



SECRETARY

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

June 18, 2019

The Honorable Michelle Lujan Grisham
Governor of the State of New Mexico
State Capitol
Room 400
Santa Fe, NM 87501

Dear Governor Lujan Grisham:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of June 7, 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 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 that reads "Annette Vietti-Cook". The signature is written in a cursive style.

Annette L. Vietti-Cook



State of New Mexico

Michelle Lujan Grisham
Governor

June 7, 2019

The Honorable Rick Perry
Secretary
U.S. Department of Energy
1000 Independence Avenue, 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 to express my opposition to the proposed interim storage of high-level radioactive waste in the state of New Mexico. The interim storage of high-level radioactive waste poses significant and unacceptable risks to New Mexicans, our environment and our economy. Furthermore, the absence of a permanent high-level radioactive waste repository creates even higher levels of risk and uncertainty around any proposed interim storage site.

As you know, the Nuclear Regulatory Commission (NRC) is evaluating the issuance of a 40-year license to Holtec International for a consolidated interim storage facility in southeastern New Mexico. As proposed, this facility would store spent nuclear fuel (SNF) and reactor-related materials greater than low-level radioactive waste.

A facility of this nature 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 country, respectively, earlier this year, with production continuing to increase.

Page 2
June 7, 2019

The Honorable Rick Perry
The Honorable Kristine Svinicki

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 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. 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. I have attached their letters for your review.

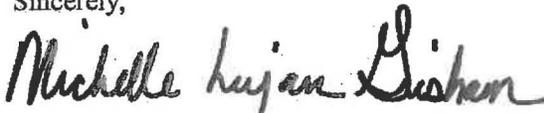
In addition to significant economic concerns about this project's potential impact on agriculture and the oil and gas industry, I am concerned about the financial burden it could place on the state and local communities. Transporting material of this nature safely requires both well-maintained infrastructure and highly specialized emergency response equipment and personnel that can respond to an incident at the facility or on transit routes. The state of New Mexico cannot be expected to support these activities.

Finally, given that there is currently no permanent repository for high-level waste in the United States, any interim storage facility will be an indefinite storage facility. Over this time, it is likely that the casks storing SNF and high-level wastes will lose integrity and will require repackaging. Any repackaging of SNF and high-level wastes increases the risk of accidents and radiological health risks. Again, New Mexicans should not have to tolerate this risk.

Given the potential for adverse impacts to public health, the environment and our economy, I cannot support the interim storage of SNF or high-level waste in New Mexico.

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

Sincerely,



Michelle Lujan Grisham
Governor



New Mexico Cattle Growers' Association

2231 RIO GRANDE BLVD. N.W. • ALBUQUERQUE, NM 87104

Mailing Address: P.O. Box 7517 • Albuquerque, NM 87194

PHONE (505) 247-0584 • FAX (505) 842-1766 • E-MAIL: nmcga@nmagriculture.org

WEB SITE: www.nmagriculture.org

May 15, 2019

Office of the Governor Michelle Lujan Grisham
490 Old Santa Fe Trail Room 400
Santa Fe, NM 87501

Governor Lujan Grisham,

We are writing to express our concern with Holtec International's application to the U.S. Nuclear Regulatory Commission (NRC) requesting authorization to construct and operate a HI-STORE consolidated interim storage facility (CISF) for spent nuclear fuel at a site in Lea County, New Mexico. On behalf of the membership of the New Mexico Cattle Growers' Association (NMCGA), with members in all 33 of the state's counties as well as 19 other states, we appreciate the opportunity to write to you with our concerns. NMCGA believes that a nuclear waste storage would have unknown impacts on agricultural production, the primary economic engine for the surrounding area of the proposed site. NMCGA also has concerns for the local communities' safety and the negative perception associated with a nuclear waste storage facility being located within their counties and communities.

We understand that the process for selection of a location for the proposed nuclear waste disposal facility began in March of 2006. We understand that the formation of ELEA may be seen as the counties and local communities consent for the proposed project. However, we have concerns that the Bureau of Land Management (BLM) and New Mexico State Land lessees have not been continuously informed and that their input has not been considered. They will be directly affected as their land surrounds the project and the proposed project will need to build a new access road and a new railroad spur that will need to cross BLM land. This will likely impact the lessees of these lands, not only will land be taken away for the construction of the road and railroad spur, but in the construction land will be disturbed and trampled.

