Administration for an evaluation of their exemption status prior to submitting their request. Persons who are exempt from the background check are not required to complete the SF-85 or Form FD-258; however, all other requirements for access to SGI, including the need to know, are still applicable.

Note: Copies of documents and materials required by paragraphs C.(4)(b), (c), and (d) of this Order must be sent to the following address: U.S. Nuclear Regulatory Commission, Attn: Personnel Security Branch, Mail Stop TWFN-03-B46M, 11555 Rockville Pike, Rockville, MD 20852.

³ The requestor will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requestor usually should be able to obtain access to the online form within one business day.

⁴ This fee is subject to change pursuant to the Office of Personnel Management's adjustable billing rates.

These documents and materials should *not* be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as required.

D. To avoid delays in processing requests for access to SGI, the requestor should review all submitted materials for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete packages to the sender without processing.

E. Based on an evaluation of the information submitted under paragraphs C.(3) or C.(4) above, as applicable, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI or need to know the SGI requested.

F. For requests for access to SUNSI, if the NRC staff determines that the requestor satisfies both E.(1) and E.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.⁵

G. For requests for access to SGI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2) above, the Office of Administration will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 CFR 73.22(b). If the Office of Administration determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requestor in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. Those conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement

or Affidavit, or Protective Order⁶ by each individual who will be granted access to SGI.

H. Release and Storage of SGI. Prior to providing SGI to the requestor, the NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection system is sufficient to satisfy the requirements of 10 CFR 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

I. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI or SGI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.

J. Review of Denials of Access.

(1) If the request for access to SUNSI or SGI is denied by the NRC staff either after a determination on standing and requisite need, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) Before the Office of Administration makes a final adverse determination regarding the trustworthiness and reliability of the proposed recipient(s) for access to SGI, the Office of Administration, in accordance with 10 CFR 2.336(f)(1)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 CFR 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

(3) The requestor may challenge the NRC staff's adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer

has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(4) The requestor may challenge the Office of Administration's final adverse determination with respect to trustworthiness and reliability for access to SGI by filing a request for review in accordance with 10 CFR 2.336(f)(1)(iv).

(5) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

K. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.⁷

L. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

⁷ Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI request submitted to the NRC staff under these procedures.

⁵ Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

⁶ Any motion for Protective Order or draft Non-Disclosure Agreement or Affidavit for SGI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 180 days of the deadline for the receipt of the written access request.

It is so ordered.

Dated at Rockville, Maryland, this 24th of August, 2018.

For the Nuclear Regulatory Commission.
Rochelle C. Bavol, Acting,
Secretary of the Commission.

**Attachment 1—General Target
 Schedule for Processing and Resolving
 Requests for Access to Sensitive
 Unclassified Non-Safeguards
 Information and Safeguards
 Information in This Proceeding**

Day	Event/activity
0	Publication of Federal Register notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (<i>e.g.</i> , showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no "need," no "need to know," or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes a final adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff trustworthiness or reliability determination under 10 CFR 2.336(f)(1)(iv).
A	If access granted: Issuance of a decision by a presiding officer or other designated officer on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2018-18758 Filed 8-28-18; 8:45 am]
 BILLING CODE 7590-01-P

**NUCLEAR WASTE TECHNICAL
 REVIEW BOARD**

**Senior Executive Service Performance
 Review Board**

AGENCY: U.S. Nuclear Waste Technical Review Board.

ACTION: Notice of Performance Review Board membership.

SUMMARY: This notice announces the membership of the Nuclear Waste Technical Review Board (NWSTRB) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: August 27, 2018.

FOR FURTHER INFORMATION CONTACT: Neysa M. Slater-Chandler by telephone at 703-235-4480, or via email at *slater-chandler@nwtrb.gov*, or via mail at 2300

Clarendon Blvd., Suite 1300, Arlington, VA 22201.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c)(1) through (5) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards.

The PRB shall review and evaluate the initial summary rating of a senior executive's performance, the executive's response, and the higher-level official's comments on the initial summary rating. In addition, the PRB will review

Tab 3



AMERICA'S NUCLEAR SOLUTION

April 28, 2016

Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
Division of Spent Fuel Management
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Subject: License Application to Construct and Operate a Consolidated Interim Storage Facility for Spent Nuclear Fuel in Andrews County, Texas, Docket 72-1050

Dear Mr. Lombard:

Waste Control Specialists LLC (WCS) hereby files its specific license application requesting authorization to construct and operate a Consolidated Interim Storage Facility (CISF) for Spent Nuclear Fuel and Reactor-Related Greater Than Class C Low-Level Waste (referred to henceforth as SNF) in Andrews County, Texas.

WCS requests authorization to possess 5,000 Metric Tons of Uranium (MTU) for dry-cask storage of SNF for a duration of 40 years. The license application focuses primarily on receiving SNF from the existing permanently shutdown and/or decommissioned commercial reactors across the U.S. WCS believes that this approach will allow for the safe consolidated interim storage of SNF in a community that has expressed its willingness to host such a facility consistent with the recommendations from President Barack Obama's Blue Ribbon Commission on America's Nuclear Future, until such time that a permanent geologic repository is licensed, constructed, and able to serve the nation's need as envisioned under the Nuclear Waste Policy Act of 1982.

The purpose and objective of licensing the CISF in Andrews County, Texas, is to allow the removal of SNF and the return of decommissioned reactor sites to a green field status. These lands may be subsequently repurposed in ways that economically benefit the communities that had been willing to host commercial nuclear reactors needed to generate electricity. A conservative and comprehensive cost-benefit analysis concluded that this is an economically efficient solution that could reduce the expenditure of the Federal Government by hundreds of millions of dollars compared to the "no action" alternative. Additionally, by allowing the federal government to meet its obligations to take spent nuclear fuel, this approach could also allow the burden to shift to the ratepayers, who have already paid into the Nuclear Waste Fund, and save taxpayers over 5.4 billion dollars. Finally, there could be a benefit of over 1 billion dollars to the local communities that are currently hosting or that will in the future host de facto "interim storage facilities" at

Corporate
5430 LBJ Freeway, Ste. 1700
Three Lincoln Centre
Dallas, TX 75240
Ph. 972.715.9800
Fx. 972.448.1419

Facility
P.O. Box 1129
Andrews, TX 79714
Ph. 888.789.2783
Fx. 432.525-8902

NM5526

Enclosures transmitted herein contain SUNSI. When separated from enclosures, this transmittal document is decontrolled.

C.I. 5.1

000013

Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
April 28, 2016

decommissioning reactor sites, in that they would be able to more constructively repurpose land being used for no other function than to store “stranded” fuel.

As specified in the license application, WCS anticipates that the U.S. Department of Energy (DOE) would take title to the SNF and transport it from existing storage sites across the U.S. to the CISF.

WCS has prepared the license application consistent with the requirements specified in Title 10 of the Code of Federal Regulations (CFR), Part 72, *Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste*. WCS also relied on information provided in Regulatory Guide (RG) 3.50, *Standard Format and Content for a Specific License Application for an Independent Spent Fuel Storage Installation or Monitored Retrievable Storage Facility*, to prepare the license.

