



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

July 30, 2018

Mr. Terry J. Lodge, Esq.
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Toledo, OH 43604-5627

SUBJECT: REQUEST FOR AN EXTENSION OF THE ENVIRONMENTAL SCOPING PERIOD AND SUSPENSION OF THE NOTICE OF OPPORTUNITY TO REQUEST A HEARING AND TO PETITION FOR LEAVE TO INTERVENE FOR HOLTEC INTERNATIONAL'S PROPOSED CONSOLIDATED INTERIM SPENT FUEL STORAGE FACILITY LICENSE IN LEA COUNTY, NEW MEXICO (DOCKET NUMBER: 72-1051)

Dear Mr. Lodge:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated July 19, 2018, requesting: (1) an extension of the environmental scoping period for Holtec International's proposed Consolidated Interim Storage Facility to October 30, 2018; and (2) a suspension of the NRC's July 16, 2018, notice of opportunity to request a hearing and to petition for leave to intervene (83 FR 32919).

Your letter also stated two primary reasons for this request: (1) to afford the public additional time to comment on the anticipated disclosures by the NRC in response to a July 11, 2018, Freedom of Information Act (FOIA) request (NRC-2018-000634), and; (2) to remedy public frustrations with the recurring technical problems with the NRC's systems for submission of public comments and the conduct of research in the NRC's Agencywide Documents Access and Management System (ADAMS).

As stated in the NRC's response to your FOIA request, the NRC anticipates completing our response to your request by August 8, 2018. In your July 11, 2018, FOIA request, you requested all material redacted from pages 321 to 464 of the Holtec Environmental Report (ADAMS Accession No. ML18023A904). For purposes of scoping, the NRC staff will be considering this information in its environmental review of the application. However, the unredacted version of information on these pages, which contains information on properties undergoing eligibility determinations under Section 106 of the National Historic Preservation Act (NHPA), is being withheld under Section 304 of the NHPA. The public will have an opportunity to comment on the NRC staff's evaluation of this information when the NRC staff publishes the draft Environmental Impact Statement (EIS) for comment.

With regard to submission of public comments since the environmental scoping period began on March 30, 2018 (83 FR 13802), NRC has provided three methods for submittal: 1) verbally at one of the transcribed public scoping meetings; 2) hardcopy via regular U.S. mail or hand delivery at one of the scoping meetings; and 3) electronically using the Federal Rulemaking website. On May 16, 2018, the NRC noticed in the Federal Register a fourth method: submission of comments by e-mail at Holtec-CISFEIS@nrc.gov (83 FR 22714). Since the

beginning of the scoping period, the NRC has conducted a total of six scoping meetings and has received hundreds of comments during those meetings, by the methods discussed above. In your letter, you referred to difficulties using the Federal Rulemaking website. The Federal Rulemaking website is part of the Federal Docket Management System, and is supported by 41 Federal agencies including the NRC. It is not managed by the NRC.

In response to your letter, the NRC staff verified that the Federal Rulemaking website has operated properly during the scoping comment period. The NRC staff contacted the Federal Rulemaking website help desk and confirmed that there were no reported concerns from members of the public regarding the inoperability of the website during the scoping period. Please note that the Federal Rulemaking website provides users with a help desk number for assistance and contains a notice advising users that certain browser plug-ins or extensions may interfere with a comment submittal. The scoping period had been extended to accommodate two additional locations in New Mexico. The six scoping meetings, along with the 120-day scoping period, and the four methods to submit comments, provide sufficient opportunities for members of the public to submit their comments, while allowing the NRC to make timely regulatory decisions. Therefore, the NRC staff is not planning to further extend the scoping period.

With regard to your description of technical problems using ADAMS, the NRC staff has verified that ADAMS is functioning as it should. Periodic outages are required for maintenance, and do not substantially impact the availability of ADAMS over the 60-day period in which to request a hearing and provide petitions for leave to intervene. Finally, at this stage, any request to modify the 60-day deadline for intervention on the Holtec application is determined by the Commission itself, not by the NRC staff.

If you would like to discuss any of these matters, please contact Mr. Jose Cuadrado, Project Manager, by telephone at (301) 415-0606 or via email at Jose.Cuadrado@nrc.gov.

Sincerely,

/RA/

Michael C. Layton, Director
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Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1051

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ADAMS Accession No.: ML18211A182

***via email**

OFC	DSFM/SFLB	DSFM/SFLB	DFSM/SFLB	OGC
NAME	DBrown	SFiguroa	JCuadrado	CHair
DATE	7/25/18	7/27/18	7/25/18	7/26/18
OFC	FCSE	DSFM/SFLB	DSFM	
NAME	JCaverly	JCuadrado for JMcKirgan	MLayton	
DATE	7/25/18	7/26/18	7/30/18	

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