



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

May 3, 2018

Wallace L. Taylor  
4403 1<sup>st</sup> Ave. S.E., Suite 402  
Cedar Rapids, IOWA 52402

SUBJECT: HOLTEC LICENSE APPLICATION FOR CONSOLIDATED INTERIM SPENT FUEL STORAGE FACILITY IN LEA COUNTY, NEW MEXICO, DOCKET NO. 72-1051

Dear Mr. Taylor:

I am writing in response to your letter dated February 15, 2018. In that letter, on behalf of the Sierra Club, you stated you had reviewed the Safety Analysis Report and the Environmental Report (ER) that Holtec provided with its application for a license for a consolidated interim storage facility. In your letter, you stated your belief that there are omissions in those documents that, in your opinion, must be made available to the public to make informed decisions about intervening in the proceeding and in order to form contentions in support of intervention. You also stated that the U. S. Nuclear Regulatory Commission (NRC) must not make its completeness finding for this application until all pertinent information regarding the application is made readily available to the public. The omissions you claimed in your letter include information identified by Ms. Diane Curran in a letter to the NRC dated February 13, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML18045A118), and a related Freedom of Information Act (FOIA) request, which you have joined. Another omission you claimed is a 2017 report by R.S. Means, which is referenced by Holtec as a source for labor costs for decommissioning, but is not included or summarized in the application. You also claimed an omission related to Holtec's statement in the ER that construction will begin after it enters into a contract for storage with the U. S. Department of Energy (DOE). You stated that it is important to know the nature of that contract in order to determine whether Holtec proposes that DOE takes ownership of the spent fuel or would otherwise finance the project.

The NRC has completed its response to the FOIA request by Ms. Curran and all responsive documents can be found on the NRC's website for the Holtec application at <https://www.nrc.gov/waste/spent-fuel-storage/cis/hi/hi-app-docs.html>. Because you joined the FOIA request, you were also provided the responsive documents by the NRC FOIA office via e-mail on April 5, 2018. With regard to your request that the NRC wait until all pertinent information is available to the public before finding it complete, we addressed this issue in our response to Ms. Curran in a letter dated May 3, 2018 (enclosed). As we explained in that letter, Holtec submitted affidavits to justify its requests to withhold information, as required by Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390. The staff reviewed Holtec's requests and approved withholding of information that satisfies the criteria in 10 CFR 2.390 and the FOIA. The version of the application posted on the NRC's website conforms to the NRC's withholding determinations.

With regard to the additional information you have requested, the NRC is not in possession of the 2017 report by R.S. Means, which is referred to in the Holtec application or any contract between Holtec and DOE regarding the project. Because the NRC is not presently in possession of these documents, we are unable to provide them to you. Should that information be received in the course of the staff's review, it will be made available for public review on the agency's website, subject to any withholding requests approved by the NRC staff under 10 CFR 2.390.

The NRC staff has accepted the Holtec application for review and a notice of the docketing of the license application has been published in the *Federal Register*. As stated in the enclosed NRC response to Ms. Curran, a notice of the opportunity to request a hearing will be issued in the near future. The NRC continues to be committed to its principles of good regulation, including openness, and recognizes the importance of disclosing appropriate information regarding pending licensing actions to give the public an opportunity to participate in its licensing process.

Sincerely,

**/RA Anthony Hsia Acting for/**

Michael C. Layton, Director  
Division of Spent Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 72-1051

Enclosure:  
As stated

SUBJECT: HOLTEC LICENSE APPLICATION FOR CONSOLIDATED INTERIM SPENT FUEL STORAGE FACILITY IN LEA COUNTY, NEW MEXICO, DOCKET NO. 72-1051, DOCUMENT DATED MAY 3, 2018

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