We understand that outreach and education in the local communities has been pursued by ELEA in conjunction with Holtec International, however it has recently come to our attention that nine New Mexico state Senators and 21 New Mexico state Representatives have expressed their concerns to the NRC. Their primary concerns deal with health, safety, financial and transportation risks to the state of New Mexico and our communities. There seems to be building controversy over the proposed project despite ELEA's assertion that there is strong community support.

Similarly last year New Mexicans fought off attempts by Enercon Federal Service, LLC and DOSECC Exploration Service, LLC to test drill deep boreholes that could potentially be used to as a repository for nuclear waste. New Mexico already has the Waste Isolation Pilot Plat (WIPP), we believe that is our fair share in the area of nuclear waste disposal. New Mexico has been impacted by almost every step in the nuclear fuel chain, however we did not generate this waste from the nuclear reactors that this waste is intended to come from. We understand that this waste must go somewhere and it has been a long process to seek out what is considered an ideal location, however New Mexico has been targeted over and over for nuclear and hazardous waste disposal. New Mexico is one of a handful of states that is currently handling radioactive, nuclear, or hazardous waste disposal or is being targeted to deal with radioactive, nuclear, or hazardous waste disposal for the rest of the country.

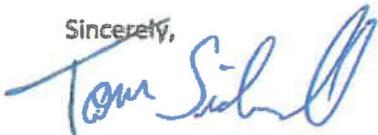
Safe or not the perception of living and working next to a nuclear waste site is negative. Who would want to live or work next to a nuclear waste site? Just because only nine people are estimated to live in a 5 mile radius doesn't mean that this nuclear waste disposal site won't impact these people's lives significantly. There is already a similar waste disposal site within 16 miles of the proposed site. However, WIPP was shut down in 2014 due to a radioactive leak and only reopened in 2017. Despite best efforts and ensured safety the local community will be reminded due to WIPP that no waste disposal site can absolutely guarantee that leaks and other safety concerns won't happen. This creates a stigma for the area and greatly affect local producers and land owners. An example of the Gold King Mine spill comes to mind, despite being reassured by the federal government of the safety of the water and crops/livestock that were potentially exposed to the water, entire communities would not consume or purchase these crops/livestock. Despite the passing of three years communities and consumers are still wary of those affected by the Gold King Mine spill. We are greatly concerned that the local community and producers will suffer due to the stigma of a nuclear waste disposal site.

We are greatly concerned that the state as a whole, as well as the local communities, is unaware of the safety concerns regarding transportation of the spent nuclear fuel to the proposed site as New Mexico does not keep records of hazardous materials transported to or from our state. If there is no records of the shipments via roadways or rail and there is no record of what specific types or quantities of hazardous materials, where is the reassurance and proof that our citizens and communities will be safe without any records indicating the safety or even the shipment of previously transported hazardous material.

We thank you for the opportunity to write to you and have our concerns addressed. NMCGA would like assurances that every effort is being made to inform those directly involved by the Holtec International HI-STORE CIS project including the BLM and State land lessees and the surrounding communities. Not only should these individuals be informed, but their input should be considered. The surrounding lessees and communities are the ones that are going to be directly affected not only by the stigma of a nuclear waste site but by the construction and operation of the project, their concerns need to be heard and considered.

If you or your offices have any questions please don't hesitate to call our offices at 505-247-0584 or email us at nmcga@nmagriculture.org.

Sincerely,



Tom Sidwell
President

TOM SIDWELL, President, Quay; RANDELL MAJOR, President-Elect, Magdalena, LOREN PATTERSON, Vice-President At Large, Corona; TY BAYS, SW Vice-President, Silver City; DUSTIN JOHNSON, NW Vice-President, Farmington; JEFF BILBERRY, SE Vice-President, Roswell; BLAIR CLAVEL, NE Vice-President, Roy; SHACEY SULLIVAN, Secretary-Treasurer, Bosque Farms; PAT BOONE, Past-President, Elida; CAREN COWAN, Executive Director, Albuquerque



NEW MEXICO FARM & LIVESTOCK BUREAU

2220 N. Telshor Blvd • Las Cruces, New Mexico 88011 • (575) 532-4700 • Fax (575) 532-4710

May 15, 2019

The Honorable Governor Michelle Lujan Grisham
Office of the Governor
State of New Mexico
490 Old Santa Fe trail, Room 400
Santa Fe, NM 87501

Re: Proposed Holtec High Level Nuclear Waste Storage Facility Lea and Eddy Counties, New Mexico

Dear Governor Lujan Grisham:

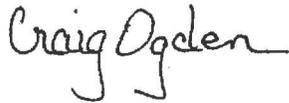
The New Mexico Farm & Livestock Bureau (NMF&LB) submits these comments on behalf of our 19,000 member-families. NMF&LB is New Mexico's largest agricultural organization, representing members involved in all aspects of agriculture including dairy, livestock, fruits and vegetables. Our mission is to promote and protect agriculture in the great State of New Mexico. We are charged with the important task of representing our members' interests when it comes to impending regulations.

