



New Mexico State Senate

State Capital
Santa Fe

SENATOR JEFF STEINBORN

D-Doña Ana-36

P.O. Box 562
Las Cruces, NM 88004

Cell: (575) 635-5615
E-mail: jeff.steinborn@nmlegis.gov

April 3, 2018

COMMITTEES:

VICE CHAIR:
• Rules

MEMBER:
• Public Affairs

INTERIM COMMITTEES:

CHAIR:
• Radioactive & Hazardous
Materials Committee

The Honorable Susana Martinez
Governor of New Mexico
Office of the Governor
490 Old Santa Fe Trail, Suite 400
Santa Fe, NM 87501

Dear Governor Martinez:

The Nuclear Regulatory Commission (NRC) has received a license application, Docket Number 72-1051, from Holtec International for the construction of a consolidated interim storage facility in Lea County, New Mexico. The facility is proposed to be located approximately 34 miles west of Hobbs and 32 miles east of Carlsbad.

In its application, Holtec International is seeking authorization to possess and store 500 canisters containing 5,000 metric tons of uranium at the proposed site, including spent uranium-based fuel from commercial nuclear reactors and a small quantity of spent mixed-oxide fuel. If authorization is provided for the initial 500 canisters, Holtec International anticipates requesting a license amendment for an additional 500 canisters for each of 19 subsequent expansion phases, and the amount of high-level radioactive waste stored could increase up to 100,000 metric tons of uranium.

The NRC has declared the Holtec application complete and has launched a 60-day scoping period, from March 30 to May 29, to receive public comments. Given the significant public policy issues associated with the transport and storage of radioactive waste in Lea County, key information about our state's preparedness and exposure needs to be vigorously evaluated and discussed. The health, safety and financial well-being of people and businesses in New Mexico need to be given the highest priority in evaluating Holtec's proposal. Additionally, it is essential to transparently discuss these policy ramifications now to allow New Mexicans the opportunity to participate in the public comment period.

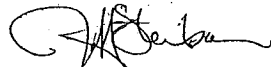
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Issues of concern include transportation routing, emergency preparedness, the potential impacts on other industries, financial risks and impacts, water contamination concerns and the state's ability to clean up and remediate the site should a radiation release occur. Permits from the state may also be necessary for a consolidated interim storage facility to move forward. I would like to understand what permits and other assurances would be required at the state level and to receive policy recommendations from the state agencies prior to the completion of the public comment period and federal process.

Attached please find a list of questions posed to the relevant state agencies regarding the transport and interim storage of radioactive waste in New Mexico. I respectfully request your assistance in obtaining the requested information so that the members of the Radioactive and Hazardous Materials Committee, legislature and residents of New Mexico can review this matter in full. Given the recently initiated public comment period, I trust that the agencies will understand that time is of the essence and submit their responses expeditiously. It is imperative that these questions be addressed quickly to allow us to perform our oversight role during this limited 60-day public comment period.

I thank you for your attention to this matter.

Sincerely,



JEFF STEINBORN

Enc.

cc: Tom Church, Secretary, Department of Transportation
Butch Tongate, Secretary, Department of Environment
Ken McQueen, Secretary, Energy, Minerals and Natural Resources Department
M. Jay Mitchell, Secretary, Homeland Security and Emergency Management
Department
Major General Kenneth A. Nava, Adjutant General, Department of Military Affairs
Members, Radioactive and Hazardous Materials Committee (via email)

JS:clm

Questions for State Agencies Regarding the Proposed Consolidated Interim Storage Facility in Lea County

A. Department of Transportation

1. Has the Department of Transportation or any federal agency designated routes to transport radioactive waste to the proposed Holtec International radioactive waste storage site in Lea County, New Mexico?

2. What routes are being considered for transportation of the radioactive waste to the proposed site? Will residents be able to comment on the transportation routes before they are finalized?

3. Has the Department of Transportation assessed the potential impacts and financial consequences of an accident during the transport of radioactive waste to or through New Mexico?

4. What types of vehicles or rail cars would be used to transport the radioactive waste to the site for storage and what signage would be required on vehicles transporting the radioactive waste?

5. How much would the containers that transport the radioactive waste weigh? Which railways or roadways are designed to carry that amount of weight?

6. Will upgrades to railways or highways be needed to carry the waste containers and what are the anticipated costs of any upgrades?

7. If railways are used to transport the radioactive waste, who will have the financial responsibility for maintaining the railroad tracks during the years that they are used to transport the waste?

8. Will a spur be required to get to the proposed site? If so, how much would it cost to build a spur and who would pay for it?

9. What security precautions would be needed for the transportation of radioactive waste? What will the costs be to provide security for the transportation of radioactive waste?

10. What type of training will employees be required to have regarding the handling or transport of radioactive waste, including the use of protective gear?

