

**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;
PERMIAN BASIN LAND AND ROYALTY OWNERS,

Petitioners,

versus

NUCLEAR REGULATORY COMMISSION;
UNITED STATES OF AMERICA,

Respondents.

On Petition for Review of Action by the
Nuclear Regulatory Commisison

**RECORD EXCERPTS FOR PETITIONERS FASKEN MINERALS,
LIMITED; PERMIAN BASIN LAND AND ROYALTY OWNERS**

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**TAB 1: NUCLEAR REGULATORY COMMISSION'S RECORD OF
DECISION**

RECORD OF DECISION

U.S. NUCLEAR REGULATORY COMMISSION RECORD OF DECISION INTERIM STORAGE PARTNERS LLC LICENSE APPLICATION FOR A CONSOLIDATED INTERIM STORAGE FACILITY, ANDREWS COUNTY, TEXAS

Introduction

The U.S. Nuclear Regulatory Commission (NRC) staff prepared this record of decision (ROD) for the proposed Interim Storage Partners LLC (ISP) consolidated interim storage facility (CISF) in Andrews County, Texas. This ROD satisfies Section 51.102(a) of Title 10 of the *Code of Federal Regulations* (10 CFR), which states that “[a] Commission decision on any action for which a final environmental impact statement has been prepared shall be accompanied by or include a concise public record of decision.”

In July 2021, the NRC staff issued a final Environmental Impact Statement (FEIS) (NRC, 2021b) for ISP’s license application to construct and operate a proposed Waste Control Specialists (WCS) CISF (ISP, 2018a, 2018b, 2020a, 2020b, and 2021). In the FEIS, the NRC staff, in accordance with 10 CFR 51.91(d), sets forth its recommendation, pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), regarding the proposed action. The NRC staff recommended that, subject to the determinations in the staff’s safety review of the application, the proposed license be issued to ISP to construct and operate a CISF at the proposed location to temporarily store up to 5,000 metric tons of uranium (MTUs) [5,500 short tons] of spent nuclear fuel (SNF) for a licensing period of 40 years (NRC, 2021b). The NRC staff has prepared this ROD in accordance with NRC regulations at 10 CFR Sections 51.102(b) and 51.103(a)(1)-(4). In addition, in accordance with 10 CFR Section 51.103(c), this ROD incorporates by reference the materials contained in the FEIS (NRC, 2021b).

The Decision

This ROD documents the NRC staff’s decision to issue a license to ISP for the proposed WCS CISF in Andrews County, Texas (NRC, 2021a). The license authorizes ISP to construct and operate its facility as proposed in its license application and under the conditions in its NRC license.

After weighing the impacts of the proposed action and comparing them to the No-Action alternative, the NRC staff, in accordance with 10 CFR 51.91(d), set forth its NEPA recommendation regarding the proposed action. The NRC staff recommended that, subject to the determinations in the staff’s safety review of the application, the proposed license be issued to ISP to construct and operate a CISF at the proposed location to temporarily store up to 5,000 MTUs [5,500 short tons] of SNF for a licensing period of 40 years. The staff based its conclusion on (i) review of the ISP license application, which includes the Environmental Report (ER) and supplemental documents (ISP, 2018a, 2018b, 2020a, 2020b, and 2021), and ISP’s responses to the NRC staff’s requests for additional information (RAIs) (ISP, 2019a and 2019b); (ii) consultation with Federal, State, tribal, and local agencies and input from other stakeholders, including public comment on the draft EIS; (iii) independent NRC staff review; and (iv) the assessments provided in the FEIS.

In its safety and security review, the NRC staff determined that the application met the applicable NRC regulations in 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.” In issuing a materials license to ISP for the WCS CISF, the NRC determined that there is reasonable assurance that: (i) the activities authorized by the license can be conducted without endangering the health and safety of the public; and (ii) these activities will be conducted in compliance with the applicable regulations of 10 CFR Part 72. The NRC further determined that issuance of the license will not be inimical to the common defense and security.

Background

In accordance with the NRC’s NEPA-implementing regulations in 10 CFR Part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” the NRC staff prepares a site-specific EIS for the issuance of a license pursuant to 10 CFR Part 72 for the storage of spent fuel in an independent spent fuel storage installation (ISFSI) at a site not occupied by a nuclear power reactor (10 CFR 51.20(b)(9)). In this instance, the NRC’s major Federal action is to decide whether to issue a license authorizing ISP to construct and operate the WCS CISF for a 40-year license term.

