



State of New Mexico  
House of Representatives  
Santa Fe

Feb. 14, 2018

To: Nuclear Regulatory Commission Chairman Kristine L. Svinicki;  
NRC Commissioners Jeff Baran and Stephen G. Burns

Rick Perry, Secretary of the Department of Energy

cc: Senators Tom Udall and Martin Heinrich and Representatives Michelle Lujan Grisham, Steve Pearce and Ben Lujan

Re: Request for NRC to allow adequate time for New Mexico Legislators and state agencies to examine potential impacts and policy recommendations related to the proposed Consolidated Interim High-Level Radioactive Waste Storage Site facility

Dear Madam Chairman, NRC Commissioners, Secretary Perry;

The U.S. Nuclear Regulatory Commission (NRC) has received a license application from Holtec International for Consolidated Interim Storage of high-level radioactive waste, spent fuel from nuclear reactors. The initial 40-year license application seeks storage of 8680 metric tons radioactive waste, but a license amendment would be requested for 19 subsequent expansion phases, with anticipated storage of up to 100,000 metric tons of high-level radioactive waste. A shallow subterranean system would store the waste at a Lea County site, 34 miles west of Hobbs and 32 miles east of Carlsbad, New Mexico.

The NRC may soon deem Holtec's application complete, thus initiating a public input process and opportunity to intervene. An NRC scoping comment period on the Environmental Impact Statement for the license is expected this Spring. If there is only a typical 45-day comment period, the scoping process will be over before the New Mexico Legislature has had an opportunity to hold public hearings, receive expert testimony, get citizen input and make scoping recommendations.

We, the undersigned Legislators respectfully request that the NRC leave the scoping comment period open long enough to allow the Legislature and state agencies an opportunity to fully review critical issues in the appropriate legislative interim committees, and make policy recommendations that can be included as scoping comments. We ask that the NRC not issue a Consolidated Interim Storage license until the Legislature and New Mexico state agencies have had this opportunity. Some of the issues we will want to consider include:

- Analysis of transportation routes that would be utilized and transportation safety
- What state permits have been requested and what permits would be required
- Potential liability to the state and financial assurances to New Mexico
- Emergency preparedness and need for equipment and training
- Water contamination risks
- Seismic concerns - stability and suitability of the site
- Contamination risks to the oil and gas and other industries, dairies and ranches
- Longevity and viability of the transportation and storage casks and canisters
- How damaged or cracked waste containers would be handled at the facility

This letter is intended to address the need for legislative oversight of public safety issues in such matters. These issues are especially of concern since exposure to unshielded high-level radioactive waste (spent fuel rods) can be lethal. Lesser radiation exposures can lead to birth defects, genetic damage and various kinds of cancer.

“Shielding is required to protect humans near SNF (spent nuclear fuel) from a potential lethal radioactive dose. Even 10 years after being removed from the reactor core, the radiation field at one meter away from SNF would be over 20,000 rem per hour. A rem is a radiation dose and a dose of 5,000 rem would incapacitate a person immediately and cause the person’s death within one week.” (Source: The Texas Commission on Environmental Quality Assessment of High Level Radioactive Waste Storage Options - March 2014)

Transport routes need to be designated and carefully considered. DOE analysis of transport to the previously proposed Yucca Mountain repository in Nevada anticipated over 10,000 train shipments of radioactive waste, with an accident rate of at least one accident per 10,000 shipments, and we will want to analyze the potential impacts and remediation costs for such an accident. We would like to determine whether transport would go through major cities and tribal lands in New Mexico and get analysis of the risks for potential accidents, leaks, radiation releases, and terrorist activity.

In 2017, the Air Force filed a Notice of Intent in the Federal Register to expand military operations at Holloman Airforce base to areas east of White Sands Missile Range, as well as to the Cato and Smitty Military Operation Areas near Carlsbad for F-16 pilot training. Given the proximity of these military facilities to the proposed high-level radioactive waste storage site, the potential for interaction between these two proposed projects needs to be resolved.

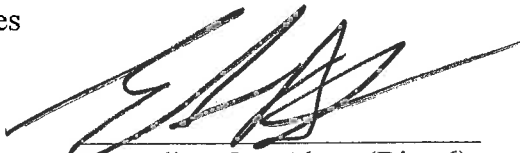
While we recognize the potential economic benefits such a facility could bring to New Mexico, we want to ensure that existing business interests and property owners are protected from radioactive contamination risks, and assess the risks from homeowner and business insurance policies that exclude radioactive contamination.


Our next full Legislative Session will begin in 2019. We ask that the NRC work with Legislators, extending the scoping comment period at least until the end of the session in order to allow legislators an opportunity to fully examine the policy ramifications of the proposal. We need time to hold public hearings, gather testimony from experts and citizens, and make recommendations and comments as part of the scoping process. We will want to consider transportation routes, emergency preparedness, impacts to business interests, property and state finances, and environmental impacts, in order to ensure the health, safety and financial well-being of the people of New Mexico.

Sincerely,

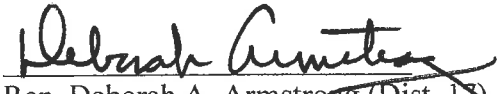
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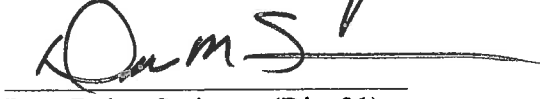
  
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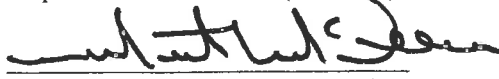
  
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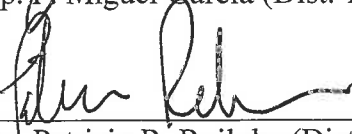
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