

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

In the Matter of:)	
)	
Holtec International)	Docket No. 72-1051
)	
(HI-STORE Consolidated Interim Storage Facility)	
)	
In the Matter of:)	
)	
Interim Storage Partners)	Docket No. 72-1050
)	
(WCS Consolidated Interim Storage Facility))	
)	

**BEYOND NUCLEAR, INC.'S EXHIBIT LIST FOR
MOTION TO DISMISS LICENSING PROCEEDINGS
FOR HI-STORE CONSOLIDATED INTERIM STORAGE FACILITY
AND WCS CONSOLIDATED INTERIM STORAGE FACILITY
FOR VIOLATION OF THE NUCLEAR WASTE POLICY ACT**

Exhibit 01 - Declaration of Daniel C. Berry III

Exhibit 02 - Declaration of Jimi Gadzia

Exhibit 03 - Declaration of Keli Hately

Exhibit 04 - Declaration of Nick King

Exhibit 05 - Declaration of Margo Smith

Exhibit 06 - Declaration of Rose M. Gardner

Exhibit 07 - Declaration of D.K. Boyd

Exhibit 08 - Declaration of Gene Harbaugh

Exhibit_01

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF DANIEL C. BERRY III

Under penalty of perjury, I, Daniel C. Berry III, declare as follows:

1. My name is Daniel C. Berry III.
2. I am a member of Beyond Nuclear.
3. I live with my wife, Elizabeth Berry, in Township 21S, Range 33E, Section 2, within 11 miles of the Holtec Consolidated Interim Storage Facility (the "Facility").
4. I own and ranch the T Over V Ranch, which is approximately 1,900 acres of a mix of private land and Bureau of Land Management and state leases. It is located in Township 20S, Range 34E, Sections 22, 27, 28, 34, and 35, Township 21S, Range 31E, Sections 1 and 12, and Township 21S, Range 32E, Section 6, all within 3 to 15 miles of the Facility. T Over V Ranch has multiple homesteads on it. I have included a map identifying the location of my residence and my land in relation to the Facility. See Attachment A.
5. I frequently and regularly spend time within 15 miles of the Facility because I live and work in the area. I manage and work the T Over V Ranch with my wife and a number of ranch hands. Every day, we spend time all over our land, horseback riding, hiking, or riding ATVs in order to manage our cattle.
6. I also frequently and regularly spend time on the local roads near the Facility and transportation routes for the Facility. For instance, I regularly drive Highway 62/180 where it parallels the Burlington Northern Santa Fe Carlsbad Subdivision railroad that Holtec plans to use to transport spent nuclear fuel to the Facility. See Attachment B.

Highway 62/180 is the only route I can take to travel to Carlsbad, the nearest major town to my home. I have to drive on this highway to access business and everyday necessities such as my bank and grocery store. This Highway, and others nearby such as Highway 176, are so busy with truck traffic that I normally have to wait at the onramp to enter the Highway, which is approximately one mile from the Facility. When I am on this Highway, I have noticed rail cars traveling next to me.

7. I am concerned about the risks to my property, my health and safety, and my environment posed by the construction and operation of the Facility, and by transportation of spent nuclear fuel to the Facility.
8. I am also concerned about the radiation risks to me and my family, including our health and safety, posed by living next to a facility housing such an enormous inventory of radioactive material. I am also concerned that an accident involving spent nuclear fuel at the Facility will harm my property due to radiological exposure.
9. I am also concerned that I will not be able to avoid small doses of unwanted radiation from driving next to rail cars carrying shipments of spent nuclear fuel, which will harm my health and safety. I am also concerned that I cannot avoid higher doses of unwanted radiation should Holtec transport the spent nuclear fuel by truck along Highway 62/180, Highway 176 and other roads in the area that I frequent. I am especially concerned that I cannot avoid higher doses of unwanted radiation from the extended length of time I spend on a regular basis waiting to enter Highway 62/180 near the Facility and transportation routes.
10. I am also concerned with the impacts to my interest and right to travel near my home posed by Holtec's proposed transportation routes for spent nuclear fuel. In order to ensure myself and my family travel on the safest roads to avoid unwanted doses of radiation or potential accidents involving transportation of spent nuclear fuel, I would have to avoid highways and roads that are our primary routes to access business and everyday necessities.
11. I am also concerned about the impact the Facility will have on the value of my home and the T Over V Ranch. It is my understanding that property values near a nuclear facility can be reduced as early as when it receives its license to operate due to real or perceived risks of exposure to radiation releases from the nearby facility. It is also my understanding that property values continue to decrease once the facility is constructed and operating.
12. I am concerned that the licensing, construction, and operation of the Facility will impact the economic prosperity of Eddy County, where I live, and Lea County, where I own land. It is my understanding that the Permian Basin in Eddy and Lea counties in New Mexico and in Texas is the largest oil and gas producer in the United States and the second largest in the world. I am concerned that construction and operation of the Facility on top of the Permian Basin will impact the ability to continue drilling so successfully here and therefore have a negative effect on the economy. This could harm local