The WCS CISF would store up to 5,000 MTUs [5,500 short tons] of SNF and Greater-Than-Class-C (GTCC) waste, along with a small quantity of mixed oxide (MOX) fuel (collectively referred to as SNF in the FEIS and in this ROD), which would originate from commercial nuclear reactor facilities in the United States, for a 40-year period at the site in Andrews County, Texas. During operation, the WCS CISF would receive SNF from decommissioned and decommissioning reactor sites, as well as from operating reactors prior to decommissioning (NRC, 2021b).

The WCS CISF would be built and operated on an approximately 130-hectare (ha) [320-acre (ac)] project area within a 5,666-ha [14,000-ac] parcel of land that is controlled by ISP joint venture member WCS in Andrews County, Texas. In addition, construction of the rail sidetrack, site access road, and construction laydown area would contribute an additional area of disturbed soil such that the total disturbed area for construction of the WCS CISF would be approximately 133 ha [330 ac]. The project area would be located north of WCS’s existing waste management facilities and controlled by ISP through a long-term lease from WCS (NRC, 2021b).

ISP would store SNF in six existing dual-purpose canister-based dry cask storage systems (DCSS) designed by TN Americas or NAC International. The 6 DCSS (3 from TN Americas and 3 from NAC International) consist of 11 different SNF canisters and 5 different GTCC waste canisters stored in 5 overpacks. SNF is stored horizontally in the TN Americas systems and vertically in the NAC International systems. The TN Americas and NAC International DCSS listed in the FEIS have been previously approved by the NRC for independent storage of SNF, GTCC, and a small amount of MOX fuel, pursuant to requirements in 10 CFR Part 72. In addition, the NRC approved both the TN Americas and NAC International systems for storage of SNF transported in canisters pursuant to the requirements in 10 CFR Part 71, “Packaging and Transportation of Radioactive Material.”

Public Comments

On November 14, 2016 (81 FR 79531), the NRC staff published in the *Federal Register* a notice of intent to prepare an EIS and to conduct an environmental scoping process. The NRC staff invited potentially affected Federal, State, tribal, and local governments; organizations; and

members of the public to provide comments in the environmental scoping process and review. The initial scoping period closed on April 28, 2017. During this time, the NRC staff hosted four public scoping meetings, one in Hobbs, New Mexico, on February 13, 2017; a second in Andrews, Texas, on February 15, 2017; and two in Rockville, Maryland, on February 23, 2017 and April 6, 2017. Following a suspension of NRC's review at the applicant's request, ISP submitted a revised license application in June and July 2018 (ISP, 2018a). On September 4, 2018 (83 FR 44922), the NRC staff reopened the scoping period for the ISP license application. The reopened scoping period closed on November 19, 2018. The NRC staff issued a scoping summary report in October 2019 (NRC, 2019).

On May 4, 2020, the NRC staff issued the draft "Environmental Impact Statement for Interim Storage Partners LLC's License Application for a Consolidated Interim Storage Facility for Spent Nuclear Fuel in Andrews County, Texas" (NRC, 2020).

A 120-day comment period began on May 8, 2020, when the U.S. Environmental Protection Agency (EPA) published a Notice of Availability in the *Federal Register* (85 FR 27412) of the draft EIS to allow members of the public and agencies time to comment on the results of the draft EIS. On July 22, 2020, the NRC staff extended the comment period an additional 60 days to close on November 3, 2020 (85 FR 44330). Additionally, the NRC staff held public meetings on October 1, 6, 8, and 15, 2020, to discuss the preliminary findings in the draft EIS, with transcripts of these meetings available at the NRC public project webpage: <https://www.nrc.gov/waste/spent-fuel-storage/cis/waste-control-specialist.html>.

Responses to all public comments received during the draft EIS comment period are included in Appendix D to the FEIS.

Alternatives Considered

In its environmental review, the NRC staff evaluated the environmental consequences of the proposed action (i.e., authorizing the construction and operation of the WCS CISF), and the environmental consequences of the No-Action alternative (i.e., not licensing the WCS CISF). FEIS Chapter 2, "Proposed Action and Alternatives," and Chapter 4, "Environmental Impacts," present the NRC staff's evaluation and analysis of the environmental impacts of the proposed action and the No-Action alternative that were considered, as well as those alternatives that were eliminated from detailed study (NRC, 2021b). The NRC staff discusses the reasons for eliminating these alternatives in Section 2.3 of the FEIS. These alternatives included (1) storage of SNF at a government-owned CISF operated by the U.S. Department of Energy (Section 2.3.1); (2) alternative design or storage technologies (Section 2.3.2); and (3) alternative CISF locations (Section 2.3.3).

