

**CITY OF CARLSBAD, NEW MEXICO**  
**RESOLUTION NO. 2018-46**  
**A RESOLUTION SUPPORTING HOLTEC INTERNATIONAL'S**  
**EFFORT TO BUILD AN INTERIM STORAGE FACILITY**  
**FOR SPENT NUCLEAR FUEL IN SOUTHEASTERN NEW MEXICO AND**  
**IN SUPPORT OF BECOMING A PARTY TO THE NRC ADJUDICATORY HEARING**

**WHEREAS**, the 2013 report from the President's Blue-Ribbon Commission on America's Nuclear Future strongly recommended that one or more consolidated interim storage facilities be established to temporarily store the spent nuclear fuel generated by America's nuclear fleet, which generates approximately twenty percent of the electricity in the United States; and,

**WHEREAS**, Holtec international's sub-surface system, known as UMAX, is already certified by the Nuclear Regulatory Commission; and,

**WHEREAS**, the design, construction, safety, security, financial assurance and technical control, as well as the complete process for storage, must be overseen and approved by the Nuclear Regulatory Commission; and,

**WHEREAS**, the Nuclear Regulatory Commission has licensed the Holtec 190 Transportation Cask through rigorous testing that would simulate the worst possible conceived crash. This Cask is the most robust cask developed and has four layers of containment to prevent any possible release of nuclear material; and,

**WHEREAS**, more than 2,000 shipments of spent fuel have occurred in America over the past thirty years without incident; and,

**WHEREAS**, the Eddy-Lea Energy Alliance (ELEA) believes the Holtec international consolidated interim storage facility will create approximately two hundred highly paid jobs and will provide a two billion four hundred million dollar (\$2,400,000,000) capital investment in southeastern New Mexico; and,

**WHEREAS**, the Southeastern New Mexico is home to the URENCO USA facility and the Waste Isolation Pilot Plant and benefits from a positive relationship with the first enrichment facility to be built in the United States in 30 years, as well as the only licensed Nuclear Repository in the United States; and,

**WHEREAS**, the dry, remote southeastern corner of New Mexico is ideal for such temporary storage. A pre-existing scientific and nuclear operations workforce exists in the area, and a community that is open-minded and supportive of safe, secure nuclear projects. ELEA's property, located between Carlsbad and Hobbs, is a well characterized excellent location for an interim storage facility; and,

**WHEREAS**, Holtec filed its application for a license to construct and operate the HI-STORE Consolidated Interim Storage Facility in Lea County, New Mexico on March 30, 2017. On July 16, 2018 the Nuclear Regulatory Commission published a notice of opportunity to request a hearing and petition for leave to intervene; and,

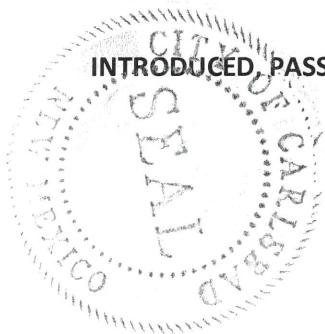
**WHEREAS**, section 2.315(c), calls for the presiding officer in an adjudicatory proceeding to “afford an interested State, local governmental body (county, municipality, or other subdivision), and Federally recognized Indian Tribe that has not been admitted as a party under P 2.309, a reasonable opportunity to participate in a hearing.”

**THEREFORE BE IT RESOLVED BY THE CARLSBAD CITY COUNCIL THAT**, pursuant to 10 C.F.R. P 2.315(c), the City of Carlsbad, New Mexico hereby requests permission to participate in these proceedings as an interested party as a local governmental body 35 miles from the site, and as a member of the Joint Powers Agreement forming the Eddy-Lea Energy Alliance, and as an investor in the property for the proposed Holtec International Interim Storage Facility, which project is expected to include a large capital expenditure to build and develop the facility and provide economic development that will employ our citizens and for future nuclear development, science and research activities; and,

