

May 3, 2018

Diane Curran
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1725 DeSales Street NW, Suite 500
Washington, DC 20036

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

Dear Ms. Curran:

I am writing in response to your letter dated February 13, 2018. In that letter, on behalf of Beyond Nuclear, you wrote to alert the U. S. Nuclear Regulatory Commission (NRC) staff that you believe the version of the Holtec license application for a consolidated interim storage facility, as posted on the NRC's website, was incomplete, in violation of the Freedom of Information Act (FOIA) and the NRC's policy of openness in licensing proceedings. Your letter referred to, and enclosed, a copy of your February 7, 2018, FOIA request for specific documents from Holtec's license application, which had been withheld from public disclosure as proprietary. You stated that you were seeking to ensure that, before the NRC begins the hearing process for the Holtec license application, the NRC fully complies with the FOIA and our commitment to provide the maximum possible disclosure of the Holtec application. Accordingly, you requested that the NRC delay any finding of completeness or hearing notice issuance until your FOIA request has been dispositioned and the NRC posted a complete Holtec consolidated interim storage facility application on the NRC website.

Holtec submitted its application on March 30, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML17115A431). On July 7, 2017, the NRC staff issued a request for supplemental information (ADAMS Accession Number ML17191A356). Holtec supplemented its application on April 13, October 6, December 21 and 22, 2017; and February 23, 2018 (ADAMS Accession Nos. ML17109A386, ML17310A218, ML17362A097, ML18011A158, and ML18058A617, respectively). In the application and each supplement, Holtec submitted an affidavit requesting that certain portions of the submittal be withheld from public disclosure with written justification for the request, as required under Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390. The NRC staff determined whether to grant or deny each request for withholding under the standards of 10 CFR 2.390 based on the information in those submittals and additional information provided in response to the NRC staff requests for clarification. Holtec submitted a revised application incorporating the staff withholding determinations on February 23, 2018 (ADAMS Accession Number ML18058A617). In response to your FOIA request, the NRC staff also reviewed Holtec's withholding requests. These ADAMS accession numbers contain the publicly available versions of Holtec's submittals. In the course of our FOIA review, Holtec submitted a revised version of Attachment 5 of the application (HI-STORE Consolidated Interim Storage Facility – Training and Qualification Program, ADAMS Accession Number ML18093A421) disclosing additional information. Our response to your FOIA request is now complete and the responsive documents have been provided to you.

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. Now that the NRC staff's withholding determinations pursuant to 10 CFR 2.390 and the FOIA process are complete, and the application on the hearing docket is consistent with those determinations, the NRC expects to issue a hearing notice 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 fully participate in the licensing process.

Sincerely,

/RA Anthony Hsia Acting for/

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

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