



State of New Mexico

Michelle Lujan Grisham
Governor

July 28, 2020

The President of the United States
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear President Trump,

I write to express my opposition to the proposed interim storage of spent nuclear fuel and high-level nuclear waste within the state of New Mexico and in Texas near our border. New Mexico has grave concerns for the unnecessary risk to our citizens and our communities, our first responders, our environment, and to New Mexico's agriculture and natural resource industries.

The Nuclear Regulatory Commission (NRC) is evaluating the issuance of a 40-year license to Holtec International for a Consolidated Interim Storage Facility (CISF) in southeastern New Mexico, as well as a similar facility in West Texas near our New Mexico border. As proposed, the Holtec CISF would store commercial spent nuclear fuel and reactor-related materials greater than low-level radioactive waste. Holtec plans to subsequently request amendments to the license for 19 expansion phases of the proposed CISF (a total of 20 phases), to be completed over the course of 20 years, expanding the proposed facility to eventually store up to 10,000 canisters of spent nuclear fuel.

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.

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.

I am also concerned about the financial burden the CISF would place on the state and 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 need 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.

The proposed CISF site is geologically unsuitable. 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.

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.

New Mexico's percentages of tribal, minority and low-income populations are significantly greater than those in the United States' general population and those populations have already suffered disproportionately high adverse human health and environmental effects from nuclear energy and weapons programs of the United States. The proposed CISF 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.

Given that a permanent repository for high-level waste does not exist in the United States and there is no existing plan to build one, any "interim" storage facility will be an indefinite storage facility, and the risks for New Mexicans, our natural resources and our economy are too high. I urge you to join me, along with other state and local officials and the agriculture and oil and gas industries, in opposing the siting of an interim storage facility for high-level nuclear waste in New Mexico or West Texas.

I thank you for your consideration of these concerns and look forward to your reply.

Sincerely,



Michelle Lujan Grisham
Governor