

## Holtec-CISFEISCEm Resource

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**From:** Gerges Scott <gscott@agenda-global.com>  
**Sent:** Monday, July 30, 2018 7:43 PM  
**To:** Holtec-CISFEIS Resource  
**Subject:** [External\_Sender] support resolution  
**Attachments:** ELEA-Holtec RHMC NRC Resolution rev v (003).pdf

Hello,

Attached is a resolution in support of the New Mexico Holtec project from members of the New Mexico legislature interim committee on Radioactive Waste and Hazardous Materials.

Thank you,

Gerges



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**Comment Number:** 3168

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RESOLUTION  
OF VOTING MEMBERS OF  
THE NEW MEXICO LEGISLATURE  
RADIOACTIVE AND HAZARDOUS MATERIALS INTERIM COMMITTEE

The committee is charged with the responsibility for overseeing the health, safety and operations of the various federal nuclear facilities within the State of New Mexico as well as private operations and evaluating other operations that may be coming into the state. New Mexico is home to Sandia National Laboratory, Los Alamos National Laboratory, the Waste Isolation Pilot Plant (WIPP) and URENCO. The committee has now held two fact finding hearings related to the newly proposed Consolidated Interim Storage Facility (CISF) in southeast New Mexico to understand the facility design, construction and operation. The committee has reviewed the transportation cask and understands the rail system to be used for transporting the used fuel from the storage sites across the country.

**WHEREAS**, in accordance with the Nuclear Waste Policy Act of 1982 (NWPAct), the Department of Energy (DOE) entered into more than 68 Standard Contracts with utilities in which, in return for payment of fees into the Nuclear Waste Fund (NWF), the Department agreed to begin disposal of spent nuclear fuel (SNF) by January 31, 1998. Because the Department has no facility available to receive SNF under the NWPAct, it has been unable to begin disposal of the utilities' SNF as required by the contracts. Significant litigation claiming damages for partial breach of contract has ensued as a result of this delay; and,

**WHEREAS**, the nuclear utilities have sued the U.S. Government for partial breach of contract for not removing their SNF beginning in 1998. The DOE FY2017 Financial Report states that the Federal Court has adjudicated in the utilities' favor, and the utilities have been reimbursed over \$6.9 billion from the Judgment Fund as of September 30, 2017 with an expected payment to be over \$27.2 billion; and,

**WHEREAS**, the court finding in favor of the utilities confirms the responsibility of the U.S. government's responsibility for final disposition of used nuclear fuel; and,

**WHEREAS**, the Secretary of Energy was directed to establish the Blue Ribbon Commission on America's Nuclear Future to evaluate alternative approaches for meeting the Federal Government's responsibility. The Commission submitted a final report in January 2012. Subsequently, the Department of Energy issued the "Strategy for the Management and Disposal of SNF and High-Level Waste" on January 11, 2013. One major alternative approach is Consolidated Interim Storage (CIS) of SNF; and

**WHEREAS**, the HI-STORE CIS facility fulfils a recommendation by the Blue Ribbon Commission. The subsurface HI-STORE CIS facility is a concrete monolith for temporary storage of SNF that is a fortress against the most horrible potential natural disasters including earthquakes, floods, tornados, as well as being able to repel plane crashes and terrorist attacks; and,

**WHEREAS**, the Holtec fleet of transportation casks includes the strongest and most robust cask ever licensed by the NRC providing maximum protection for the SNF while in transport with more than a 15 inch thick wall of steel and lead. The Holtec fleet has been validated by the NRC's rigorous testing methods representing the most severe transportation accident scenarios with no failure; and,

**WHEREAS**, the SNF has four distinct layers of protection preventing release of contamination thus providing the utmost safety. SNF is a solid ceramic pellet the size of a pencil eraser which are stacked in approximately 12 foot zirconium metal tubes called fuel rods. The fuel rods are grouped to form an assembly which are then seal welded in a stainless steel canister that is then placed into the transportation cask; and,


**WHEREAS**, the proposed site in Southeastern New Mexico is dry desert, elevated, geologically stable, remote, 35 miles from the nearest population center, well characterized, does not interfere with oil and gas, has no impact on any aquifer, is supported by Eddy and Lea Counties and the cities of Carlsbad and Hobbs and other cities in these counties, has a robust nuclear workforce in the area and the project will provide a major capital investment in the area as well as 215 well paid jobs; and,

**THEREFORE**, being as the committee has not taken a formal vote, we the undersigned voting members are a super-majority of the voting members of the




Radioactive and Hazardous Committee, having had two meetings of the committee devoted to the proposed CIS Facility in southeast New Mexico where we were presented with the facts about the facility as well as the transportation casks and regulatory oversight of the transportation process are convinced of the safety and security of the facility as well as the transportation casks and do hereby strongly support the development of a CIS Facility in southeast New Mexico; and,


**FURTHERMORE**, we, the undersigned, recognize we are members of one of the few policy making bodies who have heard complete presentations, studied the project and we strongly recommend to the Nuclear Regulatory Commission continue its technical review of the HI-STORE CIS Facility application in accordance with the schedule published in the Federal Register on July 16, 2018.

  
Sen. Gay Kernan

  
Sen. Carroll Leavell

  
Rep. Cathrynn Brown

  
Rep. David Gallegos

  
Rep. Larry Scott