After weighing the impacts of the Proposed Action, comparing them to the No-Action alternative, and conducting a safety and security review of the Proposed Action, the NRC staff determined that the NRC should issue a license for the proposed WCS CISF project. The NRC staff based its decision on: (i) review of ISP's license application (ISP, 2018a, 2018b, 2020a, 2020b, and 2021), which includes the ER and supplemental documents, and ISP's responses to the NRC staff RAIs (ISP, 2019a and 2019b); (ii) consultation with Federal, State, tribal, and local agencies and input from other stakeholders, including public comment on the draft EIS (see Appendix D in the FEIS); (iii) independent NRC staff review; (iv) the assessments in the FEIS (NRC, 2021b); and (v) the NRC staff's assessments in the Final Safety Evaluation Report (NRC, 2021c) for the WCS CISF.

Mitigation Measures

The NRC has taken all practicable measures within its jurisdiction to avoid or minimize environmental harm from the proposed action (license issuance). The applicant has committed to a number of mitigation measures as described in Table 6.3-1 of the FEIS (NRC, 2021b). As documented in the FEIS, the NRC determined that impacts to most resource areas would be SMALL (i.e., not detectable or minor), with SMALL to MODERATE beneficial impacts for local finance and MODERATE impacts (i.e., sufficient to alter noticeably, but not to destabilize, important attributes of the resource) for vegetation, population growth, and employment (NRC, 2021b). The NRC is not imposing any license conditions in connection with mitigation measures for the licensing of the WCS CISF. ISP is subject to requirements including permits, authorizations, and regulatory orders imposed by other Federal, State, and local agencies governing facility construction and operation. ISP's monitoring programs for the proposed project are described in Chapter 7 of the FEIS (NRC, 2021b).

References

10 CFR Part 51. Code of Federal Regulations, Title 10, Energy, Part 51, "Environmental Protection Regulation for Domestic Licensing and Related Regulatory Functions." Washington, DC: U.S. Government Publishing Office.

10 CFR Part 71. Code of Federal Regulations, Title 10, *Energy*, Part 71, "Packaging and Transportation of Radioactive Material." Washington, DC: U.S. Government Publishing Office.

10 CFR Part 72. Code of Federal Regulations, Title 10, *Energy*, Part 72. "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste." Washington, DC: U.S. Government Publishing Office.

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ISP. "Interim Storage Partners LLC License Application, Docket No. 72-1050, Revision 2." ADAMS Accession No. ML18206A483. Andrews, Texas: Interim Storage Partners LLC. 2018b.

NRC. "Materials License SNM-2515, Interim Storage Partners, WCS Consolidated Interim Storage Facility ISFSI." ADAMS Accession No. ML21188A099. September 13, 2021; Washington, DC: U.S. Nuclear Regulatory Commission. 2021a.

NRC. NUREG-2239, "Environmental Impact Statement for Interim Storage Partners LLC's License Application for a Consolidated Interim Storage Facility for Spent Nuclear Fuel in Andrews County, Texas – Final Report." ML21209A955. July 2021; Washington, DC: U.S. Nuclear Regulatory Commission. 2021b.

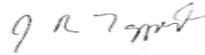
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NRC. "Environmental Impact Statement Scoping Process Summary Report, the ISP CISP Environmental Impact Statement Public Scoping Period." ADAMS Accession No. ML19161A150. Washington, DC: U.S. Nuclear Regulatory Commission. 2019.

Dated at Rockville, MD, this 13th day of September 2021,

APPROVED BY:



Signed by Tappert, John
on 09/13/21

John R. Tappert, Director
Division of Rulemaking, Environmental, and
Financial Support
Office of Nuclear Material Safety
and Safeguards

**TAB 2: LICENSE PREAMBLE, NUCLEAR REGULATORY
COMMISSION'S FINDINGS**

INTERIM STORAGE PARTNERS, LIMITED LIABILITY COMPANY
DOCKET NO. 72-1050
WCS CONSOLIDATED INTERIM STORAGE FACILITY
INDEPENDENT SPENT FUEL STORAGE INSTALLATION
MATERIALS LICENSE NO. SNM-2515

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application filed by Interim Storage Partners, Limited Liability Company (the applicant), for a materials license to receive, store, transfer, and possess power reactor spent fuel, associated radioactive material, and greater-than-Class-C radioactive waste at the WCS Consolidated Interim Storage Facility (CISF) Independent Spent Fuel Storage Installation (ISFSI) in Andrews County, TX, meets the standards and requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations set forth in 10 CFR Chapter I, "Nuclear Regulatory Commission";
 - B. The WCS CISF ISFSI will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. The applicant's proposed ISFSI design complies with the criteria in 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," Subpart F, "General Design Criteria";
 - D. The proposed site complies with the criteria in 10 CFR Part 72, Subpart E, "Siting Evaluation Factors";
 - E. The proposed ISFSI would not pose an undue risk to the safe operation of the WCS radioactive material disposal facilities;
 - F. The applicant is qualified by reason of training and experience to conduct the operations covered by the regulations in 10 CFR Part 72;
 - G. The applicant's operating procedures to protect health and to minimize danger to life and property are adequate;
 - H. The applicant is financially qualified to engage in the activities in accordance with the regulations in 10 CFR Part 72, subject to the conditions specified in the license;
 - I. The applicant's quality assurance plan complies with 10 CFR Part 72, Subpart G, "Quality Assurance";
 - J. The applicant's physical protection provisions comply with 10 CFR Part 72, Subpart H, "Physical Protection";
 - K. The applicant's personnel training program complies with 10 CFR Part 72, Subpart I, "Training and Certification of Personnel";

