UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 23, 2018

The Honorable Cisco McSorley
New Mexico State Senate
415 Wellesley Place NE
Albuquerque, NM 87106

SUBJECT: HOLTEC INTERNATIONAL'S APPLICATION FOR A CONSOLIDATED INTERIM SPENT FUEL STORAGE FACILITY LICENSE, DOCKET NO. 72-1051

Dear Mr. McSorley:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated February 10, 2018, in which you requested the NRC extend the public comment scoping period for the Holtec International proposed Consolidated Interim Storage Facility (CISF). Your letter explained that the typical 45-day comment period would conclude before the New Mexico Legislature has had the opportunity to hold public hearings, receive expert testimony, get citizen input, and make scoping recommendations. Your letter requested that the NRC leave the scoping comment period open until after the end of your full legislative session in 2019, to allow the New Mexico Legislature and State agencies an opportunity to fully review critical issues in the appropriate legislative interim committees and make policy recommendations that can be included as scoping comments.

The NRC's mission is to ensure adequate protection of the public health and safety; as such, the protection of the people near the facility is essential to our agency mission. Consistent with that mission, the NRC will not issue a license for a CISF unless and until the NRC staff has completed its detailed safety, security, and environmental reviews, and the applicant is able to demonstrate that the facility can meet all applicable NRC regulations and statutory requirements, including the Atomic Energy Act of 1954, as amended. The NRC staff estimates this review process will take approximately three years.

The NRC has an established regulatory process for developing environmental impact statements (EIS) consistent with its principles of good regulation, which include openness and transparency in the conduct of licensing activities. The NRC's regulations in Part 51 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 51) govern this process and implement Section 102(2) of the National Environmental Policy Act of 1969. Our process provides opportunities for the public to comment and participate in various elements of the environmental review process. The first opportunity for public involvement and input is during the scoping period, as the NRC staff solicits external stakeholder input on the matters identified in 10 CFR 51.29, including the issues to be analyzed in depth during the agency's environmental review. The first opportunity for public input with respect to this licensing action will be during the 60-day comment period for the scoping process.

The NRC staff has considered your request that the scoping period be extended until the end of your next full legislative session, which will begin in 2019. However, the agency has an obligation to the public and the regulated community to make timely regulatory decisions. The NRC staff will not start its detailed technical review until all the comments from scoping have been reviewed and considered. Extending the scoping period until the close of your legislative session would cause a corresponding delay in our licensing review of more than one year and would not be commensurate with a timely regulatory decision-making process. Accordingly, the NRC staff has decided not to extend its scoping period per your request.

The NRC's scoping process is intended to be inclusive. The NRC staff is planning to hold scoping meetings and open houses in communities near the proposed site of the CISF to encourage public participation and gather as much information as possible. Further, a webinar will be conducted to provide an opportunity for stakeholders who are unable to attend the local meetings to receive information on the proposed facility, and also provide oral comments to the NRC through the webinar. The NRC staff will capture all of the oral comments received during those meetings. Written comments from the public will be accepted as well, and can be submitted electronically or during the meetings. Spanish translators will be available at the meetings to ensure the Hispanic community in the region has a meaningful opportunity to provide comments and ask questions of the NRC staff. All scoping meetings will be announced in the *Federal Register* and will also be announced on the NRC's website, social media, via press release, and other communication vehicles, such as local media, to encourage public participation.

The conclusion of the scoping process will not limit other meaningful opportunities for the NRC to benefit from the involvement of the New Mexico State Legislature. Importantly, both the legislature and the public will have additional opportunities to participate in the NRC's environmental review process when the staff publishes the draft EIS for public comment. The staff anticipates the draft document to be available for public comment no sooner than the summer of 2019. Thus, we expect this to occur after your next legislative session. The NRC staff will actively seek comments on the draft EIS by conducting public meetings in the local area of the proposed facility to solicit comments on its draft report.

Finally, let me inform you that the NRC staff has accepted Holtec's CISF application for docketing. Acceptance for docketing does not constitute approval of the license, but initiates the detailed safety, security, and environmental reviews. If you would like to discuss any of these matters, please contact John McKirgan, Chief of the Spent Fuel Licensing Branch, at (301) 415-5722.

Sincerely,

***/RA by Daniel H. Dorman for/***

Victor M. McCree
Executive Director
for Operations