businesses and the value of my property. I am also concerned that construction and operation of the Facility will limit the domestic production of oil and gas in the United States.

13. I believe that the Holtec application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
14. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the Holtec application from consideration in this proceeding.

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The declarant has caused this Declaration to be executed as of the date below.

Signed,

Daniel C Berry III

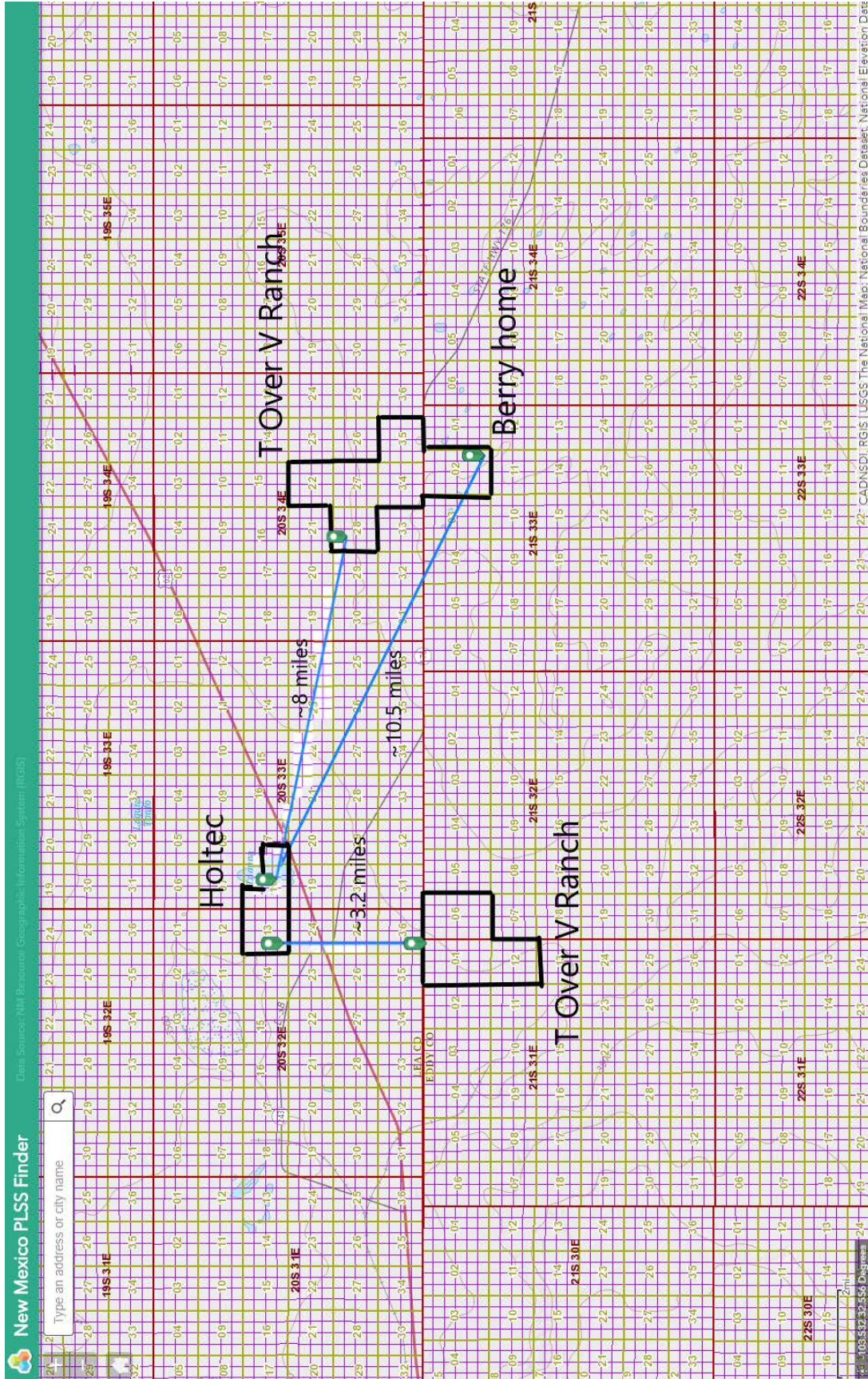
Elizabeth Berry

9-11-2018

Dated: 9-11-18

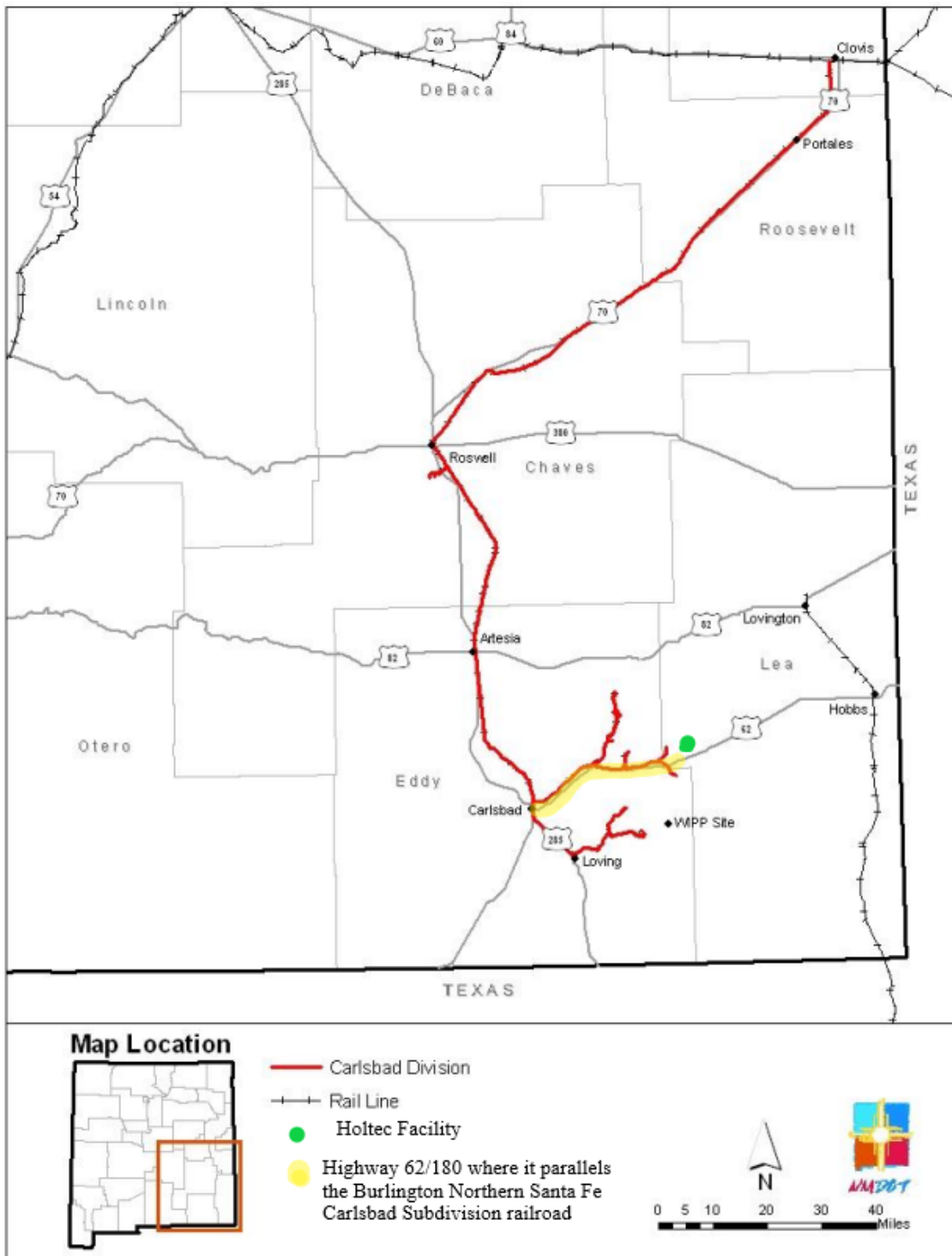


Exhibit_01, Attachment_A



Exhibit_01, Attachment_B

Figure 2.12 SWRR Carlsbad Division



New Mexico Department of Transportation, *New Mexico State Rail Plan*, 2-23 (Mar. 27, 2014) (“Holtec Facility” and “Highway 62/180 where it parallels the Burlington Northern Santa Fe Carlsbad Subdivision railroad” added)

Exhibit_02

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF JIMI GADZIA

Under penalty of perjury, I, Jimi Gadzia, declare as follows:

1. My name is Jimi Gadzia. I live at 1604 East Berrendo Road, Roswell, New Mexico 88201.
2. I am a member of Beyond Nuclear.
3. My home is located within 900 yards of the Burlington Northern Santa Fe Carlsbad Subdivision railroad that, as I understand, Holtec will use to transport spent nuclear fuel to the Holtec Consolidated Interim Storage Facility (the "Facility"). I have attached a map identifying the location of my house and the railroad. See Attachment **A**