The specific license application contains the following:

- A Safety Analysis Report (SAR) which contains the information specified in 10 CFR 72.24, Contents of application: Technical information. It was prepared following the information provided in RG-3.48, *Standard Format and Content for the Safety Analysis Report for an Independent Spent Fuel Storage Installation or Monitored Retrievable Storage Installation (Dry Storage)*. Information provided in NUREG-1567, *Standard Review Plan for Spent Fuel Dry Storage Facilities*, was also used to prepare the SAR.
- A Quality Assurance Program Description is provided in Chapter 6 and Appendix C to the license application pursuant to 10 CFR 72.24(n) and 72.140(d).
- The Physical Security Plan, including the guard training, and a Safeguard Contingency Plan, are provided pursuant to 10 CFR 72.24(o), 72.180, and 72.184, respectively, separately as part of this license application because it contains Safeguards Information.
- Proposed Technical Specifications are provided in Appendix A of the license application pursuant to the requirements specified in 10 CFR 72.26.
- A description of WCS’ technical qualifications is provided in Chapters 2 of the license application pursuant to 10 CFR 72.28.
- WCS’ proposed training program is similarly described in Chapter 7 of the license application as required under 10 CFR 72.28(b) and §72, Subpart I.
- A proposed decommissioning plan and decommissioning funding plan is provided in Chapter 10, as well as Appendices B and D of license application. A decommissioning cost estimate supporting the license application was prepared following NUREG-1757, *Consolidated Decommissioning Guidance*.

Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
April 28, 2016


- WCS' Emergency Response Plan (ERP) is included as part of this application pursuant to 10 CFR 72.32. This plan was prepared to include the location and hazards associated with storing SNF at the CISF following RG 3.67, *Standard Format and Content for Emergency Plans for Fuel Cycle and Materials Facilities*, and other guidance specified in the ERP.
- An Environmental Report was prepared to assess the radiological and non-radiological impacts associated with storing up to 40,000 MTU of SNF for a period of 40 years following NUREG-1748, *Environmental Review Guidance for Licensing Actions Associated with NMSS Programs*. WCS ensured that the cumulative environmental impacts associated with storing SNF at the CISF were evaluated in a manner that avoids segmentation of the requirements specified in the National Environmental Policy Act of 1969. WCS also incorporated by reference Environment Impact Statements previously conducted by the NRC related to the transportation and storage of SNF, as well as at the National Enrichment Facility located on property adjacent to the CISF.
- Proposed license conditions are provided in Chapter 13 of the license application pursuant to 10 CFR 72.44.

WCS hereby files its license application with the NRC. Both proprietary and non-proprietary versions of the license application and supporting documents are provided herein accompanied by the enclosed affidavits pursuant to 10 CFR 2.390.

WCS requests that a copy of all correspondence regarding this matter be directly emailed to my attention (skirk@valhi.net) as soon as possible after issuance. If you have any questions or need additional information, please call me at 972-450-4284.

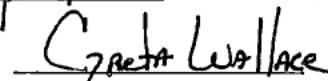
I certify under penalty of perjury that the foregoing is true and correct.

Executed on April 25, 2016.



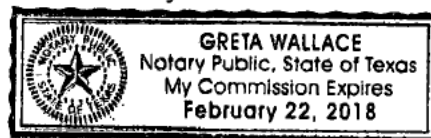
 J. Scott Kirk, CHP
 Vice President of Licensing and Regulatory Affairs

I certify the above named person appeared before me and executed this document on this the 25th day of April, 2016.



 Notary Public

February 22, 2018
 My commission expires



C.I. 5.1

Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
April 28, 2016

cc: entire submittal (computer DVD)

John-Chau Nguyen, NRC
WCS Records Management
Charles Maguire, TCEQ

cc: w/o enclosures (paper copy)

Scott Moore, NRC
Rodney Baltzer, WCS
Elicia Sanchez, WCS
Jay Cartwright, WCS
Jay Britten, WCS
Jeremy Vesely, WCS
Michael McMahon, AREVA
Kent Cole, NAC International
WCS Regulatory Compliance

Enclosures:

1. WCS Application for a License for a Consolidated Interim Spent Fuel Storage Facility
2. WCS Consolidated Interim Storage Facility System Safety Analysis Report, Revision 0 (Proprietary Version)
3. WCS ERP-100, Consolidated Emergency Response Plan, 04-19-2016 Revision
4. WCS Consolidated Interim Spent Fuel Storage Facility Environmental Report, Revision 0 (Proprietary Version)
5. Affidavits Pursuant to 10 CFR 2.390
 - Waste Control Specialist LLC (two affidavits)
 - AREVA (E-45107)
 - NAC International
6. Calculations (Proprietary)
 - WCS01-0502 Revision 0, Confinement Evaluation (Proprietary)
 - 30039-2020 Revision 0, MPC Concrete Cask Lift Evaluation (Proprietary)
7. Drawings
 - 414-862 Revision 6, Loaded Vertical Concrete Cask (VCC) CY-MPC
 - 414-866 Revision 6, Reinforcing Bare and Concrete Placement, Vertical Concrete Cask (VCC) CY-MPC
 - 455-862 Revision 9, Loaded Vertical Concrete Cask (VCC) MPC-Yankee
 - 455-866 Revision 6, Reinforcing Bare and Concrete Placement, Vertical Concrete Cask (VCC) MPC-Yankee
 - 630045-862 Revision 1, Loaded Vertical Concrete Cask (VCC) MPC-LACBWR
 - 630045-866 Revision 2, Reinforcing Bare and Concrete Placement, Vertical Concrete Cask (VCC) MPC-LACBWR

Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
April 28, 2016

8. WCS Procedure QP-10.02 Revision 1, Post Transport Package Evaluation (Proprietary)
9. ADAMS Accession Numbers Tables
 - NAC International Inc.
 - NUHOMS® Systems
10. LCO Matrices for Various Licenses and CoCs
11. CISF LA NUREG-1567 Cross Reference Matrix, Rev. 06.xlsx
12. Canister Licensing Histories
13. WCS Consolidated Interim Storage Facility System Safety Analysis Report, Revision 0 (Non-proprietary Version)
14. WCS Consolidated Interim Spent Fuel Storage Facility Environmental Report, Revision 0 (Non-proprietary Version)

Document Components:

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Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
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Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
April 28, 2016

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Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
April 28, 2016

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Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
April 28, 2016

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Mr. Mark Lombard, Director
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April 28, 2016

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Tab 4

WCS Consolidated Interim Spent Fuel
Storage Facility
Environmental Report

(Public Version)

Docket Number 72-1050

Revision 0

CONSOLIDATED INTERIM SPENT FUEL STORAGE FACILITY
DOCKET NO. 72-1050

ENVIRONMENTAL REPORT

WASTE CONTROL SPECIALISTS LLC
ANDREWS COUNTY, TEXAS



AMERICA'S NUCLEAR SOLUTION

CHAPTER 1

INTRODUCTION OF THE ENVIRONMENTAL REPORT

1.0 INTRODUCTION

Waste Control Specialists LLC (WCS) has prepared a license application for a Consolidated Interim Storage Facility (CISF) for approval by the U.S. Nuclear Regulatory Commission (NRC) pursuant to the requirements specified in Title 10 of the Code of Federal Regulations (CFR), Part 72, *Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor- Related Greater Than Class C Waste*. On the currently controlled WCS property of 5,666 ha (14,000 acres) in Andrews County, Texas the CISF would be constructed and operated on an approximately 41 ha (100 acre) initial footprint within an approximately 130 ha (320 acre) parcel where security would be maintained.

WCS has prepared this Environmental Report (ER) to evaluate the radiological and non-radiological impacts associated with the construction and operation of the CISF for Spent Nuclear Fuel (SNF) and Reactor-Related Greater than Class C Low-Level Radioactive Waste (LLRW) (henceforth referred to collectively as SNF) in Andrews County, Texas. WCS is currently requesting authorization to possess and store 5,000 Metric Tons of Uranium (MTUs), which includes a small quantity of mixed oxide fuel. If the requested license is issued by the NRC, WCS anticipates subsequently requesting an amendment to the license to request authorization to possess and store an additional 5,000 MTUs of SNF for each of seven subsequent expansion phases to be completed over the course of 20 years. Ultimately, WCS anticipates that 40,000 MTUs of SNF would be stored at the CISF upon completion of all eight phases. Therefore, this report analyzes the environmental impacts of possession and storage of 40,000 MTUs of SNF.

