



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

February 16, 2021

The Honorable Michelle Lujan Grisham
Governor of New Mexico
State Capitol, Room 400
Santa Fe, NM 87501

Dear Governor Grisham:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your July 28, 2020, letter to then-President Trump, expressing your opposition to the proposed interim storage of spent nuclear fuel and high-level nuclear waste within the States of New Mexico and Texas. In your letter, you expressed concerns about the risks to the citizens, communities, first responders, the environment, and to agriculture and natural resource industries in New Mexico. The past administration referred your letter to the NRC for a reply. I apologize that my response has been delayed due to difficulties with the transmittal of your letter to the NRC.

As referenced in your letter, the NRC is currently considering two applications for licenses to construct and operate consolidated storage facilities for interim storage of commercial spent nuclear fuel at sites in Lea County, NM, and Andrews County, TX. The NRC staff is conducting detailed reviews of both applications to determine whether the proposed facilities will meet the NRC's safety, security, and environmental protection requirements. The NRC staff will publish two separate safety evaluation reports that will discuss its findings on the safety and security of these facilities. In addition, the NRC will also publish final environmental impact statements (EISs) for each facility that will disclose potential environmental impacts from the construction, operation, and decommissioning of these facilities. These EISs will consider impacts related to land use, socioeconomics and environmental justice, potential accidents, transportation, and alternatives.

As required by the National Environmental Policy Act and NRC regulations, the NRC solicited public comments on the draft EISs. The comment period for each application lasted 6 months, during which the NRC held 10 separate virtual public meetings to gather comments from the public.

Your July 28, 2020, letter raised several issues that are similar to issues raised in your September 22, 2020, letter to the NRC submitting comments on the draft EIS for the Lea County, New Mexico, facility. The NRC staff will consider the comments in your September 22, 2020, letter, and the other comments that NRC received on the draft EIS comment period, during the preparation of the final EIS. Certain issues, such as site suitability, fuel cask integrity, and design basis accidents, will be addressed in the staff's safety evaluation report.

At the end of each review, the staff will make a licensing decision based on its conclusions about whether these applications comply with the environmental protection requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, "*Environmental protection regulations for domestic licensing and related regulatory functions*," the safety and security requirements in 10 CFR Part 72, "*Licensing requirements for the independent storage of spent nuclear fuel and high-level radioactive waste, and reactor-related greater than Class C waste*," and other applicable NRC regulations. Based upon current schedules, that decision will occur in July 2021.

The NRC staff would be happy to meet with you or your staff to discuss our roles, responsibilities, and review process for the consolidated interim storage facilities. If you have any questions, please contact me or have your staff contact Mr. John W. Lubinski, Director of the Office of Nuclear Material Safety and Safeguards, at (301) 415-0595.

Sincerely,

A handwritten signature in blue ink that reads "Margaret M. Doane".

Signed by Doane, Margaret
on 02/16/21

Margaret M. Doane
Executive Director
for Operations

SUBJECT: LETTER TO THE HONORABLE MICHELLE LUJAN GRISHAM
Dated: February 16, 2021

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