4. I also am a partial owner of seven federal mineral leases for oil and gas through the Graham Family Investments LLC. My mineral leases are located in Eddy County in portions of Township 18S, Range 31E, Sections 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, within 10 to 16 miles of the Facility. I have included a map identifying the approximate location of my mineral rights and the Facility. See Attachment **B**
5. I also own a pecan farm located at 70 Avenida de Vista, Roswell, New Mexico, 88201, approximately 6 miles from the Burlington Northern Santa Fe Carlsbad Subdivision railroad that, as I understand, Holtec will use to transport spent nuclear fuel to the Facility. I have included a map identifying the location of my pecan farm and the railroad. See Attachment **C**.

6. I drive regularly in Roswell on my normal business. In doing so, it is impossible not to drive parallel and cross the Burlington Northern Santa Fe Carlsbad Subdivision railroad that Holtec will use to transport spent nuclear fuel to the Facility. For example, approximately every other day I cross the railroad in Roswell both near Atkinson Avenue and 19th Street and again at College Boulevard and North Grand Avenue or at 3rd Street and North Railroad Avenue. The railroad here parallels Main Street at a distance of about 1,000 feet for approximately a mile. I also occasionally but regularly drive on country road 102, which parallels at a distance of approximately 70 feet the railroad north of Roswell, New Mexico that Holtec will have to use to ship spent nuclear fuel to the Facility.
7. I am concerned about risks to my health and safety, property rights, and my environment posed by construction of the Facility, by normal and accidental radiation releases during operation of the Facility, and by transportation of spent nuclear fuel to and from the Facility.
8. I am also concerned that an accident involving spent nuclear fuel at the Facility will harm the value of my mineral rights or make them functionally inaccessible due to radiological exposure.
9. I am also concerned about the impact the transportation of spent nuclear fuel on railroads near my home will have on my home's property value. It is my understanding that property values along spent nuclear fuel transportation routes can be reduced due to real or perceived risks from the transportation.
10. I am also concerned about my health and safety, and my interest and right to travel. Because I live close to the transportation route for spent nuclear fuel and regularly drive on roads in the area, I cannot avoid small doses of unwanted radiation from each shipment of spent nuclear fuel during normal operations. I am also concerned my travel interests and rights will be impacted by not knowing which roads are the safest to travel on to avoid these unwanted doses of radiation and avoid potential accidents with trains carrying spent nuclear fuel.
11. I am also concerned that a railroad accident may directly impact my pecans. In addition, I am concerned that New Mexico will become known as the nuclear waste state and no one will want to buy my pecans because of a real or perceived fear that they are poisoned or contaminated.
12. I believe that the Holtec application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
13. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the Holtec application from consideration in this proceeding.