This ER was prepared to support a License Application for review and approval by the NRC pursuant to the requirements specified in 10 CFR Part 72.34 and in 10 CFR 51.61, *Environmental Report—Independent Spent Fuel Storage Installation (ISFSI) or Monitored Retrievable Storage Installation (MRS) license*. WCS prepared this ER consistent with the guidance provided in two regulatory documents:

**WASTE CONTROL SPECIALISTS LLC
ENVIRONMENTAL REPORT****CHAPTER 1**

- Regulatory Guide 3.50, *Standard Format and Content for A Specific License Application for an Independent Spent Fuel Storage Installation or Monitored Retrievable Storage Facility* (NRC, 2014c)
- NUREG-1748, *Environmental Review Guidance for Licensing Actions Associated with NMSS Programs* (NRC, 2003)

WCS anticipates that the NRC would issue the Final Environmental Impact Statement (FEIS) and License by June 2019. Phase 1 construction would begin after issuance of the license and after WCS successfully enters into a contract for storage with the U.S. Department of Energy (DOE). Construction is estimated to take approximately one year to complete. Both construction and preoperational testing are expected to be complete by December 2020. WCS anticipates continued storage for approximately 60 years or until a final geologic repository is licensed and operating in accordance with the Nuclear Waste Policy Act (NWPA) of 1982, as amended.

History and Background

Since 1997, WCS has been licensed and authorized to treat, store, and dispose of certain types of radioactive materials at its facilities located in Andrews County, Texas. WCS is authorized to dispose of Class A, B, and C LLRW at the Texas Compact Waste Disposal Facility and the Federal Waste Disposal Facility (TCEQ, 2015a). WCS is also authorized to dispose of 11e.(2) byproduct materials at its Byproduct Material Disposal Facility (TCEQ, 2015b). These activities are regulated by the Texas Commission on Environmental Quality (TCEQ) under regulations determined to be compatible with NRC requirements, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

The U.S. Congress enacted the NWPA of 1982 charging the DOE with developing a geologic repository for the disposal of SNF generated by commercial nuclear power plants located throughout the U.S. In 1987, Congress amended the NWPA to streamline and focus waste management on developing the geologic repository at Yucca Mountain, located in Nye County, Nevada. Pursuant to the NWPA, the DOE was responsible for licensing Yucca Mountain with operations beginning on January 31, 1998.

On July 23, 2002, President George W. Bush approved Congressional legislation designating Yucca Mountain as the final geologic repository intended for the disposal of commercial SNF and high level waste generated by the federal government. The DOE submitted a license application to the NRC for authorization to construct and operate Yucca Mountain. The NRC

**WASTE CONTROL SPECIALISTS LLC
ENVIRONMENTAL REPORT****CHAPTER 1****1.2 The Proposed Action**

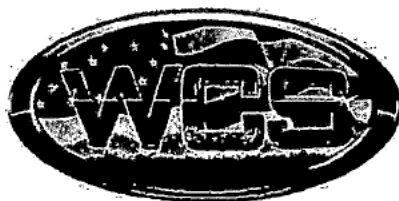
WCS is requesting authorization to construct and operate a CISF in Andrews County, Texas (Figure 1.2-1). The CISF would be located on approximately 130 ha (320 acres) of land just north of and adjacent to the WCS LLRW Disposal Facilities licensed by the TCEQ in accordance with Texas Radioactive Material License No. R04100 (TCEQ 2015a) (Figure 1.2-2).

WCS is requesting authorization to store up to 5,000 MTU in Phase 1, but has analyzed the environmental impacts of storing up to 40,000 MTU at the CISF. The major benefit of the proposed actions of the Proposed Action is authorizing the receipt of the SNF currently in storage at the shutdown decommissioned reactor facilities, thus returning the land at the reactor sites to greenfield status. After the land has been returned to greenfield status the communities that hosted the commercial reactor plants would gain additional benefits as the land could be redeveloped for other purposes. Additional benefits of the Proposed Action should the NRC authorize future construction of Phases 2 through 8 and to store additional SNF is that it would provide a regulatory path forward to receive SNF from other commercial reactors that may be decommissioned in the future, as well from operating commercial reactors prior to decommissioning. Providing a regulatory path forward as described in the Proposed Action would serve as an interim storage facility until a geologic repository can be opened.

WCS would use existing dry cask storage systems currently used at several operating commercial nuclear power plants in the U.S. and abroad. These dry cask storage systems store SNF inside of sealed canisters instead of in a spent fuel pool. These dry cask storage systems are safe and confine radioactive materials, thereby minimizing the potential release of radioactive contamination into the environment.

The dry cask storage systems that would be employed at the CISF are currently licensed by the NRC in accordance with 10 CFR Part 72 and therefore comply with the NRC requirements for the independent storage of SNF. WCS anticipates the SNF would be stored at the CISF for 60-100 years before a permanent geologic repository is opened consistent with the NRC's Continued Storage Rule.

Tab 5



AMERICA'S NUCLEAR SOLUTION

July 6, 2016

Mr. Mark Lombard, Director
U.S. Nuclear Regulatory Commission
Division of Spent Fuel Management
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

- References: (1) Letter from J. Scott Kirk (WCS) to Mark Lombard (NRC), License Application to Construct and Operate a Consolidated Interim Storage Facility for Spent Nuclear Fuel in Andrews County, Texas, dated April 28, 2016
- (2) Letter from Mark Lombard (NRC) to Scott Kirk (WCS), Acceptance Review of Specific License Application Requesting Authorization to Construct and Operate a Consolidated Interim Storage Facility for Spent Nuclear Fuel – Supplemental Information Needed, dated June 22, 2016

Subject: Supplemental Information to Support the License Application for an Interim Storage Facility for Spent Nuclear Fuel in Andrews County, Texas, Docket 72-1050

Dear Mr. Lombard:

Pursuant to Reference 2, Waste Control Specialists LLC (WCS) hereby responds to the Request for Supplemental Information (RSI) regarding our license application to construct and operate a Consolidated Interim Storage Facility (CISF) for Spent Nuclear Fuel in Andrews County, Texas. The NRC requested that WCS notify the NRC within two weeks of receipt of Reference 2 of whether we could fully respond to the RSIs by July 20, 2016.

As contained herein, WCS is providing the schedule for completing each of the RSIs. WCS is also providing notification that the requested information needed to supplement the license for a significant number of the issues raised by the NRC (in Reference 2) will be provided within 28 days. As you know, some of the specific questions requested information that necessarily requires additional discussions between us and/or completion of analyses that will add time to our response date for these. This supplemental information can be provided in accordance with the attached schedule. WCS will be keeping NRC advised of our progress and will provide written notification to the NRC should the scheduled dates for completing any of the RSIs require adjusting.

Corporate
5430 LBJ Freeway, Ste. 1700
Three Lincoln Centre
Dallas, TX 75240
972-715-9800
Fax. 972-448-1419

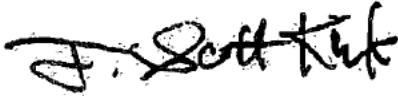
Facility
P.O. Box 1129
Andrews, TX 79714
888-789-2783
Fax. 432-525-8902

nm5526
C.I. 8

000031

July 6, 2016
Page 2 of 2

WCS requests that a copy of all correspondence regarding this matter be directly emailed to my attention (skirk@valhi.net) as soon as possible after issuance. If you have any questions or need additional information, please call me at 972-450-4284.



