

From: Kerster, Courtney, GOV <Courtney.Kerster@state.nm.us>
Sent: Tuesday, September 22, 2020 8:30 PM
To: Holtec-CISFEIS Resource
Subject: [External_Sender] Docket ID NRC-2018-0052, Governor Lujan Grisham
Attachments: John Tappert Signature.pdf

Please see the attached comments from Governor Michelle Lujan Grisham on Docket ID NRC-2018-0052.

Thank you,
Courtney

Courtney Kerster
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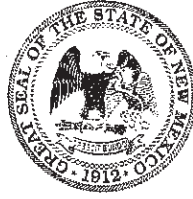
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State of New Mexico

Michelle Lujan Grisham
Governor

September 22, 2020

John Tappert, Director
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Rockville, MD 20852

Submitted by email to: Holtec-CISFEIS@nrc.gov

Director Tappert,

I write to express my opposition to the recommendation in the March 2020 draft Environmental Impact Statement (EIS) for the Holtec International license application for a consolidated interim storage facility (CISF) for spent nuclear fuel and high level waste in Lea County, New Mexico.

The Nuclear Regulatory Commission (NRC) preliminary recommendation is the issuance of a license to Holtec International authorizing the initial phase of the project, unless safety issues mandate otherwise. Unfortunately, in the draft EIS developed in support of this recommendation, the NRC failed to address significant environmental and economic concerns, including those listed herein:

1) The proposed site is geologically unsuitable despite any environmental reports submitted by Holtec International or analysis performed by the NRC.

Holtec proposes to bury highly radioactive and toxic spent nuclear fuel to a depth of only 50 feet in an area that is underlain by concerns for sinkhole developments and shallow groundwater, a precious resource in this state. As early as the 1950s, the National Academy of Sciences recommended disposal of long-lived radioactive wastes in deep, geologically stable formations. Holtec's proposed CISF site does not provide deep geologic isolation for indefinite spent nuclear fuel storage, and the proposed site is unsuitable for spent nuclear fuel storage over a period of decades. The design life for the storage facility and casks, canisters, and assemblies is 80 years. The service life for the spent nuclear fuel storage site is 120 years. At this time, the NRC cannot

guarantee that a permanent repository for spent nuclear fuel in the United States will be developed in 40, 80, or 120 years, or that the proposed Holtec CISF will not become a permanent repository. Even 80 years of storage at the Holtec CISF amounts to impacts beyond the lifetimes of everyone involved in this decision.

Additionally, the design considerations for the CISF and related infrastructure offer no specific plans for withstanding earthquakes in the region, which are increasing in both frequency and magnitude, due to long-term effects related to oil and gas operations in the Permian Basin.

2) New Mexicans, tribes and local governments overwhelmingly oppose Holtec International's proposal and the issuance of an NRC license.

The All Pueblo Council of Governors, representing 20 Governors of New Mexico's Pueblo nations, also opposes an interim storage facility. The All Pueblo Council of Governors raised concerns related to the transport of nuclear material across the country and highlighted the lack of meaningful consultation with tribal governments on a project that presents unimaginable risks to their communities, environment, and sacred sites. The All Pueblo Council of Governors joins a broad range of federal, state, and local officials in opposing the project. The New Mexico State Land Office, members of New Mexico's Congressional Delegation, and many environmental groups have expressed their opposition. Several local governments, including the City of Albuquerque, the City of Bernalillo, and the City of Las Cruces, have also passed resolutions opposing the project.

Holtec International disregarded specific impacts on tribal, minority and low-income populations in their analysis, which are significantly greater populations in New Mexico as compared to the United States' general population. Such populations have already suffered disproportionately high adverse human health and environmental effects from nuclear energy and weapons programs of the United States. Holtec International's proposal would join the ranks of uranium mining, nuclear energy and defense-related programs that have long created risks to public health and the environment in the state of New Mexico that are disproportionately greater than such risks to the general population of the United States.

3) The NRC's independent analysis in the draft EIS failed to address significant risks to communities and our economy.

The CISF would place unfunded mandates on local communities. Transporting spent nuclear fuel across the nation and New Mexico is complex and extremely dangerous. Safe transportation of spent nuclear fuel requires both well-maintained infrastructure and highly specialized emergency response equipment and personnel that can respond quickly to an incident at the facility or on transit routes. Routes have to be agreed upon, weight capacity limits for existing rail systems needs to be addressed, local first responders (emergency and medical) across the country and in New Mexico have to be trained, and critical infrastructure and equipment need to be designed and deployed. Some spent nuclear fuel in storage is not fit for transport, yet the Holtec CISF

would be licensed for up to 120 years with its maximum buildout anticipated to include all the spent nuclear fuel inventory across the nation.

Accidents are possible and unacceptably detrimental to the safety of New Mexicans, our economy, and our state. Over time, it is likely that the casks storing spent nuclear fuel and high-level wastes will lose integrity and will require repackaging. Any repackaging of spent nuclear fuel and high-level wastes increases the risk of accidents and radiological health risks. The consequences of a release of radiation due to accidental events (such as fire, flood, earthquakes, ruptures of fuel rods, explosion, lightning, extreme temperatures and more), potential exposure pathways via groundwater, potential acts of terrorism or sabotage, and the risks associated with aging spent nuclear fuel canisters, all pose unacceptable risks to New Mexico's citizens, communities, economic industries, and environment. These severe consequences are completely preventable by not allowing an interim storage facility in New Mexico or nearby in West Texas.

Moving spent nuclear fuel multiple times increases the likelihood of accidents in New Mexico and elsewhere. The NRC has stated in the past that spent nuclear fuel is safe at its current locations, therefore there is no need to move spent nuclear fuel to an interim storage facility in New Mexico. Moving spent nuclear fuel only once, from its current location to a national permanent repository once one exists, will limit the likelihood of devastating accidents to communities within New Mexico and across the United States.

The proposed CISF poses an unacceptable risk to New Mexicans, who look to southeastern New Mexico as a driver of economic growth in our state. New Mexico's agricultural industry contributes approximately \$3 billion per year to the state's economy, \$300 million of which is generated in Lea and Eddy Counties, where the proposed facility is to be sited.

Further, the Permian Basin, situated in west Texas and southeastern New Mexico, is the largest inland oil and gas reservoir and the most prolific oil and gas producing region in the world. New Mexico's oil and natural gas industry contributed approximately \$2 billion to the state last year. According to the U.S. Energy Information Administration (EIA), Lea County and Eddy County were ranked the second and sixth oil-producing counties in the United States, respectively, in 2019.

Establishing an interim storage facility in this region would be economic malpractice. Any disruption of agricultural or oil and gas activities as a result of a perceived or actual nuclear incident would be catastrophic to New Mexico, and any steps toward siting such a project could cause a decrease in investment in two of our state's biggest industries. Further, the mere presence of such a facility in New Mexico will stymie investments in our "all of the above" energy approach. For those reasons, the New Mexico Cattle Growers' Association, the New Mexico Farm and Livestock Bureau, and the Permian Basin Petroleum Association have all sent me letters opposing high-level waste storage in southeastern New Mexico.

In conclusion, the draft EIS is fatally flawed based on a lack of due diligence by Holtec International, a lack of understanding of New Mexico's environment, and an insufficient analysis of potential impacts to our citizens and our economy. Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in black ink that reads "Michelle Lujan Grisham". The signature is written in a cursive, flowing style.

Michelle Lujan Grisham
Governor of New Mexico