



The Secretary of Energy

Washington, DC 20585

December 31, 2022

The Honorable Michelle Lujan Grisham
Governor of New Mexico
490 Old Santa Fe Trail, Room 400
Santa Fe, New Mexico 87501

Dear Governor Lujan Grisham:

Thank you for your November 16, 2022, letter asking President Biden to direct the U.S. Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) to suspend consideration of the Holtec International (Holtec) application for a license to construct and operate a private consolidated interim storage facility for spent nuclear fuel and Greater-Than-Class C low level radioactive waste at a site located between the cities of Carlsbad and Hobbs, New Mexico. Your letter also requests that DOE and NRC directly engage with the State of New Mexico within a consent-based framework on the many unaddressed issues related to nuclear waste disposal at this and related facilities that New Mexico has been raising for years.

While DOE does not have role in the independent NRC proceeding on the Holtec license application, DOE is dedicated to moving towards a working consent-based framework for handling spent nuclear fuel, and I commit that the Department will work closely with the State of New Mexico on related issues.

In the Consolidated Appropriations Act of 2021, Congress provided funds for the Department to move forward on establishing a Federal interim storage capability. With the final fiscal year 2021 appropriation, DOE began pursuing activities related to the process for identifying one or more Federal consolidated interim storage facilities (CISF) using a consent-based siting process. In 2022, Congress continued to fund establishing a Federal interim storage facility using consent-based siting. As the core part of this effort, DOE is actively engaging with the public and potentially interested communities on using a consent-based siting process to identify one or more sites for a Federal CISF.

Please be assured that as we develop and implement a consent-based siting process for identifying one or more sites for Federal consolidated interim storage, the principles of equity and environmental justice will be important considerations. DOE has had a strong commitment to environmental justice and social equity across our work in the Biden Administration, which includes the consent-based siting efforts to site a federal CISF.

DOE is focusing our near-term efforts on gathering public feedback and insights to further develop and refine a consent-based siting process that focuses on communities, enables broad participation, prioritizes environmental justice and social equity, reaffirms the Department's strong commitment to protecting public health and safety and the

environment, and works to build and sustain public trust and confidence. We appreciate your response to the Request for Information (RFI) on *Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities* (86 FR 68244) dated March 4, 2022. Overall, we received over 220 submissions to the RFI, and in September 2022 we issued a report of our findings and analysis on the extensive feedback we received. This feedback has been used to inform development of a consent-based siting process, an overall strategy for an integrated waste management system; and the provision of resources to support public engagement on the issue of spent nuclear fuel, consent-based siting, and nuclear waste management (i.e., a funding opportunity announcement on consent-based siting issued on September 20, 2022).

I look forward to working with you to solve this complex problem. If you have any questions, please feel free to contact me or Ms. Jennifer Bumgarner, Principal Deputy Assistant Secretary for Intergovernmental Affairs, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Granholm', with a stylized flourish at the end.

Jennifer Granholm

cc: The President of the United States, The White House
The Hon. Christopher Hanson, Nuclear Regulatory Commission Chair