



State of New Mexico

Michelle Lujan Grisham
Governor

March 21, 2023

Honorable Christopher T. Hanson, Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Via Electronic Delivery

Dear Chairman Hanson,

On Friday, March 17, 2023, the State of New Mexico enacted SB 53 – An Act Related to Storage of Certain Radioactive Waste. A copy of the act is enclosed with this letter. The act became effective immediately upon the signature of the Governor on March 17, 2023.

This law, in pertinent part, prohibits the issuance or certification of state permits, contracts, leases or licenses for the construction or operation of any disposal facility for spent fuel or high-level waste until: (1) the state has consented to the creation of such a facility, and (2) a permanent geologic repository is in operation, as defined in 42 U.S.C. Section 10101(18).

The State of New Mexico remains steadfast in its opposition to the issuance of a license by the Nuclear Regulatory Commission for the proposed Holtec International (Holtec) facility in Lea County, New Mexico. Pursuant to Section 74-4A-11.1 NMSA 1978, Holtec cannot construct and operate a consolidated interim storage facility for spent nuclear fuel and Greater-Than-Class C waste in New Mexico. We therefore ask that your agency immediately suspend any further consideration of the Holtec license application.

Thank you for respecting the State of New Mexico's laws and the voices of our citizens, tribes and pueblos who overwhelmingly supported this legislation.

If you would like to discuss this further, please contact James Kenney, Cabinet Secretary, New Mexico Environment Department, at (505) 827-2855 or james.kenney@env.nm.gov.

Sincerely,

A handwritten signature in black ink that reads "Michelle Lujan Grisham".

Michelle Lujan Grisham
Governor




Howie Morales
Lt. Governor



Senator Mimi Stewart
President Pro Tempore.



Senator Peter Wirth
Majority Floor Leader



Representative Gail Chasey
Chair
House Judiciary Committee

Cc: Honorable Jeff Baran, Commissioner, Nuclear Regulatory Commission
Honorable Annie Caputo, Commissioner, Nuclear Regulatory Commission
Honorable Bradley R. Crowell, Commissioner, Nuclear Regulatory Commission
Honorable David Wright, Commissioner, Nuclear Regulatory Commission