- L. The applicant's decommissioning plan and its financing pursuant to 10 CFR 72.30 provide reasonable assurance, subject to the conditions specified in the license, that the decontamination and decommissioning of the WCS CISF ISFSI at the end of its useful life will provide adequate protection to the health and safety of the public;
 - M. The applicant's emergency plan complies with 10 CFR 72.32;
 - N. The applicant has satisfied the applicable provisions of 10 CFR Part 170, "Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended";
 - O. There is reasonable assurance that (i) the activities authorized by this license can be conducted without endangering public health and safety, and (ii) such activities will be conducted in compliance with the Commission's regulations;
 - P. The issuance of this license will not be inimical to the common defense and security; and
 - Q. The issuance of this license is in accordance with 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," of the Commission's regulations and all applicable requirements have been satisfied.
2. This license is effective as of the date of its issuance and shall expire at midnight on September 13, 2061.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

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

Enclosure: License SNM-2515

Date of Issuance: September 13, 2021

**TAB 3: MATERIALS LICENSE FOR INDEPENDENT STORAGE OF
SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE**

NRC FORM 558

(10-2000)
10 CFR 72

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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

- | | | |
|---|--|--|
| <p>1. Interim Storage Partners LLC (ISP)</p> | <p>3. License No. SNM-2515
Amendment No. 0</p> | |
| <p>2. WCS CISF
9998 Highway 176 West
Andrews, Texas, 79714</p> | <p>4. Expiration Date September 13, 2061</p> | <p>5. Docket or Reference No. 72-1050</p> |
| <p>6. Byproduct, Source, and/or Special Nuclear Material</p> <p>A. Spent nuclear fuel elements from commercial nuclear utilities licensed pursuant to 10 CFR Part 50, including those stored under either a Part 50 general license or Part 72 specific license, and associated fuel assembly control components and associated radioactive materials related to the receipt, transfer, and storage of that spent nuclear fuel.</p> <p>B. Greater than Class C Waste, reactor related material generated as a result of plant operations and decommissioning where radionuclide concentration limits of Class C waste in 10 CFR 61.55 are exceeded.</p> | <p>7. Chemical and/or Physical Form</p> <p>A. Intact fuel assemblies, damaged fuel assemblies, failed fuel and fuel debris, as allowed by Materials License SNM-2510, Amendment 4; Table 1-1c or Table 1-1j of Certificate of Compliance No. 1004, Amendments 3 through 13; Table 1-1t of Certificate of Compliance No. 1004, Amendments 10 through 13; Section 2.1 of Certificate of Compliance No. 1029, Amendments 0, 1, and 3; Section B 2.1 of Certificate of Compliance No. 1025, Amendments 0 through 6; Section B 2.1.2 of Certificate of Compliance No. 1015, Amendments 0 through 5; Table B 2-1 of Certificate of Compliance No. 1031, Amendments 0 through 3 Revision 1, and 4 through 5, modified as described in Condition 9 below.</p> <p>B. Greater than Class C Waste, as activated and potentially surface contaminated metals comprised of miscellaneous solid waste resulting from segmentation and decommissioning processes.</p> | <p>8. Maximum Amount That Licensee May Possess at Any One Time Under This License</p> <p>A. 5,000 Metric Tons (MT) total of Uranium and Mixed-Oxide (MOX) in the form of intact spent fuel assemblies, damaged fuel assemblies, failed fuel assemblies, and fuel debris. In addition, the cumulative amount of material received and accepted during the licensed term of the facility may not exceed 5,000 MT of Uranium plus MOX.</p> <p>B. 231.3 MT (510,000 pounds) of Greater than Class C Waste.</p> |

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(10-2000)
10 CFR 72

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License No. Amendment No.
SNM-2515 0Docket or Reference No.
72-1050**LICENSE FOR INDEPENDENT STORAGE OF SPENT NUCLEAR
FUEL AND HIGH-LEVEL RADIOACTIVE WASTE****SUPPLEMENTARY SHEET**

