



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

June 27, 2019

SECRETARY

The Honorable Deb Haaland
United States House of Representatives
Washington, DC 20515

Dear Congresswoman Haaland:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of June 19, 2019, to Chairman Svinicki regarding the license application from Holtec International for a consolidated interim storage facility (CISF) in New Mexico. Your letter states your opposition to interim storage of high-level radioactive waste in the state of New Mexico.

The NRC is reviewing the application submitted by Holtec on March 30, 2017, to construct and operate a CISF. Six hearing requests on this application were received and considered by an NRC Atomic Safety and Licensing Board. On May 7, 2019, the Board issued a ruling on the petitions. The Board did not grant any of the hearing requests; it found that no petitioner had both demonstrated standing and proffered an admissible contention, as is required by the NRC's procedural rules. Five petitioners have appealed the Board's decision to the Commission.

Your letter raises some of the same issues currently before the Commission on appeal. Because the appeals are pending before the Commission in its quasi-judicial capacity, the Commission must remain impartial during the pendency of the adjudication and it would be inappropriate for the Chairman to discuss or comment on your letter at this time.

A copy of your letter and this response will be served on the participants in the Holtec CISF adjudication.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

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Congress of the United States House of Representatives

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READINESS

COMMITTEE ON NATURAL RESOURCES,
VICE-CHAIR

SUBCOMMITTEES:

NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CHAIR
INDIGENOUS PEOPLES OF THE UNITED STATES

NATIVE AMERICAN CAUCUS, CO-CHAIR

REGIONAL WHIP

June 19, 2019

The Honorable Rick Perry
Secretary
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

The Honorable Kristine Svinicki
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16B33
Washington, DC 20555-0001

Dear Secretary Perry and Chairman Svinicki:

I write in opposition to the interim storage of high-level radioactive waste in New Mexico. The Nuclear Regulatory Commission (NRC) is evaluating Holtec International's application for a license to construct and operate a consolidated interim storage facility for commercial spent nuclear fuel in Lea County, New Mexico. I believe such a facility poses too great a risk to the health and safety of New Mexicans, our economy, and our environment.

Operation of this facility would require shipping of high-level radioactive waste along railways and roads throughout our state. Our existing railways were not built to withstand the weight of waste containers and there are no plans for new construction or renovations within this proposal. Cities and counties across New Mexico, as well as the state itself, would be asked to bear the cost of the infrastructure improvements needed for safe transportation, as well as for the emergency response personnel and equipment that will be needed to respond to an incident. The Department of Energy's (DOE) modeling of rail transportation of waste to Yucca Mountain predicted accidents at a rate of 1 in 10,000 shipments, meaning it is essential that such measures be put in place.

The concept of an interim storage facility is inherently flawed, because it will result in waste being moved twice, first to the interim facility and then to a permanent repository. This increases the chances that the waste will be involved in an incident during transportation, the riskiest portion of the process. DOE has found that a severe accident involving one radioactive waste cask releasing only a small amount of waste could contaminate a 42 square mile rural area with cleanup costs exceeding \$620 million, and in an urban area cleanup costs could exceed \$2 billion and take years. And waste shipments emit radiation even during routine transportation. Should an incident occur in the area of the Holtec site, it would wreak havoc on New Mexico's economy, as the agricultural industry in Lea and Eddy Counties, where the facility would be located, contributes \$300 million to our economy annually.

Finally, the lack of a permanent high-level radioactive waste repository means that any interim storage facility will serve as a de-facto permanent repository that will not meet the technical requirements for permanent waste isolation. As a result, the waste stored at an interim facility will require repackaging over time, which will increase the risk of accidents and endanger the health of New Mexicans. Rather than wasting time and money on an interim storage facility that increases the risk posed by nuclear waste, we should be focusing storing the waste more securely at the sites where it currently resides while we develop a permanent repository. The Nuclear Waste Policy Act of 1982, as amended, recognizes the folly in this and prohibits DOE from taking title to spent nuclear fuel if a permanent repository is not operating.

Based on the risks that an interim storage facility for high-level radioactive waste or spent nuclear fuel poses to the state of New Mexico, I am opposed to the Holtec application.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Deb Haaland". The signature is fluid and cursive, with a large initial "D" and "H".

Deb Haaland
Member of Congress

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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)
HOLTEC INTERNATIONAL) Docket No. 72-1051-ISFSI
)
)
(HI-STORE Consolidated Interim Storage)
Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letter from NRC Secretary, Annette Vietti-Cook, to Congresswoman Haaland** have been served upon the following persons by Electronic Information Exchange (EIE).

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Docket No. 72-1051-ISFSI

Letter from NRC Secretary, Annette Vietti-Cook, to Congresswoman Haaland

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Docket No. 72-1051-ISFSI

Letter from NRC Secretary, Annette Vietti-Cook, to Congresswoman Haaland

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~~Rick Rudometkin~~

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* Eddy County not served due to no representative for the County assigned at the time of Mr. Rudometkin's departure.

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 27th day of June, 2019