

LICENSE FOR INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter 1, Part 72, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, and possess the power reactor spent fuel and other radioactive materials associated with spent fuel storage designated below; to use such material for the purpose(s) and at the place(s) designated below; and to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified herein.

This license is conditioned upon fulfilling the requirements of 10 CFR Part 72, as applicable, the attached Appendix A (Technical Specifications), and the conditions specified below.

Licensee

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| 1. Holtec International | 3. License No. SNM-2516 |
| | Amendment No. 0 |
| 2. Holtec Technology Center
1 Holtec Blvd
Camden, NJ 08104 | 4. Expiration Date May 9, 2063 |
| | 5. Docket or Reference No. 72-1051 |
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| 6. Byproduct, Source and /or Special Nuclear Material | 7. Chemical and/or Physical Form | 8. Maximum Amount That Licensee May Possess at Any One Time Under This License |
| A. Spent nuclear fuel elements from commercial nuclear utilities licensed pursuant to 10 CFR Part 50 and associated radioactive materials related to the receipt, transfer, and storage of that spent nuclear fuel. | A. Undamaged fuel assemblies, damaged fuel assemblies, and fuel debris, as allowed by Certificate of Compliance No. 1040, Amendments 0, 1, and 2, for the HI-STORM UMAX Canister Storage System, and described in Paragraph 9 below. | A. 8,680 Metric Tons of Uranium (500 loaded canisters) in the form of undamaged fuel assemblies, damaged fuel assemblies, and fuel debris. |
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9. Authorized Use: The material identified in 6.A and 7.A above is authorized for receipt, possession, storage, and transfer in the HI-STORE Consolidated Interim Storage (CIS) Facility, as described in the HI-STORE CIS Facility Final Safety Analysis Report (FSAR). Storage is authorized only in casks designed in accordance with Certificate of Compliance No. 1040, Amendments 0, 1, and 2, for the HI-STORM UMAX Canister Storage System.
10. Authorized Place of Use: The licensed material is to be received, possessed, transferred, and stored at the HI-STORE CIS Facility located in Lea County, New Mexico.
11. The Technical Specifications contained in the Appendix attached hereto are incorporated into the license. The licensee shall operate the HI-STORE CIS Facility in accordance with the Technical Specifications in the Appendix.
12. The design, construction, and operation of the HI-STORE CIS Facility shall be accomplished in accordance with the NRC's regulations specified in Title 10 of the Code of Federal Regulations. All commitments to applicable Commission Regulatory Guides and to applicable engineering and construction codes shall be met.

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13. The licensee shall follow the "Holtec International & Eddy Lea Energy Alliance (ELEA) Underground Consolidated Interim Storage Facility -- Emergency Response Plan," HI-2177535, Revision 5, dated November 17, 2022, and as further supplemented and revised in accordance with 10 CFR 72.44(f).
14. The licensee shall:
- (1) follow the "Holtec International & Eddy Lea Energy Alliance (ELEA) Underground Consolidated Interim Storage Facility - Physical Security Plan," HI-2177559, Revision 3, dated March 2, 2020, as it may be further amended under the provisions of 10 CFR 72.44(e) and 72.186;
 - (2) follow the "Holtec International & Eddy Lea Energy Alliance (ELEA) Underground Consolidated Interim Storage Facility - Safeguards Contingency Plan," HI-2177560, Revision 3, dated March 2, 2020, as it may be further amended under the provisions of 10 CFR 72.44(e) and 72.186; and
 - (3) follow the "Holtec International & Eddy Lea Energy Alliance (ELEA) CISF Security Training and Qualification Plan," HI-2177561, Revision 2, dated March 30, 2019, as it may be further amended under the provisions of 10 CFR 72.44(e) and 72.186.
 - (4) follow the "Additional Security Measures for the Physical Protection of Dry Independent Spent Fuel Storage Installations," dated September 28, 2007.
 - (5) follow the "Additional Security Measures for Access Authorization and Fingerprinting at Independent Spent Fuel Storage Installations," dated February 4, 2016.
15. In accordance with 10 CFR 72.22, the construction program will be undertaken only after a definitive agreement with the prospective customer for storing the used fuel at the HI-STORE CIS Facility has been established. Construction of any additional capacity beyond the initial capacity of 500 canisters shall commence only after funding is fully committed that is adequate to construct such additional capacity.
16. The licensee shall:
- (1) include in its service contracts provisions requiring customers to retain title to the spent fuel stored, and allocating legal and financial liability among the licensee and the customers;
 - (2) include in its service contracts provisions requiring customers to provide periodically credit information, and, where necessary, additional financial assurances such as guarantees, prepayment, or payment bond;
 - (3) include in its service contracts a provision requiring the licensee not to terminate its license prior to furnishing the spent fuel storage services covered by the service contract.
17. The licensee shall submit a Startup Plan to the NRC at least 90 days prior to receipt and storage of spent fuel at the HI-STORE CIS Facility.

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- 18. The licensee shall have insurance coverage as specified in "Holtec International & Eddy Lea Energy Alliance (ELEA) Underground CISF - Financial Assurance & Project Life Cycle Cost Estimates," HI-2177593, Revision 2, effective 30 days before first fuel arrival.
- 19. Prior to receipt of the material identified in sections 6.A and 7.A of this license, the Licensee shall have a decommissioning financial assurance instrument, in a form of one or more of the methods described in 10 CFR 72.30(e), reflecting the current decommissioning cost estimate.
- 20. This license is effective as of the date of issuance shown below.

FOR THE NUCLEAR REGULATORY COMMISSION



Signed by Helton, Shana
on 05/09/23

Shana R. Helton, Director
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Date of Issuance: May 9, 2023

Attachment: Appendix A - Technical Specifications for the HI-STORE Consolidated Interim Storage (CIS) Facility