[Remainder of page intentionally left blank.]

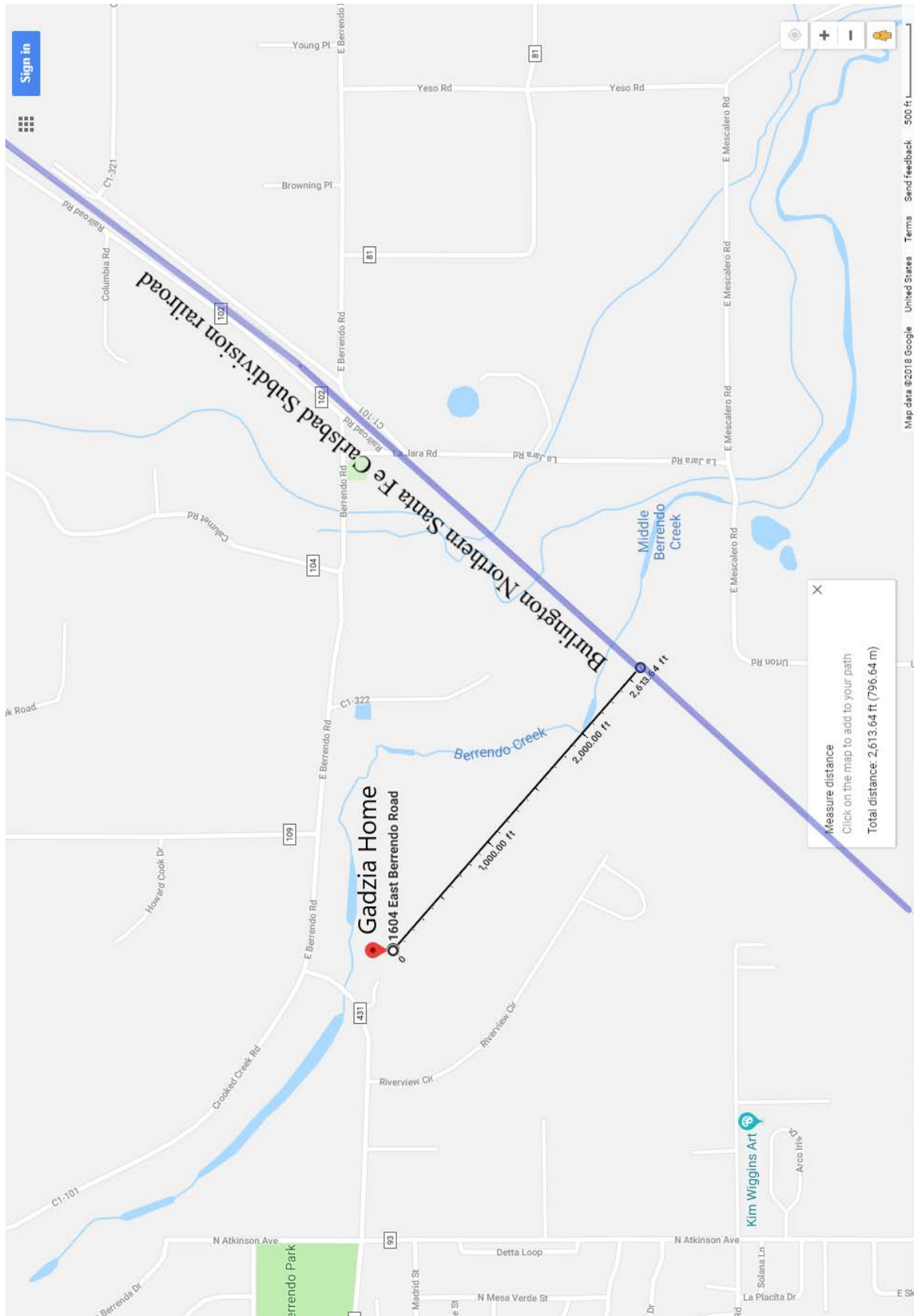
The declarant has caused this Declaration to be executed as of the date below.