J. Scott Kirk, CHP
Vice President of Licensing and Regulatory Affairs

Attachment

cc:

Scott Moore, NRC	John-Chau Nguyen, NRC	Rodney Baltzer, WCS
Betsy Madru, WCS	Elicia Sanchez, WCS	Jeremy Vesely, WCS
Mike Lynch, AREVA	Kent Cole, NAC International	
WCS Records Management	WCS Regulatory Compliance	

C.I. 8

000032

Waste Control Specialists LLC
RSI Response Schedule

Safety Analysis Report Non-Proprietary				
Multi-Discipline	20-Jul-16	31-Aug-16	30-Sep-16	31-Oct-16
		1.1		1.2 1.2.a 1.2.b
General	1.1.a	4.2	1.2	4.1
	1.1.b	4.3	10.1	4.4
	1.1.c	4.5	15.1	5.4
	1.1.d	4.6	16.1	5.7
	1.1.e	4.7		7.1
	2.1	4.8		9.3
	2.2	5.1		9.7
	2.3.a	5.2		
	2.3.b	5.3		
	2.3.c	5.5		
	2.3.d	6.1		
	5.6	6.2		
	7.2	6.3		
	8.2	8.1		
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	9.1	9.4		
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	9.1.b	11.1		
	9.1.c	11.2		
	9.1.d	17.1		
	9.1.e			
	9.1.f			
	9.1.g			
	9.5			
	9.6			
	9.8			
	10.2			
	10.4			
	12.1			
	12.2			
	12.3			
	12.4			
	12.5			
	12.6			
Total	34	21	4	10
Percent Complete	49.28%	30.43%	5.80%	14.49%

Waste Control Specialists LLC
RSI Response Schedule

Environmental Report				
	20-Jul-16	31-Aug-16	30-Sep-16	31-Oct-16
	18.1			
	18.2			
Total	2	0	0	0
Percent Complete	100.00%	0.00%	0.00%	0.00%

Safety Analysis Report Proprietary				
	20-Jul-16	31-Aug-16	30-Sep-16	31-Oct-16
	2.1		10.1	9.1
	2.2			
	9.2			
Total	3	0	1	1
Percent Complete	60.00%	0.00%	20.00%	20.00%

Physical Security Plan				
	20-Jul-16	31-Aug-16	30-Sep-16	31-Oct-16
General	1			
Specific	1	3	4	
	2	5	15	
	9	6	18	
	11	7	19	
	12	8	27	
	13	10		
	16	14		
	22	17		
	23	20		
	24	21		
	25	26		
Total	12	11	5	0
Percent Complete	42.86%	39.29%	17.86%	0.00%

Tab 6

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Waste Control Specialists Application
EIS Public Scoping Comment Meeting

Docket Number: 72-1050

Location: Hobbs, New Mexico

Date: Monday, February 13, 2017

Work Order No.: NRC-2861

Pages 1-137

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC SCOPING MEETING FOR THE
ENVIRONMENTAL IMPACT STATEMENT FOR WASTE CONTROL
SPECIALISTS LLC'S APPLICATION FOR A
CONSOLIDATED INTERIM STORAGE FACILITY FOR SPENT
NUCLEAR FUEL, ANDREWS COUNTY, TEXAS

+ + + + +

Monday, February 13, 2017

+ + + + +

Lea County Event Center
5101 N. Lovington Highway
Hobbs, New Mexico

The above-entitled meeting was conducted
at 6:00 p.m.

FACILITATORS:

BRETT KLUKAN

CRIS BROWN

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

C.I. 16

Tab 7

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Waste Control Specialists Application
EIS Public Scoping Comment Meeting

Docket Number: 72-1050

Location: Andrews, Texas

Date: Wednesday, February 15, 2017

Work Order No.: NRC-2861

Pages 1-115

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Washington, D.C. 20005
(202) 234-4433

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC SCOPING MEETING FOR THE ENVIRONMENTAL IMPACT

STATEMENT FOR WASTE CONTROL SPECIALISTS LLC'S

APPLICATION FOR A CONSOLIDATED INTERIM STORAGE

FACILITY FOR SPENT NUCLEAR FUEL,

ANDREWS COUNTY, TEXAS

+ + + + +

Wednesday, February 15, 2017

+ + + + +

James Roberts Center

855 E. Broadway

Andrews, Texas

+ + + + +

6:00 p.m.

FACILITATORS:

BRETT KLUKAN

CRIS BROWN

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

C.I. 17

Tab 8

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Public Scoping Meeting for the Environmental Impact Statement for Waste Control Specialists LLC's Application for a Consolidated Interim Storage Facility for Spent Nuclear Fuel, Andrews County, Texas

Docket Number: 72-1050

Location: Rockville, Maryland

Date: February 23, 2017

Work Order No.: NRC-2888

Pages 1-122

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PUBLIC SCOPING MEETING FOR THE ENVIRONMENTAL IMPACT
STATEMENT FOR WASTE CONTROL SPECIALISTS LLC'S
APPLICATION FOR A CONSOLIDATED INTERIM STORAGE
FACILITY FOR SPENT NUCLEAR FUEL,
ANDREWS COUNTY, TEXAS

+ + + + +

THURSDAY,

FEBRUARY 23, 2017

+ + + + +

ROCKVILLE, MARYLAND

+ + + + +

The Public Scoping Meeting was convened
in the Commissioners' Hearing Room at the Nuclear
Regulatory Commission, One White Flint North, 11555
Rockville Pike, at 1:00 p.m., Brian Smith presiding.

NRC STAFF PRESENT:

BRIAN SMITH, Deputy Director, Division of Fuel Cycle
Safety, Safeguards, and Environmental Review,
Office of Nuclear Material Safety and

NEAL R. GROSS

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Tab 9

March 13, 2017

MEMORANDUM TO: Cinthya Román, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

FROM: James Park, Project Manager **/RA/**
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

SUBJECT: SUMMARY OF FEBRUARY 13, FEBRUARY 15, AND
FEBRUARY 23, 2017 PUBLIC SCOPING MEETINGS FOR WASTE
CONTROL SPECIALISTS LLC'S PROPOSED CONSOLIDATED
INTERIM STORAGE FACILITY, ANDREWS COUNTY, TEXAS
(DOCKET NUMBER 72-1050)

The U.S. Nuclear Regulatory Commission (NRC) staff conducted three public scoping meetings related to the staff's environmental review of a license application from Waste Control Specialists LLC (WCS) to construct and operate a consolidated interim storage facility for spent nuclear fuel in Andrews County, Texas. The public scoping meetings were held on Monday, February 13 at the Lea County Event Center, in Hobbs, New Mexico; on Wednesday, February 15 at the James Roberts Center in Andrews, Texas; and on Thursday, February 23, 2017, at the NRC Headquarters in Rockville, Maryland.

Each meeting began with a formal presentation given by the NRC staff that addressed the purpose of the meetings, NRC's regulatory mission and responsibilities, the safety and environmental review process, and the environmental impact statement (EIS) process. After the staff's presentation, there was a question and answer period, and then members of the public were invited to provide comments on the scope of the EIS.

The meetings in Hobbs, NM and Andrews, TX, respectively, were preceded by an informal "open house." During the open house, the staff provided displays and brochures and met with members of the public to answer questions about the proposed WCS CISF application. In an effort to reach a broader audience and increase interactions with members of the public, the NRC staff transmitted the February 23, 2017, meeting via web cast and provided a moderated telephone line to allow members that could not attend the meetings in person provide oral scoping comments.

