State of New Mexico

Michelle Lujan Grisham
Governor

November 16, 2022

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

Dear President Biden,

I write to ask for your action in relation to the proposed storage of spent nuclear fuel and high-level nuclear waste by a private company within the state of New Mexico. The U.S. Nuclear Regulatory Commission (NRC) recommended approval in its July 2022 final environmental impact statement (FEIS) of the Holtec International (Holtec) license application to construct and operate a consolidated interim storage facility for spent nuclear fuel and Greater-Than-Class C waste at a site located between the cities of Carlsbad and Hobbs, in Lea County, New Mexico. As governor of a state that is working closely with your administration on a range of energy issues, I ask that you direct the Department of Energy (DOE) and the NRC to suspend consideration of the Holtec license application and to directly engage with the State of New Mexico within a consent-based framework on the many unaddressed issues related to nuclear waste disposal at this and related facilities that we have been raising for years.

New Mexico has grave concerns for the risk this proposed storage site would pose to our citizens and communities, our first responders, our environment, and to New Mexico's agriculture and natural resource industries. Despite our strong objections and concerns over public health, economic, scientific, natural resource issues and environmental justice – and those of tribal leaders, local governments, and the people of New Mexico – the NRC has failed to address, or even acknowledge, the issues we have raised multiple times - effectively choosing to allow private financial interests to override a state partner's lack of consent.

New Mexico has consistently and strongly opposed this nonconsensual private proposal for many years. I wrote the Secretary of the DOE and the Chairman of the NRC in June 2019 of the significant and unacceptable risks to New Mexicans, our environment and our economy related to this project. I wrote to your predecessor in July 2020, expressing New Mexico's opposition to the Nuclear Regulatory Commission's consideration of a license for this proposal. With members of our New Mexico congressional delegation, I wrote again to the NRC in July 2021, raising these same issues. Most recently, in March 2022, New Mexico submitted comments to DOE insisting that the siting of any interim storage facility in a state, irrespective of whether it manages federal