



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

May 21, 2018

Don L. Lee  
New Mexico Federal Lands Council  
PO Box 149  
Alamogordo, NM 88311

Dear Mr. Lee,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated April 12, 2018, in which you expressed concern with Holtec International's proposed Consolidated Interim Storage Facility (CISF). Specifically, your letter identifies concerns related to impacts on agricultural production near the proposed facility, and concerns about the safety of the public from the construction and operation of the proposed facility.

The NRC's responsibility is to protect public health and safety in the civilian uses of radioactive materials; as such, the protection of the people and the environment near a facility is essential to our agency's mission. Consistent with that mission, the NRC will not issue a license for a CISF unless and until the NRC staff has completed a detailed safety, security, and environmental review, and the applicant is able to demonstrate that the facility can meet all applicable NRC regulations and statutory requirements.

The NRC is required to conduct a comprehensive evaluation of the potential environmental impacts from the construction and operation of the CISF, and publish the results of its review in an environmental impact statement (EIS) in accordance with the National Environmental Policy Act of 1969 and NRC's regulations in Part 51 of Title 10 of the *Code of Federal Regulations* (CFR). The NRC typically includes an evaluation of socioeconomic, ecological resources, and transportation impacts in its environmental reviews, which are areas of concern identified in your letter.

The NRC has an established regulatory process for conducting environmental reviews consistent with its principles of good regulation, which include openness and transparency in the conduct of licensing activities. 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. During the scoping period, the NRC staff seeks opportunities to meet with representatives from local and state government, as well as tribes. The NRC's scoping period began on March 30, 2018 and will continue until July 30, 2018. All the comments received will be reviewed and evaluated by the staff. A scoping summary report will be issued to provide the public an opportunity to see all the comments received and how the comments were dispositioned. Information on how to provide comments can be found at <https://www.federalregister.gov/documents/2018/05/16/2018-10418/holtec-international-hi-store-consolidated-interim-storage-facility-project>.

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 NRC staff will actively seek comments on the draft EIS by conducting public meetings in the local area of the proposed facility. The NRC currently estimates that it will issue the draft EIS in late summer 2019.

Your letter expressed concerns regarding transportation of spent nuclear fuel to the proposed site. The NRC and Department of Transportation (DOT) regulations establish requirements to ensure shipments of radioactive materials are made safely. Spent nuclear fuel transportation packages must be certified by the NRC and are evaluated to demonstrate the safety of shipments during normal conditions, and during hypothetical transportation accidents such as drops, punctures, and fires. In addition, NRC and DOT regulations specify that shippers of spent nuclear fuel must have procedures for addressing emergencies, coordinate with local law enforcement agencies, and identify safe havens along shipping routes. Details of transportation shipments are not made public for security purposes. About three million packages containing radioactive materials are shipped each year in the United States, either by highway, rail, air, or water; and spent fuel shipments have not released any radioactive materials since they began more than 40 years ago.

The NRC is in the initial stages of its safety, security, and environmental reviews, which began on February 28, 2018, following the NRC staff's decision to accept Holtec's CISF application for docketing. 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/**

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

LTR-18-0167 DON L. LEE, PRESIDENT, NEW MEXICO FEDERAL LANDS COUNCIL,  
 LETTER RE: HOLTEC INTERNATIONAL'S APPLICATION TO THE NRC REQUESTING  
 AUTHORIZATION TO CONSTRUCT AND OPERATE A HI-STORE CONSOLIDATED  
 INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL IN NEW MEXICO, DOCUMENT  
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