



May 1, 2018

Jose Cuadrado, Project Manager
Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
By e-mail to: jose.cuadrado@nrc.gov

Annette Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
By e-mail to: annette.vietti-cook@nrc.gov

SUBJECT: *Holtec License Application for Consolidated Interim Spent Fuel Storage Facility, Docket # 72-1051*

Dear Mr. Cuadrado and Ms. Vietti-Cook:

On behalf of Beyond Nuclear, I am writing to follow up on my e-mail message to Mr. Cuadrado of April 16, 2018 (attached). In that message, I asked whether the NRC could provide us with two documents listed as references in Holtec's Environmental Report (Environmental Report on the HI-Store CIS Facility, Attachment 4 to Holtec Letter 5025012 (March 2017)):

- (1) Holtec 2016a Holtec International (Holtec). *Data Call for the CISF Environmental Report*. September 2016.

and

- (2) Holtec 2017a Holtec. "Cost-Benefit Analysis Data Call." February 2017.

The 2016 Data Call is cited as support for many factual statements throughout the Environmental Report. The 2017 Data Call purportedly presents "[t]he detailed basis for Holtec's cost assumptions and calculations" in the Environmental Report. *Id.* at 9-4.

In a subsequent telephone conversation, Mr. Cuadrado informed me that the NRC did not have the documents, and that we should contact Joyce Tomlinson of Holtec.

On April 19, I called Ms. Tomlinson to get her e-mail address, and then sent her the attached e-mail message requesting the same documents. As of this date, I have not received a response -- despite two reminder phone messages to Ms. Tomlinson and a phone message to Ed Mayer, the Holtec Project Director.

We understand that the NRC is now preparing to issue a hearing notice in the Holtec proceeding. As you know, the hearing request will invite interested parties to review and submit contentions on their concerns about the adequacy of Holtec's Environmental Report to satisfy the National

Environmental Policy Act (NEPA). The Environmental Report is an important licensing document because it effectively serves as a first draft of the Environmental Impact Statement (EIS) that ultimately will be produced by the NRC Staff. As the Commission recognized in *Duke Power Co.* (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 NRC 1041, 1049 (1983), “[a]s a practical matter, much of the information in an Applicant’s ER is used in the [Draft EIS].” Thus, it is the NRC’s policy to require parties to raise their environmental concerns at the time the Environmental Report is submitted, and not to wait for the EIS. *Id.*

Given that the above-listed Data Calls are key references in Holtec’s Environmental Report that purportedly support Holtec’s environmental analysis, and given the burden placed on Beyond Nuclear and other parties of basing their contentions on Holtec’s Environmental Report rather than waiting for the EIS, the NRC has a parallel obligation to ensure that the references to the Environmental Report are provided in advance of issuing a hearing notice. *See, e.g., Pacific Gas & Electric Co.* (Diablo Canyon, Units 1 and 2), CLI-08-01, 67 NRC 1, 15 (2008) (requiring public disclosure of “information underlying” EISs or environmental assessments). Therefore, before publishing a hearing notice on Holtec’s license application, the NRC should ensure that the Data Calls listed above and all other references to the Environmental Report are posted on ADAMS.

We look forward to your response to this request. In the meantime, please call me if you have any questions about this letter. My phone number is 240-393-9285.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diane Curran".

Diane Curran

Counsel to Beyond Nuclear

Cc: Kevin Kamps, Beyond Nuclear
Joyce Tomlinson, Holtec (jtomlinson@holtec.com)

Harmon, Curran, Spielberg + Eisenberg LLP



Diane Curran

From: Diane Curran
Sent: Thursday, April 19, 2018 10:52 AM
To: Joyce Tomlinson (j.tomlinson@holtec.com)
Cc: 'Kevin Kamps (kevin@beyondnuclear.org)'
Subject: Query regarding Holtec license application, docket no. 72-1051

Dear Joyce,

Thanks for giving me your e-mail address this morning. As we discussed, I represent Beyond Nuclear, Inc., a prospective intervenor in the Holtec CISF licensing case. I am writing to ask for two documents listed as references in Holtec's Environmental Report (Environmental Report on the HI-Store CIS Facility, Attachment 4 to Holtec Letter 5025012 (March 2017)):

Holtec 2016a Holtec International (Holtec). *Data Call for the CISF Environmental Report*. September 2016.

and

Holtec 2017a Holtec. "Cost-Benefit Analysis Data Call." February 2017.

Thanks,
Diane Curran

Diane Curran
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(240)393-9285

Counsel to Beyond Nuclear

Diane Curran

From: Diane Curran
Sent: Monday, April 16, 2018 2:07 PM
To: Jose Cuadrado (jose.cuadrado@nrc.gov)
Cc: 'Mindy Goldstein (magolds@emory.edu)'; 'Kevin Kamps (kevin@beyondnuclear.org)'
Subject: Query regarding Holtec license application, docket no. 72-1051

Dear Mr. Cuadrado,

On behalf of Beyond Nuclear, I am writing to ask whether the NRC can provide us with two documents listed in Holtec's Environmental Report (Environmental Report on the HI-Store CIS Facility, Attachment 4 to Holtec Letter 5025012 (March 2017)) as references:

Holtec 2016a Holtec International (Holtec). *Data Call for the CISF Environmental Report*. September 2016.

and

Holtec 2017a Holtec. "Cost-Benefit Analysis Data Call." February 2017.

Does the NRC have copies of these Data Calls? If so, can you please send them to me or provide their ADAMS Accession Numbers? And if the NRC does not have the Data Calls, can you send me the name of someone at Holtec who can provide them?

The above-listed Data Calls are documents we have identified as most urgently needed for our research on the Holtec license application in preparation for a potential hearing request; however, we are also interested in reviewing the other reference documents cited by Holtec in its Environmental Report. Please let us know of your schedule for obtaining and posting all of those reference documents on ADAMS, in order to be consistent with the Commission's requirement for disclosure of NEPA-related source documents. *See, e.g., Pacific Gas & Electric Co.* (Diablo Canyon, Units 1 and 2), CLI-08-01, 67 NRC 1, 15 (2008).

Thanks,
Diane Curran

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