



CHAIRMAN

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

August 27, 2021

The Honorable José Menéndez
P.O. Box 12068
Capitol Station
Austin, TX 78711

Dear Senator Menéndez:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your July 23, 2021, letter expressing opposition to the proposed interim storage of spent nuclear fuel and high-level nuclear waste within the States of Texas and New Mexico.

As referenced in your letter, the NRC staff is currently considering two applications for licenses to construct and operate facilities for the interim storage of commercial spent nuclear fuel at sites in Andrews County, Texas, and Lea County, New Mexico. For each of the two applications, the NRC staff will issue a safety evaluation report that will discuss the staff's findings on the safety and security of the proposed facility. In addition, the NRC staff prepares a final environmental impact statement (EIS) for each application that considers potential environmental impacts from the construction, operation, and decommissioning of the proposed facility. For the Interim Storage Partners facility proposed in Texas, the NRC staff issued the final EIS on July 29, 2021, and a licensing decision is expected in the fall. For the Holtec facility proposed in New Mexico, the staff anticipates that it will issue the final EIS in November 2021 and that a final licensing decision will be made in or around January 2022.

The NRC takes its mission of protecting public health and safety very seriously. The NRC issues licenses only if it finds that all regulatory requirements have been met and that there is reasonable assurance of adequate protection of the public health and safety. The Commission's views related to many of the issues you have raised have been addressed in recent adjudicatory decisions, including CLI-20-04, CLI-20-13, and CLI-20-14. These adjudicatory decisions are available on the NRC's website at <https://www.nrc.gov/reading-rm/doc-collections/commission/orders/index.html>.

The NRC staff would be happy to meet with you or your staff to discuss in greater detail the agency's roles, responsibilities, and review process for the consolidated interim storage facilities and the safety and security of shipments of spent fuel and high-level waste. If you have any questions or need more information, please contact Mr. John W. Lubinski, Director, Office of Nuclear Material Safety and Safeguards, at (301) 415-0595.

Sincerely,

Christopher T. Hanson