NMF&LB appreciates the opportunity to provide comments regarding the Proposed Holtec High Level Nuclear Waste Storage Facility for Lea and Eddy Counties, New Mexico. NMF&LB strongly opposes the storage of nuclear waste being placed on or beneath agricultural land in New Mexico. The proposed site would encompass Lea and Eddy counties. These counties account for more than 3 million acres of farm and ranch land and hold more than 140,000 head of cattle (beef & dairy). The total annual value of agricultural products that come from Lea and Eddy Counties is more than 300 million dollars. The agriculture industry in New Mexico brings more than three billion dollars into the state annually.

The storage of nuclear waste could have a negative impact by decreasing the value of agricultural lands and compromising the safety of water sources in proximity to the stored waste. There would also be a higher risk for people, animals and crops within Lea and Eddy counties to be exposed to nuclear waste, which would lead to sickness in both people and animals, along with the contamination of many crops. Mishandling of nuclear waste or a nuclear waste related accident would totally devastate agriculture within these counties, and it is a risk we simply can not afford to take.

The New Mexico Farm & Livestock Bureau appreciates the opportunity to share the concerns of our organization. We must not take any risks when it comes to our agricultural lands, especially when it comes to nuclear storage. We respectfully request these comments and the lives of affected people in the proposed area are taken into consideration in making a determination for the proposed Holtec site.

Respectfully submitted,

A handwritten signature in black ink that reads "Craig Ogden". The signature is written in a cursive style with a long horizontal stroke at the end.

Craig Ogden
President



May 14, 2019

Governor Michelle Lujan Grisham
Office of the Governor
State of New Mexico
490 Old Santa Fe Trail, Room 400
Santa Fe, NM 87501

Re: Proposed Holtec High Level Nuclear Waste Storage Facility
Lea and Eddy Counties, New Mexico

Dear Governor Lujan Grisham:

The Permian Basin Petroleum Association ("PBPA") is in support of all types of energy production and is not opposed to the utilization of nuclear energy by the United States of America. However, members of the PBPA have several concerns regarding the Holtec International High Level Nuclear Waste Storage Facility ("Holtec") to be located in Southeast New Mexico. These members are just as concerned about the Waste Control Specialist Facility in Andrew County, Texas. There are concerns about safety, impacts to economics for the region and state, and unintended consequences concerning the geopolitical position energy production in the Permian Basin has currently afforded our nation.

The PBPA is the largest regional oil and gas association in the United States. Since 1961, the PBPA has been the voice of the Permian Basin oil and gas industry. The PBPA's mission is to promote the safe and responsible development of our oil and gas resources while providing legislative, regulatory and educational support services for the petroleum industry. The PBPA membership includes the smallest exploration and services companies as well as some of the largest companies with world-wide operations. The Permian Basin is the largest inland oil and gas reservoir and the most prolific oil and gas producing region in the world.

The proposed Holtec site is to be located in the Permian Basin. The fifty-five counties of New Mexico and Texas that make up the Permian Basin region are producing over four million barrels of oil per day (U.S. Energy Information Administration, May 2019) and are forecast to reach production of six million barrels per day by the year 2025.

At a time when our nation, and New Mexico specifically, has ramped up domestic oil production, thus creating prosperity for our citizens and the state, while also reducing our dependence upon foreign oil, it would be counterintuitive to potentially jeopardize this means of economic prosperity and energy security without incredibly just reasoning. So the concern we

have is that the placement of this facility housing high level radioactive waste puts at risk the most important energy producing basin in North America.

PBPA members understand that Holtec International believes they have a very rigorous containment system and that the U.S. Nuclear Regulatory Commission ("NRC") is actively seeking out a permanent solution for the containment of high level radioactive nuclear waste. However, anything higher than a zero risk of exposure, and the Federal government should not consider storing temporarily, permanently, or for any amount of time high level radioactive nuclear waste in the Permian Basin. Exposure due to human error or malfeasance during either transportation or storage would not only create a natural disaster but would also create irreparable economic harm for the region, the state and our nation.

