

[Western states join New Mexico in resisting nuclear waste storage without state consent](#)

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A group of governors from across the American West signaled their disapproval of storing spent nuclear fuel in their states without their consent, as two companies plan to do so in New Mexico and Texas despite opposition voiced by both states.

In southeast New Mexico, Holtec International proposed building a temporary storage site near Carlsbad and Hobbs known as a consolidated interim storage facility (CISF) to hold up to 100,000 metric tons of high-level nuclear waste transported from reactors around the country.

The federal Nuclear Regulatory Commission (NRC) earlier this month released a final environmental impact statement on the Holtec project, finding minimal impact and recommended a license be issued for the project with a final decision expected next year.

Last year, the NRC did issue a license to Interim Storage Partners to build a CISF at the company's existing facility in Andrews, Texas to hold up to about 40,000 metric tons of the waste.

A permanent repository for this waste does not exist in the U.S., and it has so far been held at the sites of the nuclear reactors that produce the waste, many near large cities or bodies of water.

Supporters of the project argued the waste would be safer if kept in the remote desert region of southeast New Mexico and West Texas, adding the project could provide economic diversity to the region economically dominated by oil and gas extraction.

Holtec representatives frequently asserted they had support from local government and business leaders in the southeast and across New Mexico.

The company was recruited by the Eddy-Lea Energy Alliance, a consortium of city and county leaders from Carlsbad and Hobbs and Eddy and Lea counties. The Eddy-Lea Energy Alliance owns the land where the site was proposed to be built.

But the governors of Texas and New Mexico – one Republican and one Democrat – stood staunchly opposed to the projects, arguing they could imperil nearby fossil fuel and agriculture operations.

A bipartisan group of congresspeople from Texas and New Mexico also questioned the projects, introducing legislative bills that would bar such activities by the federal government without the state consent.

The Western Governor's Association recently passed a resolution demanding the federal government require host states to support CISF projects before they can be built.

The resolution, passed June 30, argued no CISFs should be sited, built or operated within a state without written consent from that state's governor.

The Western Governors Association is chaired by Republican Idaho Gov. Brad Little, and vice chaired by Democrat Colorado Gov. Jared Polis.

The previous chair of the association was Democrat Oregon Gov. Kate Brown, and the organization aims to represent the interests of governors of 19 U.S. states on the western side of the country including Hawaii and Alaska.

This includes New Mexico's Democrat Gov. Michelle Lujan Grisham who called the CISF projects "economic malpractice" and called on lawmakers to deliver legislation during the upcoming 2023 Legislative Session to block the project in her state.

Republican Texas Gov. Greg Abbott made similar statements regarding the project in his state, and Texas lawmakers passed a bill last year against the proposals.

"No consolidated facility for nuclear waste, whether interim or permanent, or privately or federally owned and operated, shall be located within the geographic boundaries of a western state or U.S. territory without the written consent of the current Governor in whose state or territory the facility is to be located," read the resolution from the Western Governors Association.

It also called on the federal government to devise regulations that include state consent when siting and licensing facilities to store nuclear waste.

The group also demanded that no temporary storage sites be developed until a permanent repository is available to take the waste, and states are consulted on transportation routes, operations and preparation in case of any associated accidents or radiation releases.

"The creation of interim storage sites for spent nuclear fuel would be a direct result of the federal government's failure to begin accepting spent fuel on schedule," the resolution read.

To further address New Mexico's opposition to the proposal, State Attorney General Hector Balderas filed a lawsuit against the NRC disputing its environmental analysis as inadequate.

The case was dismissed in March by U.S. District Judge James O. Browning for the District of New Mexico who asserted the court did not have jurisdiction to rule in the matter, which fell to the U.S. Court of Appeals where it could be refiled.

Balderas pointed to opposition from his colleagues in the state administration including cabinet secretaries of the New Mexico Environment Department and Energy Minerals and Natural

Resources Department and the New Mexico State Land Office.

“Despite numerous concerns from New Mexico agency officials about insufficient funding for emergency response and safety improvements for roads and railways, the NRC has continued to ignore these problems and has baselessly determined that the nuclear waste stored at the Holtec facility will not pose a threat to New Mexico’s people or environment,” read a statement from Balderas’ office.

Environmentalists also joined condemnation of the NRC’s recommendation on the Holtec proposal, with the Sierra Club’s Rio Grande Chapter voicing support for future policies to prevent the facility from coming to fruition.

The group called for funds to instead be used to build a permanent repository, worrying that without one the CISFs could hold the waste indefinitely despite not being designed to do so.

“The Holtec proposal approved by the U.S. Nuclear Regulatory Commission puts New Mexico communities at risk and lacks common sense,” said Sierra Club leader Patricia Cardona

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