9. Authorized Use: The material identified in 6.A, 6.B, 7.A and 7.B above is authorized for receipt, possession, storage, and transfer at the WCS Consolidated Interim Storage Facility (WCS CISF), as described in the WCS CISF Final Safety Analysis Report (FSAR) as updated. Storage of fuel is authorized only in canisters referenced in Section 2.1 of the Attachment, Appendix A Technical Specifications and all fuel with assembly average burnup greater than 45 GWd/MTHM shall be canned inside the canister.
10. Authorized Place of Use: The licensed material is to be received, possessed, transferred, and stored at the WCS CISF, geographically located within Andrews County, Texas.
11. The Technical Specifications contained in the Appendix attached hereto are incorporated into the license. The Licensee shall operate the installation in accordance with the Technical Specifications in the Appendix.
12. The licensee shall follow WCS ERP-100, "Consolidated Emergency Response Plan," Revision 02-08-2019, and as it may be further revised in accordance with 10 CFR 72.44(f).
13. The Licensee shall:
 - (1) follow the Physical Protection Plan entitled, "WCS Consolidated Interim Storage Facility (CISF) Physical Security Plan," Revision 5, dated September 18, 2019, as well as changes made in accordance with 10 CFR 72.44(e) and 72.186(b);
 - (2) follow the Training and Qualification Plan entitled, "WCS Consolidated Interim Storage Facility (CISF) Training and Qualification Plan Appendix B to the CISF Physical Security Plan," dated September 18, 2019, as well as changes made in accordance with 10 CFR 72.44(e) and 72.186(b);
 - (3) follow the Safeguards Contingency Plan entitled "WCS Consolidated Interim Storage Facility (CISF) Safeguards Contingency Plan Appendix C to the CISF Physical Security Plan," dated September 18, 2019, as well as changes made in accordance with 10 CFR 72.44(e) and 72.186(b);
 - (4) follow the "Additional Security Measures for the Physical Protection of Dry Independent Spent Fuel Storage Installations," dated September 28, 2007; and
 - (5) follow the "Additional Security Measures for Access Authorization and Fingerprinting at Independent Spent Fuel Storage Installations," dated December 19, 2007.
14. Construction of the WCS CISF shall not commence before funding (equity, revenue, and debt) is fully committed that is adequate to construct a facility with the initial capacity as specified by the Licensee to the NRC. Construction of any additional capacity beyond the initial capacity amount shall commence only after funding is fully committed that is adequate to construct such additional capacity.
15. The Licensee shall, in its contracts with clients:
 - (1) include provisions requiring clients to retain title to the material identified in 6.A, 6.B, 7.A or 7.B, and include provisions allocating legal and financial liability among the Licensee and the client(s);
 - (2) include provisions requiring clients to periodically provide credit information, and, when necessary, additional financial assurances such as guarantees, prepayment, or payment bond(s);
 - (3) include a provision requiring the Licensee not to terminate the license prior to furnishing storage services covered by the contract.
16. The Licensee shall obtain onsite and offsite insurance coverage in the amounts committed to by ISP in the ISP license application.

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(10-2000)
10 CFR 72

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

SUPPLEMENTARY SHEET

License No. SNM-2515	Amendment No. 0
Docket or Reference No. 72-1050	

17. To conform with the requirements of 10 CFR 72.42, the Licensee shall submit a request for license amendment(s) to incorporate any technically applicable provisions of the Aging Management Programs (AMPs) and Time-Limited Aging Analyses (TLAAs) approved in future renewals of NAC Systems CoCs 1015 and 1025 and 1031, for all applicable NAC spent fuel canisters and storage overpacks.

The Licensee shall submit the amendment request(s) within 120 days of the effective date of the applicable CoC approval. In the event that the current CoC holder for CoC 1015 and/or 1025 and/or 1031 does not submit a timely renewal as defined in 10 CFR Part 72.240, the Licensee shall submit a license amendment request, incorporating AMP and TLAA information compliant with 10 CFR 72.42, within one (1) year following the timely renewal deadline defined in 10 CFR 72.240(b) for the applicable CoC.

18. The Licensee shall submit a startup plan as described in Chapter 13 of the WCS CISF FSAR, as updated, to the NRC at least 90 days prior to receipt and storage of the material identified in 6.A, 6.B, 7.A or 7.B at the facility.
19. Prior to commencement of operations, the Licensee shall have an executed contract with the U.S. Department of Energy (DOE) or other SNF Title Holder(s) stipulating that the DOE or the other SNF Title Holder(s) is/are responsible for funding operations required for storing the material identified in 6.A, 6.B, 7.A or 7.B at the CISF as licensed by the U.S. Nuclear Regulatory Commission.
20. Prior to receipt of the material identified in 6.A, 6.B, 7.A or 7.B, the Licensee shall have a financial assurance instrument required pursuant to 10 CFR 72.30 acceptable to the U.S. Nuclear Regulatory Commission.
21. This license is effective as of the date of issuance shown below.