Signed,

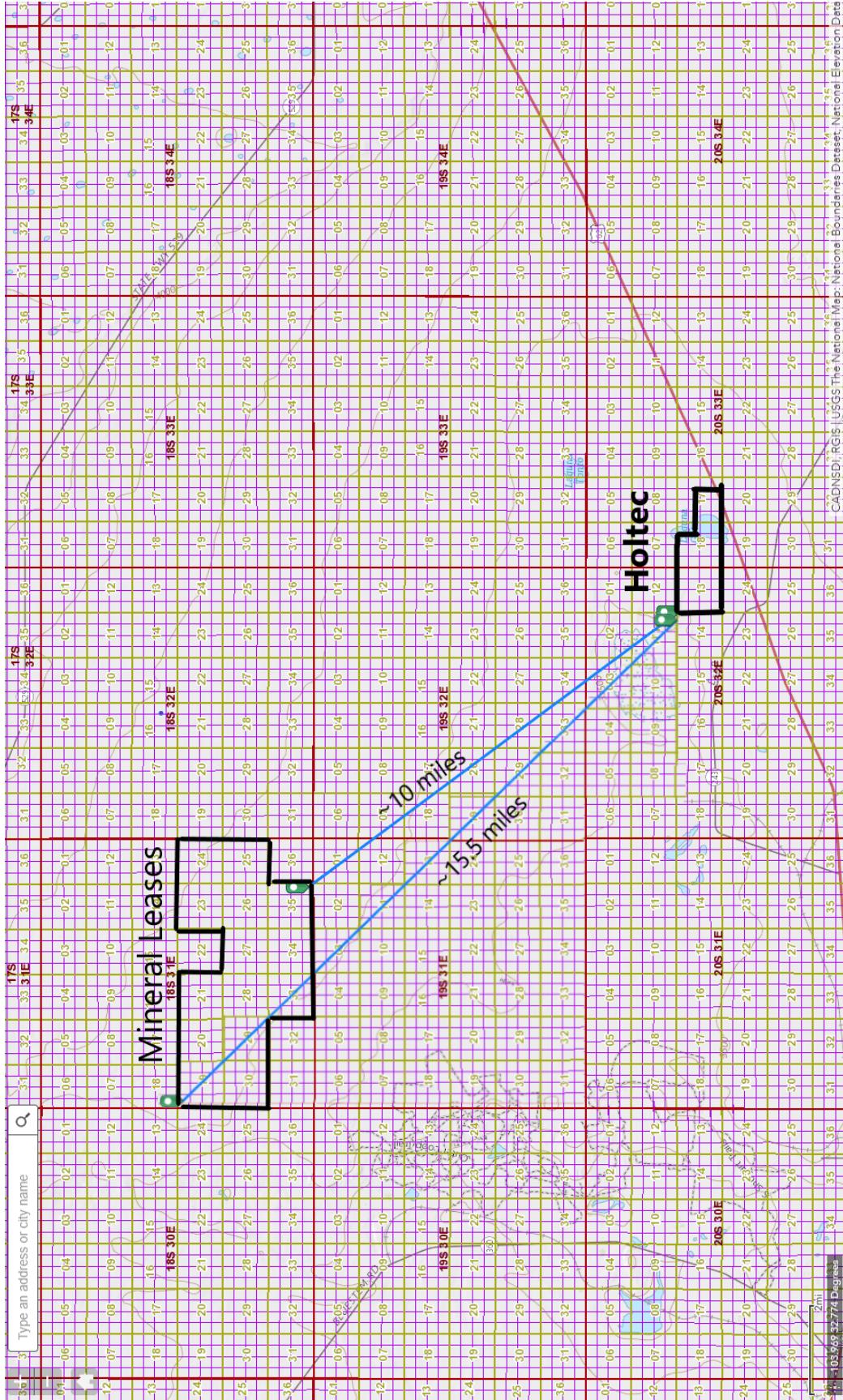
A handwritten signature in black ink, appearing to read "Jimi S. Adji", is written over a horizontal line. The signature is stylized with a large, looped initial "J" and a distinct "S".