**BE IT RESOLVED BY THE CARLSBAD CITY COUNCIL THAT**, the City of Carlsbad designates City Councilmember Jason Shirley as its single representative for the hearing, and directs the Mayor on behalf of the City to execute the petition to participate as an interested city governmental body as an interested party in the proceeding on the HI-STORE application, if one is initiated; and,

**BE IT FURTHER RESOLVED BY THE CARLSBAD CITY COUNCIL THAT**, based upon our experience with the safe practices by the nuclear industry in our community, we do strongly endorse and support the efforts of Holtec International to secure a license to construct and operate an interim storage facility for spent nuclear fuel in southeastern New Mexico; and, furthermore, direct the City Clerk to distribute this resolution to the legislature, governor, Nuclear Regulatory Commission, and all members of Congress.

**INTRODUCED, PASSED, ADOPTED AND APPROVED** this 28<sup>th</sup> day of August, 2018.



*Nadine Miralles*  
CITY CLERK

*[Signature]*  
DALE JANWAY, MAYOR

August 28, 2018

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	
	)	Docket No. 72-1051
Holtec International	)	
	)	
HI-STORE Consolidated Interim	)	
Storage Facility	)	
)		

**PETITION BY THE CITY OF CARLSBAD, NEW MEXICO  
TO PARTICIPATE AS AN INTERESTED LOCAL GOVERNMENTAL BODY**

On March 30, 2017, Holtec International filed its application for a license to construct and operate the HI-STORE Consolidated Interim Storage Facility in Lea County, New Mexico. On July 16, 2018, the Nuclear Regulatory Commission published a notice of opportunity to request a hearing and petition for leave to intervene. 83 Fed .Reg. 32919. The notice invited any State, local governmental body, Federally-recognized Indian Tribe, or agency thereof to participate as a non-party in the proceeding on the HI-STORE application, if one is initiated.

Section 2.315(c) of the Nuclear Regulatory Commission's Rules of Practice, 10 C.F.R. § 2.315(c), calls for the presiding officer in an adjudicatory proceeding to "afford an interested State, local governmental body (county, municipality, or other subdivision), and Federally-recognized Indian Tribe that has not been admitted as a party under § 2.309, a reasonable opportunity to participate in a hearing." Pursuant to 10 C.F.R. § 2.315(c), the City of Carlsbad, New Mexico hereby requests permission to participate in these proceedings as an interested local governmental body.

The City of Carlsbad is a duly incorporated municipal corporation of the State of New Mexico. The City of Carlsbad's interest in the HI-STORE Consolidated Interim Storage Facility proceeding arises out of its status as a local government body approximately 35 miles from the proposed facility, as a member of the Joint Powers Agreement forming the Eddy-Lea Energy Alliance, as an investor in the property for the proposed facility, and because of the economic benefits that will arise for both the City of Carlsbad and its citizens from the construction and operation of the proposed facility. As indicated by the attached Resolution, the City of Carlsbad is authorized to participate in the HI-STORE proceeding under 10 C.F.R. § 2.315(c).

As required by 10 C.F.R. § 2.315(c), the City of Carlsbad designates Jason Shirley as its single representative for the hearing. Jason Shirley's contact information is as follows:

Jason Shirley  
City of Carlsbad, New Mexico  
P.O. Box 1569  
Carlsbad, NM 88221-1569  
575-887-1191  
[jgshirley@cityofcarlsbadnm.com](mailto:jgshirley@cityofcarlsbadnm.com)

Respectfully submitted,

City of Carlsbad, New Mexico  
P.O. Box 1569  
Carlsbad, New Mexico 88221-1569  
T: 575-887-1191  
F: 575-885-1101  
E-mail: [mayor.office@cityofcarlsbadnm.com](mailto:mayor.office@cityofcarlsbadnm.com)

[August 28, 2018]

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	
	)	Docket No. 72-1051
Holtec International	)	
	)	
Consolidated Interim Storage Facility	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petition by the City of Carlsbad, New Mexico to Participate as an Interested Local Governmental Body, has been served through the EFiling system on the participants in the above-captioned proceeding this 12 day of September, 2018.

/signed electronically by:

Jason Shirley