

January 30, 2019

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	Docket No. 72-1051
Holtec International)	
)	ASLBP No. 18-958-01-ISFSI-BD01
HI-STORE Consolidated Interim Storage)	
Facility)	

**Unopposed Request for Modifications to the Schedule for Responding to
Revised Amended Contentions and New Contentions**

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), we respectfully request that the Board permit minor modifications to the schedule for responding to the revised amended contention expected to be submitted by Combined Petitioners, and the new contentions proffered by Sierra Club¹ and Don't Waste Michigan, et al.,² as follows.

At last week's oral argument, Holtec International ("Holtec"), the NRC Staff, and several of the petitioners (Beyond Nuclear, Fasken Land and Minerals and Permian Basin Land and Royalty Owners, Sierra Club, and Don't Waste Michigan, Citizens' Environmental Coalition, Citizens for Alternatives to Chemical Contamination, Nuclear Energy Information Service, Public Citizen, Inc., San Luis Obispo Mothers for Peace, and Nuclear Issues Study Group ("Don't Waste Michigan, et al.")(collectively, the "Combined Petitioners") reached an agreement on a schedule whereby

¹ Sierra Club's Motion to File a New Late-Filed Contention (Jan. 17, 2019).

² Motion by Petitioners Don't Waste Michigan, Citizens' Environmental Coalition, Citizens for Alternatives to Chemical Contamination, Nuclear Energy Information Service, Public Citizen, Inc., San Luis Obispo Mothers for Peace, and Nuclear Issues Study Group for Leave to File a New Contention (Jan. 17, 2019).

- (1) Combined Petitioners would submit on February 6, 2019, a revised motion to amend their contentions supplanting their previously filed motion to amend contentions,³ with any revisions intended to address changes in the recently issued Environmental Report (Rev. 3) for the proposed Holtec Consolidated Interim Storage Facility.
- (2) Holtec and the NRC Staff would submit answers to the revised amended contentions on or before February 18, 2019.
- (3) Combined Petitioners would submit any reply on or before February 25, 2019.

See January 23, 2019 Tr. at p. 95.

Counsel for Holtec, the NRC Staff, the Combined Petitioners, Sierra Club, and Don't Waste Michigan et al. have agreed to the following minor modifications to the above schedule, and the schedule for responding to the new contentions:

- (1) In light of the President's Day holiday, the Holtec and Staff Answers to the Combined Petitioners revised motion to amend contentions will be due February 19, 2019.
- (2) The deadline for Holtec and the NRC Staff to answer to the new contentions submitted by Sierra Club and Don't Waste Michigan, et al. will be extended to February 19, 2019.
- (3) The deadline for Combined Petitioners to reply to the Holtec and NRC Staff answers to the revised amended contentions, and for Sierra Club and Don't Waste Michigan to reply to answers to their new contentions, will be extended to February 28, 2019.

Pursuant to 10 C.F.R. § 2.307(a), the presiding officer may extend procedural deadlines for good cause, or by stipulation approved by the Commission or the presiding officer. The

³ Motion by Petitioners Beyond Nuclear, Fasken, The Sierra Club, and Don't Waste Michigan, et al. to Amend Their Contentions to Address New Information Confirming That Holtec's License Application Contains False or Misleading Statements and Motion by Petitioners to Strike Unreliable Statements from Holtec's Responses to Petitioners' Hearing Request (Jan. 15, 2019).

Commission has stated that “[t]he presiding officer will ultimately determine on a case-by-case basis whether a participant has demonstrated good cause for a § 2.307 request to extend a filing deadline.”⁴ Good cause for this request includes that (1) the revised amended contentions and the new contentions concern the same factual predicate (the January 2, 2019 Holtec Highlights); and (2) counsel for participants were attending the pre-hearing oral argument last week. Accordingly, we respectfully request that the Board approve the above described minor schedule modifications for good cause shown.

Certification of Consultation with Other Participants

As required by 10 C.F.R. § 2.323(b), counsel for Holtec solicited the agreement of the other participants’ counsel involved in the revised amended contentions and the new contentions via e-mail communications on January 21-22, 2019. Counsel for the NRC Staff, the Combined Petitioners, Sierra Club, and Don’t Waste Michigan et al. all support this request.

Respectfully submitted,

/Signed electronically by Timothy J. V. Walsh/

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Counsel for HOLTEC INTERNATIONAL

⁴ *Final Rule, Amendments to Adjudicatory Process Rules and Related Requirements*, 77 Fed. Reg. 46,562, 46,572 (Aug. 3, 2012).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Unopposed Request for Modifications to the Schedule for Responding to Revised Amended Contentions and New Contentions has been served through the EFiling system on the participants in the above-captioned proceeding this 30th day of January 2019.

/signed electronically by Timothy J. V. Walsh/

Timothy J. V. Walsh