FOR THE NUCLEAR REGULATORY COMMISSION

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

Date of Issuance September 13, 2021

Attachments: Appendix A –WCS Consolidated Interim Storage Facility Technical Specifications

TAB 4: 86 FEDERAL REGISTER 51926



51926

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comments from private citizens and industry organizations. The NRC staff's evaluation and resolution of the public comments are documented in ADAMS under Accession No. ML21211A578.

III. Congressional Review Act

NUREG-1021, Revision 12, is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated: September 14, 2021.

For the Nuclear Regulatory Commission.
Christian B. Cowdrey,
Chief, Operator Licensing and Human Factors Branch, Division of Reactor Oversight, Office of Nuclear Reactor Regulation.

[FR Doc. 2021-20171 Filed 9-16-21; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2021-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 20, 27, October 4, 11, 18, 25, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of September 20, 2021

There are no meetings scheduled for the week of September 20, 2021.

Week of September 27, 2021—Tentative

Thursday, September 30, 2021

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines (Public Meeting); (Contact: Candace De Messieres: 301-415-8395)

Additional Information: Due to COVID-19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—<https://video.nrc.gov/>.

Week of October 4, 2021—Tentative

Tuesday, October 5, 2021

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting); (Contact: Don Lowman: 301-415-5452)

Additional Information: Due to COVID-19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live

by webcast at the Web address—<https://video.nrc.gov/>.

Friday, October 8, 2021

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting); (Contact: Larry Burkhart: 301-287-3775)

Additional Information: Due to COVID-19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—<https://video.nrc.gov/>.

Week of October 11, 2021—Tentative

There are no meetings scheduled for the week of October 11, 2021.

Week of October 18, 2021—Tentative

There are no meetings scheduled for the week of October 18, 2021.

Week of October 25, 2021—Tentative

Thursday, October 28, 2021

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting); (Contact: Celimar Valentin-Rodriguez: 301-415-7124)

Additional Information: Due to COVID-19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—<https://video.nrc.gov/>.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301-287-3591 or via email at Wesley.Held@nrc.gov. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the

Secretary, Washington, DC 20555, at 301-415-1969, or by email at Tyesha.Bush@nrc.gov or Betty.Thweatt@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: September 15, 2021.

For the Nuclear Regulatory Commission.
Wesley W. Held,
Policy Coordinator, Office of the Secretary.
[FR Doc. 2021-20296 Filed 9-15-21; 4:15 pm]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

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

Interim Storage Partners, LLC; WCS Consolidated Interim Storage Facility; Issuance of Materials License and Record of Decision

AGENCY: Nuclear Regulatory Commission.

ACTION: License and record of decision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Materials License No. SNM-2515 to Interim Storage Partners, LLC (ISP) to construct and operate the WCS Consolidated Interim Storage Facility (CISF) as proposed in its license application, as amended, and to receive, possess, store, and transfer spent nuclear fuel and Greater-than-Class-C radioactive waste at the WCS CISF in Andrews County, Texas. ISP will be required to operate under the conditions listed in Materials License No. SNM-2515. The NRC staff has published a record of decision (ROD) that supports the NRC's decision to approve ISP's license application for the WCS CISF and to issue the license.

DATES: September 17, 2021.

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

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2016-0231. Address questions about Docket IDs in [Regulations.gov](https://www.regulations.gov) to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@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 access publicly

available documents online in the ADAMS Public Documents collection at <https://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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this document entitled, **SUPPLEMENTARY INFORMATION**.

• **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

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. Discussion

The NRC has issued a license to ISP for its WCS CISF in Andrews County, Texas (ADAMS Package Accession No. ML21188A096). Materials License No. SNM–2515 authorizes ISP to construct and operate its facility as proposed in its license application, as amended, and to receive, possess, store, and transfer spent nuclear fuel, including a small quantity of mixed-oxide fuel, and Greater-than-Class-C radioactive waste at the WCS CISF. The license authorizes ISP to store up to 5,000 metric tons of uranium [5,500 short tons] of spent nuclear fuel for a license period of 40 years. ISP will be required to operate under the conditions listed in Materials License No. SNM–2515.