C. Román

2

Approximately 170 people attended the meeting in Hobbs, and approximately 300 people attended the meeting in Andrews, and 70 people attended the meeting in Rockville, MD. The participants included members of the NRC staff, members of the public, WCS representatives, state and local government officials, members of public advocacy organizations, and the news media. Public comments were mainly focused on:

- contamination of water resources,
- transportation risks,
- socioeconomics benefits and burdens,
- environmental justice,
- emergency management,
- "de facto" final repository concerns,
- terrorism,
- cumulative impacts, and
- integrity/robustness of the casks.

Enclosure 1, 2, and 3 contain the meeting transcripts for the Hobbs, NM, Andrews, TX, and Rockville, MD, scoping meetings, respectively. Enclosure 3 is a copy of the NRC staff's meeting slides. The public meeting notice for each meeting is available on the NRC's public meeting web page at <https://www.nrc.gov/pmns/mtg>. The NRC staff's presentations and transcripts for the meetings are also available on the NRC's public web page for its review of the WCS license application at <https://www.nrc.gov/waste/spent-fuel-storage/cis/waste-control-specialist.html>.

CONTACT: James Park, NMSS
(301) 415-6954

Docket No.: 72-1050

Enclosures:

1. Hobbs, NM – ML17061A744
2. Andrews, TX – ML17062A614
3. Rockville, MD – ML17067A323
4. Slides and Material - ML17058A036

ADAMS Package Accession Number: ML17072A457

OFFICE	FCSE/ERB	FCSE/ERB	FCSE/ERB
NAME	JPark	AWalker-Smith	CRoman
DATE	3/10/17	3/10/17	3/10/2017

OFFICIAL RECORD COPY

Tab 10

PUBLIC MEETING ANNOUNCEMENT

Title: PUBLIC SCOPING MEETING FOR THE ENVIRONMENTAL IMPACT STATEMENT FOR WASTE CONTROL SPECIALISTS LLC'S APPLICATION FOR A CONSOLIDATED INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL, ANDREWS COUNTY, TEXAS

Date(s) and Time(s): April 06, 2017, 07:00 PM to 10:00 PM

Location: NRC One White Flint North, Commission Hearing Room
11555 Rockville Pike
Rockville, MD

Category: This is a Category 3 meeting. Public participation is actively sought for this meeting to fully engage the public in a discussion of regulatory issues.

Purpose: To conduct a public scoping meeting for the NRC's Environmental Impact Statement (EIS) for Waste Control Specialist LLC (WCS) license application to construct and operate a consolidated interim storage facility (CISF) for spent nuclear fuel at the WCS site in Andrews County, Texas.

At the meeting, the NRC will receive comments from the public on the appropriate scope of issues to be considered in, and the content of the EIS.

Contact: James Park
301-415-6954
James.Park@nrc.gov

Participants:	<u>NRC</u>	<u>External</u>
	NRC Staff	Public

Teleconference:	<u>Bridge Number</u>	<u>Pass Code</u>
	(800) 619-9084	3009542

Webinar:	<u>URL</u>	<u>Meeting Number</u>	<u>Password</u>
	https://video.nrc.gov/	None	None

Docket No: 07201050

Comments: Members of the public who will attend the meeting in person, and those wishing to present oral comments may register in advance by contacting Ms. Antoinette Walker-Smith at (301) 415-6957, or by email to Antoinette.Walker-Smith@nrc.gov, no later than April 3, 2017. Those comments may be limited by the time available, depending on the number of persons who wish to speak. Please provide name and company or organization for each attendee. Arrive 30 minutes early to allow time for security registration.

PUBLIC MEETING AGENDA

PUBLIC SCOPING MEETING FOR THE ENVIRONMENTAL IMPACT STATEMENT FOR WASTE CONTROL SPECIALISTS LLC'S APPLICATION FOR A CONSOLIDATED INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL, ANDREWS COUNTY, TEXAS

April 06, 2017, 07:00 PM to 10:00 PM

NRC One White Flint North, Commission Hearing Room
11555 Rockville Pike
Rockville, MD

<i>Time</i>	<i>Topic</i>	<i>Speaker</i>
7:00pm - 7:05pm	Opening Remarks and Introductions	Meeting Facilitator
7:05pm - 7:15pm	Welcome and Meeting Purpose	NRC Staff
7:15pm - 7:30pm	NRC Mission and Regulatory Role	NRC Staff
7:30pm - 7:50pm	NRC Licensing Review/EIS Process	NRC Staff
7:50pm - 8:00pm	Question and Answer Period	Public/NRC Staff
8:00pm - 9:55pm	Receive Public Comments	Public/NRC Staff
9:55pm - 10:00pm	Closing Remarks	Meeting Facilitator

Tab 11



AMERICA'S NUCLEAR SOLUTION

March 16, 2017

WCS-CISF-17-001

Mr. Michael Layton, Director
U.S. Nuclear Regulatory Commission
Division of Spent Fuel Management
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Mr. Layton:

Waste Control Specialists LLC (WCS) hereby files Revision 1 to its specific license application requesting authorization to construct and operate a Consolidated Interim Storage Facility (CISF) for Spent Nuclear Fuel and Reactor-Related Greater Than Class C (GTCC) Low-Level Waste in Andrews County, Texas.

WCS has prepared Revision 1 of the license application consistent with the requirements specified in Title 10 of the Code of Federal Regulations (CFR), Part 72, *Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste*. WCS also relied on information provided in Regulatory Guide (RG) 3.50, *Standard Format and Content for a Specific License Application for an Independent Spent Fuel Storage Installation or Monitored Retrievable Storage Facility*, RG 3.48, *Standard Format and Content for the Safety Analysis Report for an Independent Spent Fuel Storage Installation or Monitored Retrievable Storage Installation (Dry Storage)*, and NUREG-1567, *Standard Review Plan for Spent Fuel Dry Storage Facilities*.

Revision 1 of the specific license application contains the following changes:

- Revision 1 of the Safety Analysis Report (SAR) incorporates responses to Requests for Supplemental Information (RSIs) previously submitted individually, along with revisions to Chapters 3, 4, 5, and 6 (in response to RSIs NP-4.3 and NP-4.7) and revisions to Chapter 9 (in response to RSI NP-12.3). These SAR chapter revisions resulted in some reorganization of the information to more closely align with NRC guidance and to supplement the information originally submitted.
- A new SAR Appendix H dedicated to GTCC waste has been added to address the staff comments raised during the September 29th and November 22nd public meetings and again at the March 1st public meeting.
- Revision 1 of the Physical Security Plan has incorporated all of the RSI responses and is provided separately as part of this revised license application because it contains Safeguards Information.