11. Will the canisters of radioactive waste be required to be labeled? What specific information will be required on the labels?

12. What requirements would there be to document the canisters, their point of origin and contents and the number of canisters being transported?
13. Will there be a system in place for the detection of canister leaks?
14. Will highway closures be needed during the transportation of the radioactive waste?
15. What studies has the Department of Transportation done related to the transportation and/or storage of radioactive waste in New Mexico?
16. What other studies would the Department of Transportation like to undertake on this issue? What other studies are needed?

B. Department of Environment

1. Has the Department of Environment done a risk assessment on the proposed storage of radioactive waste in Lea County, New Mexico?
2. What bodies of water are within 50 miles of the proposed storage site?
3. Has the Department of Environment done any studies on the impacts of radioactive waste storage on ground water in general, or specific to the proposed storage site in Lea County?
4. Is there an aquifer underlying the proposed storage site? If so, how many states could be affected by contamination of the aquifer with radioactive waste?
5. Have any aquifers in New Mexico previously been contaminated by radioactive materials? If so, which aquifers?
6. Where does drainage from this site go?
7. There are a number of playa lakes around the site; how do the playa lakes drain and does their drainage affect the region's ground water?
8. Which river systems could be affected by a discharge of radioactive material from the proposed storage site?
9. Is there a waste repackaging facility on the proposed site? If so, where will the water used in repackaging be disposed?
10. Are there any uncapped oil and gas wells or other penetrations on or near the proposed site?

11. To date, how much has the state spent on the cleanup of radioactive contamination in New Mexico? Did any bonds cover these sites, and if so, were the bonds adequate to cover the cleanup costs?

12. How large of a bond or other financial assurance would be needed to protect the state from abandonment of radioactive waste by the federal government or default by the project operators?

13. What state permits will be required for the storage of radioactive waste at the proposed site? Have any permit applications been filed with the Department of Environment?

14. Would bonding be a requirement for the issuance of any permits?

15. What studies has the Department of Environment done related to the storage of radioactive waste in New Mexico?

16. What studies would the Department of Environment like to undertake on the proposed storage of high-level radioactive waste in New Mexico? What other studies are needed?

C. Energy, Minerals and Natural Resources Department

1. How many active oil and gas wells are within 50 miles of the proposed site?

2. How many oil and gas permits are pending within 50 miles of the proposed site?

3. What is the annual active rig count in the area?

4. How many uncapped wells are there near the proposed site?

5. What is the annual sales value of oil produced in the region? How do these revenues compare with revenues derived from the rest of the state?

6. How much does the state receive on an annual basis from oil and gas tax revenues in the area of the proposed site?

7. What would be the impact on sales and tax revenues to the state if oil or gas were to be contaminated by radioactive waste?

8. What studies has the Energy, Minerals and Natural Resources Department done related to the storage of radioactive waste in New Mexico?

9. What other studies would the Energy, Minerals and Natural Resources Department like to undertake on this issue? What other studies are needed?

D. Homeland Security and Emergency Management Department

1. What routes are being considered for transportation of the radioactive waste to the proposed site? Will citizens be able to comment on the transportation routes before they are finalized?
2. If there was an accident during transportation of the radioactive waste, what would the impacts be?
3. What could be the consequences of a terrorist attack on the radioactive waste in transit or while being stored?
4. What would the extent of contamination be if there was an accident, detonation, terrorist attack or other contamination event?
5. What would the costs of cleanup be in the event of an accident, detonation, terrorist attack or other contamination event?
6. How would residents of New Mexico be notified of the transportation of radioactive waste?
7. How would residents of New Mexico be notified of an accident involving radioactive waste?
8. Has the Homeland Security and Emergency Management Department analyzed the Nuclear Regulatory Commission and federal Department of Transportation crash tests since the events of September 11, 2001 and examined the safety of transportation of these materials given the development of new armor-piercing weaponry and drone technologies?
9. What are the costs to the state of providing security and staff for the transportation of radioactive waste?
10. What are the training requirements for local first responders with regard to emergencies involving radioactive waste?
11. What equipment will be required for local first responders? Who will pay for any additional equipment required to address an emergency situation involving radioactive waste?
12. What studies has the Homeland Security and Emergency Management Department done related to the transport and storage of radioactive waste in New Mexico?

13. What other studies would the Homeland Security and Emergency Management Department like to undertake on this issue? What other studies are needed?

E. Department of Military Affairs

1. Will the proposed consolidated interim storage facility in Lea County affect the planned expansion of the training facility at Holloman Air Force Base? If yes, how will the expansion be impacted?

2. What studies has the Department of Military Affairs done related to the transport and/or storage of radioactive waste in New Mexico?

3. What other studies would the Department of Military Affairs like to undertake on this issue? What other studies are needed?