Lastly, a comprehensive study of the infrastructure and means of transportation of the storage casks is either lacking or inadequate. The oil field traffic in the region has caused grid lock and many of the existing roads are in a state of disrepair. The State of New Mexico as well as Texas has been struggling to keep up with the infrastructure necessary for the resurgence of the oil industry. Train derailments and bridge strikes are a frequent occurrence and have increased due to the unprecedented growth in the Permian Basin with several of these incidences occurring within highly populated areas.

On behalf of the PBPA, I appreciate the opportunity to share our concerns. We hope you take them into consideration in making any determinations regarding the Holtec site. Again, the PBPA is in support of all types of energy production and is not opposed to the utilization of nuclear energy by our nation. However, any risk to energy production from the Permian Basin, because of the benefits such production provides for the people of New Mexico, Texas, and our nation, should not be taken lightly. Instead, such risks should be thoroughly vetted and the source of such risks must pass incredibly high measurements and standards if they're allowed to persist.

Regards,



Ben Shepperd
President
Permian Basin Petroleum Association

Docket No. 72-1051-ISFSI

Letter from NRC Secretary, Annette Vietti-Cook, to Governor Lujan Grisham

Counsel for Holtec International
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, DC 20036

Meghan Hammond, Esq.
Anne Leidich, Esq.
Michael Lepre, Esq.
Jay Silberg, Esq.
Timothy J. Walsh, Esq.
E-mail: meghan.hammond@pillsburylaw.com
anne.leidich@pillsburylaw.com
michael.lepre@pillsburylaw.com
jay.silberg@pillsburylaw.com
timothy.walsh@pillsburylaw.com

Harmon, Curran, Spielberg & Eisenberg LLP
1725 DeSales Street NW
Suite 500
Washington, DC 20036
Diane Curran, Esq.
E-mail: dcurran@harmoncurran.com

Robert V. Eye Law Office, LLC
4840 Bob Billings Parkway
Lawrence, KS 66049
Robert V. Eye, Esq.
Timothy J. Laughlin, Esq.
E-mail: bob@kauffmaneye.com
tijay1300@gmail.com

Turner Environmental Law Clinic
1301 Clifton Road
Atlanta, GA 30322

Mindy Goldstein, Esq.
E-mail: magolds@emory.edu

Don't Waste Michigan
316 N. Michigan Street, Suite 520
Toledo, OH 43604-5627
Terry J. Lodge, Esq.
E-mail: tjlodge50@yahoo.com

Counsel for Sierra Club
4403 1st Avenue SE, Suite 402
Cedar Rapids, IA 52402

Wallace L. Taylor, Esq.
E-mail: wtaylor784@aol.com

Counsel for NAC International Inc.

Robert Helfrich, Esq.
NAC International Inc.
3930 E Jones Bridge Rd., Ste. 200
Norcross, GA 30092
E-mail: rhelfrich@nacintl.com

Hogan Lovells LLP
555 13th Street NW
Washington, DC 20004
Sachin S. Desai, Esq.
Allison E. Hellreich, Esq.
E-mail: sachin.desai@hoganlovells.com
allison.hellreich@hoganlovells.com

Law Office of Nancy L. Simmons
120 Girard Boulevard SE
Albuquerque, NM 87106

Nancy L. Simmons, Esq.
E-mail: nlsstaff@swcp.com

Eddy-Lea Energy Alliance
102 S. Canyon
Carlsbad, NM 88220

John A. Heaton
E-mail: jaheaton1@gmail.com

Docket No. 72-1051-ISFSI

Letter from NRC Secretary, Annette Vietti-Cook, to Governor Lujan Grisham

Eddy County, NM*
101 W. Greene Street
Carlsbad, NM

~~Rick Rudometkin~~
E-mail: ~~rrudometkin@co-eddy.nm.us~~

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

Lea County, NM
100 N. Main
Lovington, NM 88260

Jonathan B. Sena
E-mail: jsena@leacounty.net

City of Hobbs, NM
2605 Lovington Highway
Hobbs, NM 88242

Garry A. Buie
E-mail: gabuie52@hotmail.com

City of Carlsbad, NM
1024 N. Edward
Carlsbad, NM 88220

Jason G. Shirley
E-mail: jgshirley@cityofcarlsbadnm.com

[Original signed by Krupskaya T. Castellon]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 18th day of June, 2019