The NRC staff’s ROD that supports the NRC’s decision to approve ISP’s license application for the WCS CISF and to issue Materials License No. SNM–2515 is available in ADAMS under Accession No. ML21222A214. The ROD satisfies the regulatory requirement in section

51.102 paragraph (a) of title 10 of the *Code of Federal Regulations* (10 CFR), which requires that a Commission decision on any action for which a final environmental impact statement (EIS) has been prepared be accompanied by or include a concise public ROD. As discussed in the ROD and the final EIS for ISP’s license application for a CISF for spent nuclear fuel in Andrews County, Texas (ADAMS Accession No. ML21209A955), the NRC staff considered a range of reasonable alternatives that included the No-Action alternative, as required by the National Environmental Policy Act of 1969, as amended; storage at a government-owned CISF; alternative design and storage technologies; and alternative locations. The final EIS documents the environmental review, including the NRC staff’s recommendation to issue an NRC license to ISP to construct and operate a CISF for spent nuclear fuel at the proposed location, subject to the determinations in the NRC staff’s safety review of the application. The final EIS conclusion is based on the NRC staff’s independent environmental review, as well as (i) the license application, which includes the environmental report and supplemental documents and ISP’s responses to the NRC staff’s requests for additional information; (ii) consultation with Federal, State, Tribal, and local agencies and input from other stakeholders, including members of the public; and (iii) the assessments provided in the final EIS.

The NRC staff prepared a final safety evaluation report that documents the staff’s safety and security review of the application (ADAMS Accession No. ML21188A101). The staff’s safety and security review found that the application met applicable NRC regulations in 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.”

Documents related to the application carry Docket ID NRC–2016–0231. These documents for the ISP license include the license application, the applicant’s safety analysis report, emergency plan, physical security plan, environmental report, updates to these documents, and applicant supplements and responses to NRC staff requests for additional information, and the NRC staff’s final

safety evaluation report, final EIS, and ROD.

ISP’s request for a materials license was previously noticed in the **Federal Register** on November 14, 2016 (81 FR 79531). A notice of docketing with an opportunity to request a hearing and to petition for leave to intervene was published in the **Federal Register** on January 30, 2017 (82 FR 8773). Four groups of petitioners filed petitions to intervene. An Atomic Safety and Licensing Board considered petitions and admitted one contention. The Board subsequently dismissed the contention as moot after ISP supplemented its application with information that the contention had noted was missing, and the Board subsequently terminated the adjudicatory proceeding. Intervenor appealed the decisions to the Commission, and the Commission affirmed the Board decisions, with one new contention remanded to the Board for consideration. The Board subsequently dismissed the remanded contention, and the Commission denied an appeal of the Board decision.

In issuing a materials license to ISP for the WCS CISF, the NRC has determined based on its review of this application that there is reasonable assurance that: (i) The activities authorized by the license can be conducted without endangering the health and safety of the public; and (ii) these activities will be conducted in compliance with the applicable regulations of 10 CFR part 72. The NRC has further determined that the issuance of the license will not be inimical to the common defense and security.

In accordance with 10 CFR 2.390 of the NRC’s “Rules of Practice,” the details with respect to this action, including the final safety evaluation report and accompanying documentation and license, are available electronically in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. From this site, you can access ADAMS, which provides text and image files of the NRC public documents.

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.
1. Initial application, safety analysis report (SAR) and environmental report (ER), dated April 28, 2016	ML16133A070 (Package).
2. Application Revision 1, SAR Revision 1, and ER Revision 1, dated March 16, 2017	ML17082A021 (Package).
3. Application Revision 2, SAR Revision 2, and ER Revision 2, dated July 19, 2018	ML18206A595 (Package).
4. ER Revision 3, dated February 17, 2020	ML20052E144 (Package).