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Ph. 972.715.9800
Fx. 972.448.1419

Facility
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Andrews, TX 79714
Ph. 888.789.2783
Fx. 432-525-8902

C.I. 25.1

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Mr. Michael Layton, Director
U.S. Nuclear Regulatory Commission
March 16, 2017

- The Proposed Technical Specifications are again provided in Appendix A of the revised license application and incorporate both RSI responses and editorial changes.
- A Draft WCS Emergency Response Plan (ERP) is included as part of this revised application. WCS is required to seek agreement state approval for changes to the ERP, and therefore, only a draft version is provided until such time that NRC approves the content of the ERP and agreement state approval may be sought.
- A revision to Chapter 7 of the Environmental Report has also been made to create non-proprietary content and more closely align the content with current planning.
- Proposed license conditions have been clarified following review of RSI responses and are provided in Chapter 13 of the revised license application.
- Additional changes of a minor editorial nature or to improve consistency have been made throughout the license application.
- The following crosswalks and matrices have been included as a guide for the NRC reviewers:
 - RSI matrices show the months the responses were submitted. This includes the RSIs submitted in the specific month and the section(s) of the license application affected by the RSI responses.
 - Revised SAR Chapter 3, 4, 5, 6, and 9 crosswalks show each section in each chapter and where the information moved to within the specific chapter and/or other locations in the SAR. Also included in these crosswalks is a RSI notes column that indicates which RSI response changed the specific sections.
 - An updated NUREG-1567 matrix is included to show which sections of the SAR correspond to specific NUREG-1567 review plan sections.
- The following Observations (OBS) from the NRC's June 22, 2016 letter have been addressed in Revision 1:
 - OBS NP-1.1 is addressed in SAR Chapter 1, Table 1.4.
 - OBS NP-1.2 is addressed in License Application Sections 1.6.1, 1.6.2, 1.6.3.
 - OBS NP-4.1 is addressed in SAR Chapter 3, primarily in Sections 3.2 and 3.3.
 - OBS NP-5.1 is addressed in SAR Appendix B Section B.7.1.
 - OBS NP-10.1 is addressed in SAR Chapter 7, Section 7.2.
 - OBS NP-11.6 is addressed in SAR Chapter 13, Section 13.4.4.2.
 - OBS NP-11.7 is addressed in SAR Chapter 9, including Sections 9.1 and 9.5.
 - OBS NP-11.9 is addressed in SAR Appendices Sections A.5.1.1, B.5.1.1, C.5.1.1, and D.5.1.1.
 - OBS NP-18.4 is addressed in Environmental Report Chapter 7.

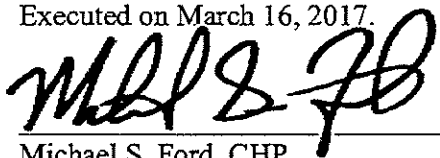
Mr. Michael Layton, Director
U.S. Nuclear Regulatory Commission
March 16, 2017

WCS hereby files its revised license application with the NRC. Both proprietary and non-proprietary versions of the revised license application and supporting documents are provided herein, accompanied by the enclosed affidavits pursuant to 10 CFR 2.390.

WCS requests that a copy of all correspondence regarding this matter be directly emailed to my attention (mford@valhi.net) as soon as possible after issuance. If you have any questions or need additional information, please call me at 972-450-4284.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on March 16, 2017.



Michael S. Ford, CHP
Vice President of Licensing & Corporate Compliance

cc: entire submittal (computer DVD)

John-Chau Nguyen, NRC
WCS Records Management
Charles Maguire, TCEQ

cc: w/o enclosures (paper copy)

Rod Baltzer, WCS
Elicia Sanchez, WCS
Jeremy Vesely, WCS
Jeff Isakson, AREVA
Kent Cole, NAC International
WCS Regulatory Compliance

Mr. Michael Layton, Director
U.S. Nuclear Regulatory Commission
March 16, 2017

Enclosures:

1. WCS Application for a License for a Consolidated Interim Spent Fuel Storage Facility
2. WCS Consolidated Interim Storage Facility System Safety Analysis Report, Revision 1 (Proprietary Version)
3. WCS ERP-100, Consolidated Emergency Response Plan, Revision 03-15-2017.
4. WCS Consolidated Interim Spent Fuel Storage Facility Environmental Report, Revision 1
5. Affidavits Pursuant to 10 CFR 2.390
 - a. Waste Control Specialist LLC (two affidavits)
 - b. AREVA (E-47991)
 - c. NAC International
6. WCS Procedure QP-10.02 Revision 2, Post Transport Package Evaluation (Proprietary)
7. ADAMS Accession Numbers Tables
 - a. NAC International Inc.
 - b. NUHOMS[®] Systems
8. CISF LA NUREG-1567 Cross Reference Matrix, Rev. 08.xlsx
9. RSI Matrix
10. Rewrite Chapter Crosswalks
 - a. Chapter 3 Rewrite CrossWalk
 - b. Chapter 4 Rewrite CrossWalk
 - c. Chapter 5 Rewrite CrossWalk
 - d. Chapter 6 Rewrite CrossWalk
 - e. Chapter 9 Rewrite CrossWalk
11. WCS Consolidated Interim Storage Facility System Safety Analysis Report, Revision 0 (Non-proprietary Version)

Mr. Michael Layton, Director
U.S. Nuclear Regulatory Commission
March 16, 2017

Document Components:

001 Public WCS Transmittal Letter.pdf, 1,540,535 bytes
002 Public Enc 1 Application for License.pdf, 20,941,947 bytes
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Mr. Michael Layton, Director
U.S. Nuclear Regulatory Commission
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Mr. Michael Layton, Director
U.S. Nuclear Regulatory Commission
March 16, 2017

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Tab 12

WCS Consolidated Interim Spent Fuel Storage Facility Environmental Report

Docket Number 72-1050

Revision 1

C.I. 25.40

000063

CONSOLIDATED INTERIM SPENT FUEL STORAGE FACILITY
DOCKET NO. 72-1050

ENVIRONMENTAL REPORT

WASTE CONTROL SPECIALISTS LLC
ANDREWS COUNTY, TEXAS



AMERICA'S NUCLEAR SOLUTION

**WASTE CONTROL SPECIALISTS LLC
ENVIRONMENTAL REPORT****CHAPTER 1**

- Regulatory Guide 3.50, *Standard Format and Content for A Specific License Application for an Independent Spent Fuel Storage Installation or Monitored Retrievable Storage Facility* (NRC, 2014c)
- NUREG-1748, *Environmental Review Guidance for Licensing Actions Associated with NMSS Programs* (NRC, 2003)

WCS anticipates that the NRC would issue the Final Environmental Impact Statement (FEIS) and License by June 2019. Phase 1 construction would begin after issuance of the license and after WCS successfully enters into a contract for storage with the U.S. Department of Energy (DOE). Construction is estimated to take approximately one year to complete. Both construction and preoperational testing are expected to be complete by December 2020. WCS anticipates continued storage for approximately 60 years or until a final geologic repository is licensed and operating in accordance with the Nuclear Waste Policy Act (NWPA) of 1982, as amended.

History and Background

Since 1997, WCS has been licensed and authorized to treat, store, and dispose of certain types of radioactive materials at its facilities located in Andrews County, Texas. WCS is authorized to dispose of Class A, B, and C LLRW at the Texas Compact Waste Disposal Facility and the Federal Waste Disposal Facility (TCEQ, 2015a). WCS is also authorized to dispose of 11e.(2) byproduct materials at its Byproduct Material Disposal Facility (TCEQ, 2015b). These activities are regulated by the Texas Commission on Environmental Quality (TCEQ) under regulations determined to be compatible with NRC requirements, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

The U.S. Congress enacted the NWPA of 1982 charging the DOE with developing a geologic repository for the disposal of SNF generated by commercial nuclear power plants located throughout the U.S. In 1987, Congress amended the NWPA to streamline and focus waste management on developing the geologic repository at Yucca Mountain, located in Nye County, Nevada. Pursuant to the NWPA, the DOE was responsible for licensing Yucca Mountain with operations beginning on January 31, 1998.