Dated: SEPTEMBER 8, 2018

Exhibit_02, Attachment_A



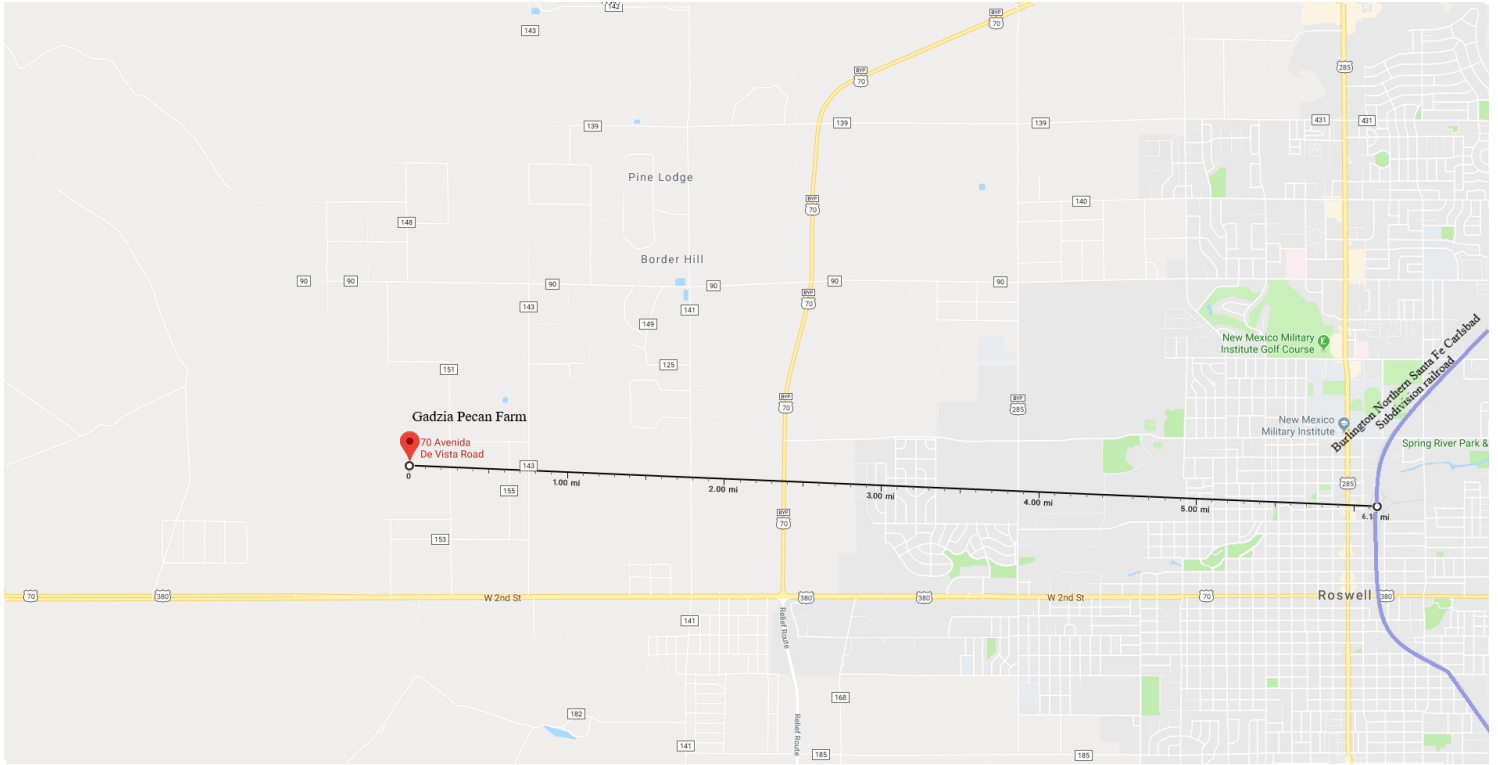
Exhibit_02, Attachment_B





70 Avenida De Vista Rd

Exhibit_02, Attachment_C



Map data ©2018 Google 2000 ft



70 Avenida De Vista Rd

Roswell, NM 88201



C94F+FH Roswell, New Mexico

Measure distance

Total distance: 6.15 mi (9.90 km)