Document	ADAMS accession No.
5. SAR Revision 3, dated May 22, 2020	ML20150A337 (Package).
6. Application Revision 3, dated August 24, 2020	ML20237F470.
7. SAR Revision 4, September 2, 2020	ML20261H419 (Package).
8. Application Revision 4 and SAR Revision 5, dated April 12, 2021	ML21105A766 (Package).
9. Applicant response to request for additional information, dated July 19, 2018	ML18208A437.
10. Applicant response to request for additional information, dated January 7, 2019	ML19009A099.
11. Applicant response to request for additional information, dated March 22, 2019	ML19085A055.
12. Applicant response to request for additional information, dated May 31, 2019	ML19156A048 (Package).
13. Applicant response to request for additional information, dated June 26, 2019	ML19197A044.
14. Applicant response to request for additional information, dated June 28, 2019	ML19184A159 (Package).
15. Applicant response to request for additional information, dated June 28, 2019	ML19190A227 (Package).
16. Applicant response to request for additional information, dated July 31, 2019	ML19217A231 (Package).
17. Applicant response to request for additional information, dated August 20, 2019	ML19235A157 (Package).
18. Applicant response to request for additional information, dated September 18, 2019	ML19270E399.
19. Applicant submittal of supplemental information, dated September 20, 2019	ML19268A113 (Package).
20. Applicant response to request for additional information, dated November 21, 2019	ML19337B502 (Package).
21. Applicant response to request for additional information, dated January 6, 2020	ML20015A448 (Package).
22. Applicant response to request for additional information, dated January 17, 2020	ML20028E843 (Package).
23. Applicant response to request for additional information, dated January 22, 2020	ML20028D890 (Package).
24. Applicant response to request for additional information, dated February 14, 2020	ML20052D995 (Package).
25. Applicant response to request for additional information, dated February 14, 2020	ML20052E047 (Package).
26. Applicant submittal of supplemental information, dated March 5, 2020	ML20071F152 (Package).
27. Applicant response to request for additional information, dated March 16, 2020	ML20083J964 (Package).
28. Applicant response to request for additional information, dated April 7, 2020	ML20105A133 (Package).
29. Applicant response to request for additional information, dated April 7, 2020	ML20105A171 (Package).
30. Applicant response to request for additional information, dated May 18, 2020	ML20139A173 (Package).
31. Applicant response to request for additional information, dated June 11, 2020	ML20163A008.
32. Applicant submittal of supplemental information, dated July 21, 2020	ML20203M040.
33. Applicant submittal of supplemental information, dated January 27, 2021	ML21027A147.
34. Draft Environmental Impact Statement, dated May 2020	ML20122A220.
35. Overview of the Draft Environmental Impact Statement, dated May 2020	ML20121A016.
36. Overview of the Draft Environmental Impact Statement (Spanish language version), dated May 2020	ML20136A148.
37. Final Environmental Impact Statement, dated July 2021	ML21209A955.
38. Overview of the Final Environmental Impact Statement, dated July 2021	ML21200A050.
39. Final Safety Evaluation Report, dated September 2021	ML21188A101.
40. NRC Staff's Record of Decision, dated September 13, 2021	ML21222A214.
41. Materials License for ISP, dated September 13, 2021	ML21188A096 (Package).

Dated: September 13, 2021.

For the Nuclear Regulatory Commission.

Shana R. Helton,

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

[FR Doc. 2021-20092 Filed 9-16-21; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2020-171; CP2020-172; CP2020-179; CP2020-182; CP2020-196]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 21, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

www.prc.gov. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal

Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

Certificate Of Service

On this 8th day of February, 2022 a true and correct copy of the foregoing was filed with the electronic case filing (ECF) system of the U.S. Court of Appeals for the Fifth Circuit, which currently provides electronic service on the counsel of record.

/s/Allan Kanner
Allan Kanner

Counsel for Petitioners Fasken Land and
Minerals, Ltd. and Permian Basin Land and
Royalty Owners

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

February 08, 2022

Mr. Allan L. Kanner
Kanner & Whiteley, L.L.C.
701 Camp Street
New Orleans, LA 70130-0000

No. 21-60743 State of Texas v. NRC
Agency No. 72-1050

Dear Mr. Kanner,

The following pertains to your record excerpts electronically filed on February 7, 2022.

We filed your record excerpts. However, you must make the following correction(s) within the next 14 days.

You need to correct or add:

The title of the document should read "Petitioners' Record Excerpts" rather than "Addendum to Petitioners' Brief."

A numbered Table of Contents is required, see **5TH CIR. R. 30.1.7(a)**.

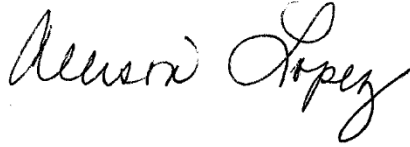
You must insert a page in between each document containing the tab number corresponding to the Table of Contents. See **5TH CIR. R. 30.1.7 (c)**.

Note: Once you have prepared your sufficient record excerpts, you must electronically file your 'Proposed Sufficient Record Excerpts' by selecting from the Briefs category the event, "Proposed Sufficient Record Excerpts", via the electronic filing system. Please do not send paper copies of the record excerpts until requested to do so by the clerk's office. The record excerpts are not sufficient until final review by the clerk's office. If the record excerpts are in compliance, paper copies will be requested and you will receive a notice of docket activity advising you that the sufficient record excerpts filing has been accepted and no further corrections are necessary. **The certificate of service/proof of service on your proposed sufficient record excerpts MUST be updated to the actual date that service is being made.** Also, if your record excerpts are sealed, this event automatically seals/restricts any attached documents, therefore,

you may still use this event to submit a sufficient record excerpts.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in black ink, appearing to read "Allison Lopez", written in a cursive style.

By: _____
Allison G. Lopez, Deputy Clerk
504-310-7702

cc: Mr. Michael Abrams
Mr. Andrew Paul Averbach
Mr. Ryan Baasch
Mr. Arnold Bradley Fagg
Mr. Justin Heminger
Ms. Annemieke Monique Tennis