On July 23, 2002, President George W. Bush approved Congressional legislation designating Yucca Mountain as the final geologic repository intended for the disposal of commercial SNF and high level waste generated by the federal government. The DOE submitted a license application to the NRC for authorization to construct and operate Yucca Mountain. The NRC

**WASTE CONTROL SPECIALISTS LLC
ENVIRONMENTAL REPORT****CHAPTER 1**

construction and operation of the ISFSI in February 2006, actions by the Department of the Interior (regarding right-of-way for rail access to the site) and the Bureau of Indian Affairs (regarding uncertainties over land trust issues) precluded the facility from becoming operational (Federal Register, 2006).

The Private Fuel Storage facility was designed and licensed to store up to 40,000 MTUs of spent fuel in sealed metal casks (approximately 4,000 storage casks) for a term of 20 years. The environmental impacts for these major licensing actions were thoroughly evaluated and discussed in *Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of the Goshute Indians and Related Transportation Facility in Tooele County, Utah*, NUREG-1714, published in December 2001 (NRC, 2001).

The NRC directed staff to develop a waste confidence decision and promulgated the Continued Storage Rule supported by an environmental impact statement (SRM-COMSECY-12-0016) (NRC, 2012). As such, the NRC completed a *Generic Environmental Impact Statement (GEIS) for Continued Storage of Spent Nuclear Fuel* (NUREG-2157) (NRC, 2014a) that addressed the impacts attributable to continued storage of SNF. The report was needed by the NRC to fulfill its responsibilities under the National Environmental Policy Act (NEPA) (NRC, 2014a). The environmental impacts evaluated in NUREG-2157 include those related to short-term (60 years), long-term (an additional 100 years), and indefinite storage of SNF at existing commercial nuclear power plants, as well as at an “away-from-reactor” storage facility.

In developing NUREG-2157, NRC referred to the previous environmental analyses that supported issuance of the FEIS for the Private Fuel Storage facility in Tooele, Utah. The NRC concluded that implementation of the Preferred Alternative to issue a license to PFS authorizing construction and operation of an ISFSI in Tooele County, Utah would not result in significant adverse impacts to the environment.

1.1 Purpose And Need For The Proposed Action

The DOE has not yet developed a permanent geologic repository that would allow for the disposal of commercial SNF at Yucca Mountain in Nye County, Nevada, as required under the NWPA. The DOE was required to open the repository and begin accepting SNF for disposal at Yucca Mountain on January 31, 1998. However, the earliest estimated time by which a permanent geologic repository could be licensed and operational is 2048. The only alternative

Tab 13

**WASTE CONTROL SPECIALISTS LLC
ENVIRONMENTAL REPORT****CHAPTER 3**

well about 4 km (2.5 mi) to the east; and Monument Draw, a natural, shallow drainage way situated west and southwest of the CISF. Several longtime, local residents indicated that Monument Draw contains water for only a short period of time following a significant rainstorm. There are also three "produced water" lagoons for industrial purposes on the adjacent quarry property to the west and a man-made pond at the Eunice Municipal Golf Course approximately 16 km (10 mi) west of the CISF. There are no commercial fisheries or invertebrate catches.

3.2 TRANSPORTATION

Transportation services to the CISF would include the delivery of equipment, supplies, and staff, including contractors needed to work and provide miscellaneous maintenance activities at the CISF. The mode of transportation for these types of services would be by road. The transportation of solid and radioactive waste generated at the CISF would also be by road, respectively, to the Lea County Municipal Landfill or to one of WCS existing license disposal facility (i.e., the Federal Waste Disposal Facility or the RCRA Landfill).

The DOE would be responsible for transporting spent nuclear fuel (SNF) from existing commercial nuclear power reactors to the CISF. SNF would be transported to the CISF by rail. Approximately 3,000 canisters are expected to be transported over 40 years. SNF would be shipped in transportation packages licensed pursuant to 10 CFR Part 71 and in compliance with requirements established by the U.S. Department of Transportation (DOT). Spent fuel received at the CISF would be stored until such time that a geologic repository for its disposal is constructed and operable as required under the Nuclear Waste Policy Act of 1982.

**3.2.1 Connected Environmental Impacts Associated with SNF Transport from Shutdown
Decommissioned Reactors**

The DOE is also responsible for the transportation of SNF from the shutdown and decommissioned reactors across the country. Studies have been performed by the DOE to determine the level of work that would be needed to improve the infrastructure that would be required to remove SNF currently in storage at 12 shutdown and decommissioned reactors for transport to an ISFSI or a geologic repository. The evaluated shutdown sites include: Maine Yankee, Yankee Rowe, Connecticut Yankee, Humboldt Bay, Big Rock Point, Rancho Seco, Trojan, La Crosse, Zion, Crystal River, Kewaunee, and San Onofre (DOE, 2013a). The locations of the shutdown decommissioned reactor sites are depicted in Figure 3.2-1.

**WASTE CONTROL SPECIALISTS LLC
ENVIRONMENTAL REPORT****CHAPTER 3**

These sites have no operating nuclear power reactors. NRC has received notification that their reactors have permanently ceased power operations and that nuclear fuel has been permanently removed from their reactor vessels. Shutdown reactors at sites also having operating reactors are not included in this evaluation.

Not all of the shutdown reactor sites have rail access to transport SNF to an interim storage facility or geologic repository. Such sites would either require upgrades to provide rail access or transport by heavy haul truck to an intermodal rail transfer facility. Because of the size and weight of the licensed shipping casks, shipment by rail is the practical cross-country transportation option for SNF to be delivered to an ISFSI or a geologic repository. Transport by heavy haul trucks to an intermodal rail transfer facility could occur at a shutdown and decommissioned reactor site that does not have rail access. In that case, a heavy-haul transfer truck typically traveling at speeds between 16 to 20 km/hr (10 to 12 mph) could be used to move SNF relatively short distances to a rail transfer facility as discussed in NUREG-1714 (NRC, 2001). Moreover, SNF could also be transported by barge to another rail transfer facility where the SNF would subsequently be transported by rail to WCS.

The environmental impacts to the affected areas would be attributable to radiation doses received by members of the public along the transportation routes. Over the next several years, the DOE is expected to commission new transportation systems needed to transport SNF from existing commercial reactor sites, including the shutdown reactor sites, to a CISF or geologic repository. Other environmental impacts would be attributable to upgrades that would be required to the railroad lines leading from the former reactor sites to a CISF or geologic repository. The connected environmental impacts potentially associated with the transportation of SNF and upgrades required to support the removal of SNF from the shutdown and decommissioned reactor sites are discussed in Section 4.2.

3.2.2 Transportation Corridor

The transportation corridor for delivery of equipment and supplies, as well as for workers and contractor hired to provide services at the CISF within the region-of-interest are primarily Texas State Highway 176 in Andrews County, Texas and New Mexico State Highways 18 and 8 in Lea County, New Mexico.

SNF would be transported from existing commercial nuclear power facilities across the U.S. using rail lines operated primarily by the Union Pacific Railroad to Monahans, Texas (Figure 3.2-

Tab 14

closed-loop systems are utilized during the concrete production process to minimize air emissions. Mitigation measures would not be required during operations or decommissioning of the CISF.

4.2.4 Radioactive Material Transportation Impacts

Over the course of the 20-year operational life of the CISF, WCS would receive up to 40,000 MTUs of SNF *and related GTCC waste* from decommissioned commercial nuclear reactor sites and operating reactors. SNF would be transported exclusively by rail. All SNF would be transported approximately 169 km (105 mi) from Monahans, Texas to the CISF along the transportation corridor.

