



New Mexico State Legislature

STATE CAPITOL
Santa Fe

September 22, 2020

VIA EMAIL: Holtec-CISFEIS@nrc.gov; Chairman@nrc.gov

Kristine L. Svinicki, Chair
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Holtec International HI-STORE Consolidated Interim Storage Draft Environmental Impact Statement; Docket ID NRC-2018-0052

Dear Chair Svinicki:

We write to express our opposition to the proposed Holtec International Consolidated Interim Storage (CIS) facility and concerns about the Draft Environmental Impact Statement (DEIS). This project creates unreasonable health, economic and national security risks for New Mexico and its residents. It would expose many communities to risks during the transportation and storage of high-level radioactive waste. We believe that the scope of the DEIS fails to adequately and reliably assess the risks of this unprecedented proposed project and the many technical variables that exceed national experience. Furthermore, given the impacts of shipping high-level radioactive waste across the country to New Mexico, we are very disappointed by the United States Nuclear Regulatory Commission's (NRC's) lack of appropriate adequate outreach and public engagement opportunities required by law.

The public engagement webinars, substituted by the NRC for the promised in-person meetings, fall far short of the meaningful participation opportunities essential to many impacted people who lack internet service. We urge the NRC to prolong the DEIS process and convene in-person hearings no earlier than six months after the risks of transmission of COVID-19 have ended.

Our specific concerns of the Holtec proposal and the DEIS include the following.

1. There is no permanent disposal site for the nation's high-level radioactive waste. Under the federal Nuclear Waste Policy Act of 1982, a permanent repository is supposed to be licensed before a federal government CIS

facility can be constructed. It is premature and inappropriate to transport and store this waste in New Mexico or any other state until a permanent national strategy has been developed.

2. The risks and emergency response liability to local communities is significant. According to Holtec and the DEIS, local communities and the State of New Mexico would be responsible for emergency response should an accident occur during transport of the waste. This risk would be doubled when the waste is shipped back out of New Mexico to a permanent repository. This exposure would also exist for other communities and states along the transportation route. It is unacceptable to approve a national plan that does not adequately fund and execute a comprehensive emergency response capability.
3. The NRC cannot predict with complete assurance the safety and performance of the dry casks and canisters for the license period or longer. The current performance history of this technology is less than the 40-year license period for the proposed Holtec facility.
4. The Holtec HI STORM UMAX canisters, approved only a few years ago by the NRC in 2015, have had problems with design and technology. These occurrences and lack of proven technology provide a clear warning that the NRC cannot adequately consider the performance limitations and risks of storage of large amounts of high-level radioactive waste in New Mexico for this project.
5. The NRC cannot account for and calculate the risks of unanticipated accidents or performance deficiency. New Mexico has experienced the high costs and risks associated with unplanned events at the Waste Isolation Pilot Plant.
6. There has not been adequate community outreach for the DEIS. There has been no consent-based citing for this proposal or any proactive interviews with affected communities about its potential impacts. This lack of involvement creates significant concerns regarding the social justice impacts to New Mexicans.
7. Experts are concerned about the inability to repackaging this waste on-site, either for shipment to a permanent repository or if there are cracked or corroded canisters.

8. Many New Mexico communities oppose this proposal. In addition to opposition from the governor, the commissioner of public lands and a majority of New Mexico's congressional delegation, local governments representing close to 50% of the population have passed resolutions opposing the CIS facility or the transportation of high-level radioactive waste through their communities, including the following.

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| Town of Lake Arthur | 09/07/17 |
| City of Albuquerque | 05/21/18 |
| City of Jal | 05/29/18 |
| Bernalillo County | 06/12/18 |
| City of Las Cruces | 07/23/18 |
| Santa Fe County | 09/25/18 |
| City of Gallup | 09/25/18 |
| McKinley County | 10/02/18 |
| City of Belen | 11/10/18 |
| Church Rock Chapter, Navajo Nation | 08/15/18 |
| Navajo Nation Diné Uranium Remediation Advisory Commission | 11/29/18 |
| All Pueblo Council of Governors, Representing 20 Indigenous Nations | 10/17/19 |

In Texas, local governments representing close to 5.4 million people have passed similar resolutions, including the following.

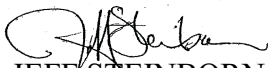
| | |
|---------------------|----------|
| Bexar County | 02/21/17 |
| City of San Antonio | 03/30/17 |
| Dallas County | 04/4/17 |

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|-----------------|----------|
| Midland County | 04/24/17 |
| Nueces County | 12/16 |
| City of Denton | 10/16/18 |
| City of Midland | 11/13/18 |
| El Paso County | 11/18 |

For these reasons, we respectfully urge the NRC not to issue a license for the Holtec International HI-STORE CIS facility or approve the DEIS.

Sincerely,



JEFF STEINBORN
State Senator, District 36



SHANNON D. PINTO
State Senator, District 3



ANTOINETTE SEDILLO LOPEZ
State Senator, District 16



BILL TALLMAN
State Senator, District 18



ELIZABETH "LIZ" STEFANICS
State Senator, District 39



PETER WIRTH
State Senator, District 25



LINDA M. LOPEZ
State Senator, District 11



MIMI STEWART
State Senator, District 17



NANCY RODRIGUEZ
State Senator, District 24



ELISEO LEE ALCON
State Representative, District 6

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PATRICIA ROYBAL CABALLERO
State Representative, District 13



DEBORAH A. ARMSTRONG
State Representative, District 17



DEBRA M. SARIÑANA
State Representative, District 21



ELIZABETH "LIZ" THOMSON
State Representative, District 24



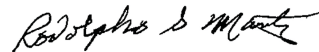
CHRISTINE TRUJILLO
State Representative, District 25



ANGELICA RUBIO
State Representative, District 35



JOANNE J. FERRARY
State Representative, District 37



RODOLPHO "RUDY" S. MARTINEZ
State Representative, District 39



ANDREA ROMERO
State Representative, District 46

cc: Commissioner Jeff Baran, NRC (via email: CMRBaran@nrc.gov)
Commissioner Annie Caputo, NRC (via email: CMRCaputo@nrc.gov)
Commissioner Christopher T. Hanson, NRC (via email: CMRHanson@nrc.gov)
Commissioner David A. Wright, NRC (via email: CMRWright@nrc.gov)
Jill Caverly, Office of Nuclear Material Safety and Safeguards, NRC (via email: jill.caverly@nrc.gov)

CHAIRMAN Resource

From: Casebier, Shawna <Shawna.Casebier@nmlegis.gov>
Sent: Tuesday, September 22, 2020 6:34 PM
To: Holtec-CISFEIS Resource; CHAIRMAN Resource
Cc: CMRBARAN Resource; CMRCaputo Resource; CMRHanson Resource; CMRWright Resource; Caverly, Jill
Subject: [External_Sender] Docket ID NRC-2018-0052; Holtec International HI-STORE Consolidated Interim Storage DEIS
Attachments: DEIS public comment - Docket ID NRC-2018-0052.pdf

Dear Chair Svinicki:

Please accept the attached letter for public comment on the Draft Environmental Impact Statement for the proposed Holtec International HI-STORE Consolidated Interim Storage facility, Docket ID NRC-2018-0052.

Best regards,
Shawna

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