



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

May 8, 2018

The Honorable Jeff Steinborn
New Mexico State Senate
P.O. Box 562
Las Cruces, NM 88004

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

Dear Mr. Steinborn:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated April 3, 2018, in which you requested that the NRC leave the public comment period for the environmental review of Holtec International's (Holtec's) proposed HI-STORE Consolidated Interim Storage Facility (CISF) open long enough to allow the New Mexico's legislative committees and agencies an opportunity to review critical issues related to the application, and develop policy recommendations for inclusion as part of the comments. In your letter, you also requested that the NRC staff appear before the State of New Mexico's interim Radioactive and Hazardous Materials Committee to detail the Holtec license application and scoping process.

In our March 23, 2018, response letter to you and several members of the New Mexico State Senate and House of Representatives, we addressed a request to extend the scoping period until the end of your next full legislative session. We noted that we would not extend the scoping period until the close of the legislative session because the corresponding delay in our licensing review would not be commensurate with a timely regulatory decision-making process. Further, we noted the conclusion of the scoping process would not limit other meaningful opportunities for the NRC to benefit from the involvement of the New Mexico State Legislature. Both the legislature and the public will have additional opportunities to participate in the NRC's environmental review process when we publish the draft environmental impact statement (EIS) for public comment. We anticipate the draft document will be available for public comment no sooner than the summer of 2019. We will actively seek comments on the draft EIS by conducting public meetings in the local area of the proposed facility.

We also considered your request for NRC staff to appear before the interim Radioactive and Hazardous Materials Committee. We firmly support sharing information with the New Mexico Legislature about the NRC's safety and environmental review processes for the proposed CISF. We believe, however, that a government-to-government meeting or information session between NRC staff and interested members of the New Mexico Legislature would offer a more appropriate and productive format for discussing these matters. Our detailed safety and environmental reviews for the Holtec CISF are currently underway. We would not be able to

discuss pre-decisional information regarding the technical merits of Holtec's proposed license application while the safety and environmental reviews are ongoing and while a licensing decision is pending. Therefore, the proposed meeting would, by necessity, be limited to a discussion of NRC's review process, the scope of NRC's review, and the regulatory requirements associated with the license application. As our detailed review process continues, the NRC staff will request additional information and hold public meetings with Holtec to discuss technical issues. These meetings with Holtec will be open to the public, unless the matters discussed include security-related or proprietary information.

We look forward to meeting in the near future to discuss these matters with the New Mexico Legislature. If you would like to discuss the necessary arrangements for a future meeting, or discuss any of the matters addressed in this letter, please contact John McKirgan, Chief of the Spent Fuel Licensing Branch, at (301) 415-5722.

Sincerely,

/RA Michael R. Johnson Acting for/

Victor M. McCree
Executive Director
for Operations

Docket No. 72-1051

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