The DOE will be responsible for transporting SNF from existing nuclear power plants to WCS by rail in transportation casks licensed by the NRC pursuant to 10 CFR 71. The preparation of such shipments will be conducted in accordance with written procedures prepared by the commercial nuclear power plant, the DOE, or their contractors. The DOE will also be responsible for coordinating with other federal agencies, such as the U.S. Department of Transportation, U.S. Department of Homeland Security, U.S. Environmental Protection Agency, and the Federal Emergency Management Agency, regarding transportation of SNF from the commercial nuclear reactor sites to WCS.

The federal government, through DOE, is responsible for providing emergency training to states, tribes, and local emergency responders along the transportation routes where SNF would be transported to the CISF. WCS has acquired considerable experience in responding to the potential transportation events given its relative proximity to the Waste Isolation Pilot Plant. Local fire fighters, law enforcement, and emergency medical staff have been trained to respond to put out fires and organizing any emergency response actions that may be needed to reduce the severity of events related to transportation incidents involving SNF.

4.2.4.1 Connected Transportation Impacts Associated with SNF Transport from Shutdown Decommissioned Reactors

Non-radiological environmental impacts connected to upgrades associated with the fabrication of new rail transport carriers and enhancements to rail infrastructure needed to remove SNF from the decommissioned reactors and transport to an ISFSI or geologic repository are discussed in a DOE report titled, *A Project Concept for Nuclear Fuels Storage and Transportation* (DOE, 2013a).

Tab 15

INTERIM STORAGE PARTNERS LLC

LICENSE APPLICATION

INTERIM STORAGE PARTNERS LLC

DOCKET 72-1050

ANDREWS COUNTY, TEXAS

C.I. 31.2

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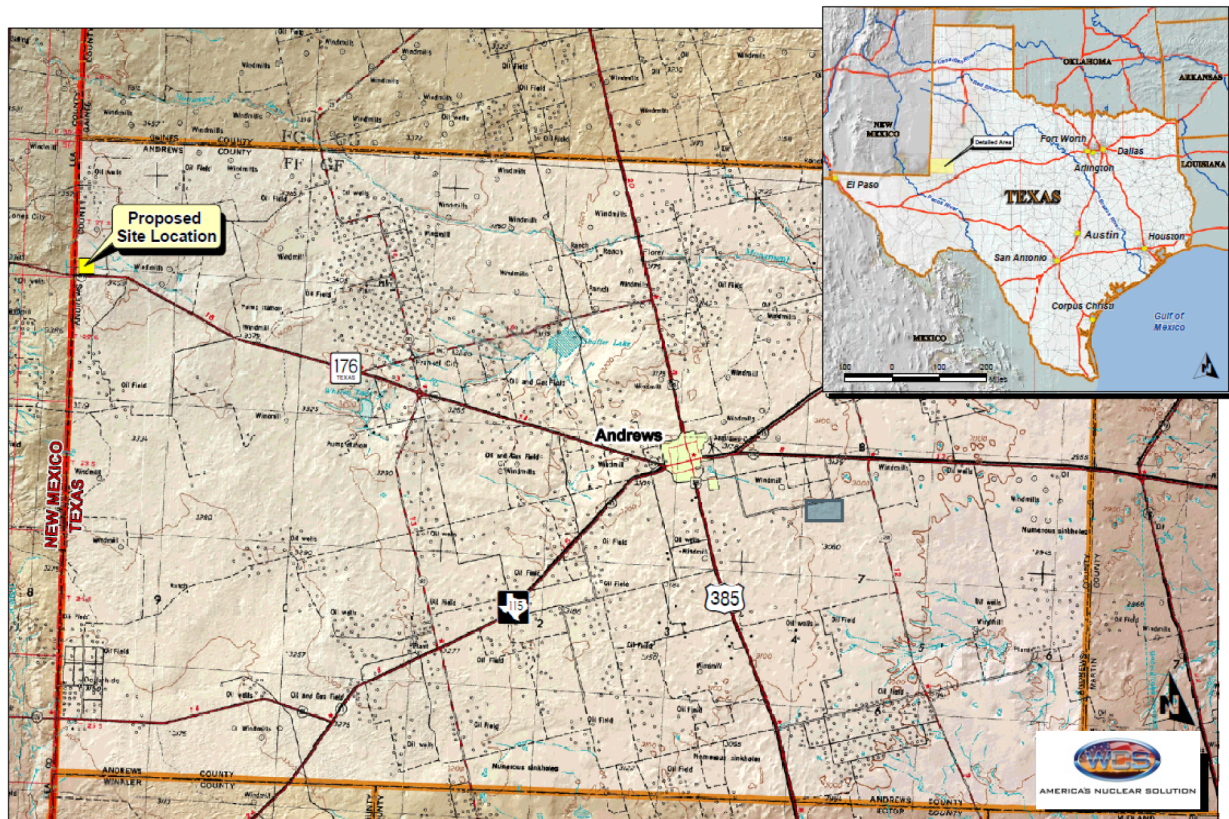
CHAPTER 1

GENERAL AND FINANCIAL INFORMATION

1.1 APPLICATION FOR LICENSE

Interim Storage Partners LLC (ISP), a joint venture (JV) between Waste Control Specialists LLC and Orano CIS LLC, proposes to construct and operate a Consolidated Interim Storage Facility (CISF) at an away from reactor site located in Andrews County, Texas. The site is located on Texas Highway 176 West, approximately 32 miles west of Andrews, Texas (Figure 1-1).

Figure 1-1 Map Depicting the Location of the CISF in Andrews County, Texas.



The function of the CISF will be to store spent nuclear fuel and reactor-related Greater Than Class C (GTCC) Low-Level Radioactive Waste (LLRW) (both are collectively referenced henceforth as spent nuclear fuel or SNF) that has been used to generate electricity from commercial nuclear power reactors. The U.S. Department of Energy (DOE) or other holders of the title to SNF at commercial nuclear power facilities (SNF Title Holder(s)) will hold title to the

SNF during transportation to and from and while in storage at the CISF. The SNF will be delivered to the CISF by rail.

ISP will use multipurpose canisters in both the shipping casks and storage casks. No handling of bare spent nuclear fuel will occur at the CISF since operations will be restricted to handling of sealed canisters. ISP will operate the facility in a manner that minimizes the likelihood of transporting any externally contaminated canisters to the CISF. The canisters will be stored either in a horizontal or vertical configuration inside concrete storage casks, which will be stored on concrete pads inside the designated Protected Area.

This License Application for the proposed CISF has been prepared in accordance with 10 CFR 72 and the Regulatory Guide 3.50 titled, *Standard Format and Content for a License Application to Store Spent Fuel and Radioactive Waste, Standard Format and Content for a Specific License Application for an Independent Spent Fuel Storage Installation or Monitored Retrievable Storage Facility*, Rev. 2, September 2014. The License Application includes the technical information as required in 10 CFR 72, Subpart B. Additionally, the following documents are submitted herewith the License Application:

1. The License Application, including the Proposed Technical Specifications, Preliminary Decommissioning Plan, and Decommissioning Funding Plan, required pursuant to 10 CFR §72.26 and 10 CFR §72.30, respectively.
2. A Safety Analysis Report as required by 10 CFR §72.24.
3. The Emergency Plan required pursuant to 10 CFR §72.32.
4. The Environmental Report required as specified in 10 CFR §72.34 and 10 CFR §51.61.
5. Physical protection and safeguards information in accordance with 10 CFR 72, Subpart H, submitted separately as part of this license application to the NRC.

Operations at the originating commercial nuclear reactors in preparation or support of spent nuclear fuel shipments to the CISF are performed under the individual reactor licenses. Any changes to a reactor licensee's facilities or procedures needed to accommodate these activities are the responsibilities of the individual reactor licensees and are not part of this License Application.