Exhibit_03

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of:)
)
Holtec International) Docket No. 72-1051
)
(HI-STORE Consolidated Interim Storage Facility)
for Interim Storage of Spent Nuclear Fuel))

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF KELI HATLEY

Under penalty of perjury, I, Keli Hatley, declare as follows:

1. My name is Keli Hatley.
2. I am a member of Beyond Nuclear.
3. I live with my husband and two children, ages 9 and 13, at 307 Laguna Road, Hobbs, New Mexico, 88240, located on the Smith Ranch and one mile from the Holtec Consolidated Interim Storage Facility (the "Facility"). I have attached a map identifying the location of my home and the Facility. See Attachment A.
4. My family and I all frequently and regularly spend time within 5 miles of the Facility because we live, recreate, and work on the Smith Ranch. The Facility will lie in the center of the Smith Ranch.
5. Every day my family and I spend time horseback riding to manage our cattle. As my cattle currently range on the land where the Facility will be built, I am currently able to enter this land. Once the Facility is built, I will be able to travel along its fence line.
6. My family and I also spend almost every afternoon at my sister Stephanie Logan's house, which is located at 111 Goathead Road, Hobbs, New Mexico, 88240. My sister's house is a little over two miles from the Facility and is also located on the Smith Ranch. I have attached a map identifying the location of my home, the Facility, and my sister's home. See Attachment A.

7. It is my understanding that construction of the Facility will require moving a section of Laguna Road/Country Road 55. I drive on this section of the road daily to get to my sister's house and to access the main Highway 62/180. Additionally, five days a week the school bus uses this road to access my home to pick up my sons for school. See Attachment A.
8. I drive on Highway 62/180 at least four times a week to travel to Hobbs for my job and to take my children to school. I also use Highway 62/180 between my home and Carlsbad where it parallels the Burlington Northern Santa Fe Carlsbad Subdivision railroad that Holtec plans to use to transport spent nuclear fuel to the Facility. See Attachment B. I use this Highway approximately twice a month to attend rodeos, visit Artesia, and reach my second ranch that is located in Eddy County. When I am driving on the highways and roads near the Facility, I notice rail cars near me.
9. I am concerned about the risks to my home, my health and safety, the health and safety of my family, and my environment posed by the construction and operation of the Facility, and by transportation of spent nuclear fuel to the Facility.
10. I am concerned about the radiation risks to me and my family posed by living next to a facility housing such an enormous inventory of radioactive material as the Facility. I am especially concerned how the Facility could impact my young children. I am also concerned that an accident involving spent nuclear fuel at the Facility will harm my family and home due to radiological exposure.
11. I am also concerned that transportation of spent nuclear fuel to the Facility by rail or by truck could hit my cattle, harming or killing them.
12. I am also concerned that the additional traffic from the Facility will harm myself or my family, especially because I have young family members who will soon be learning to drive on these roads. The roads in this area are already dangerous because they are overused by the oil and gas industry and are not kept up. It is my understanding that there have already been multiple vehicular deaths in the area and that the Holtec application projects 2.9 deaths from transportation of spent nuclear fuel to the Facility.
13. I am also concerned that I will not be able to avoid small doses of unwanted radiation from driving next to rail cars carrying shipments of spent nuclear fuel, which will harm my health and safety. I am also concerned that I cannot avoid higher doses of unwanted radiation should Holtec transport the spent nuclear fuel by truck along Highway 62/180, Highway 176/243 and other roads in the area that I frequent.
14. I am also concerned my sons cannot avoid doses of unwanted radiation from passing next to the Facility while being bused to and from school.
15. I am also concerned with the impacts to my interest and right to travel near my home posed by Holtec's proposed transportation routes for spent nuclear fuel. We will not be able to avoid highways and roads that are involved with transporting spent nuclear fuel to

the Facility in order to ensure myself and my family travel on the safest roads to avoid unwanted doses of radiation or potential accidents involving the transportation of spent nuclear fuel because these highways and roads are our primary routes to access work and school.

16. I believe that the Holtec application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
17. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the Holtec application from consideration in this proceeding.

[Remainder of page intentionally left blank.]

The declarant has caused this Declaration to be executed as of the date below.

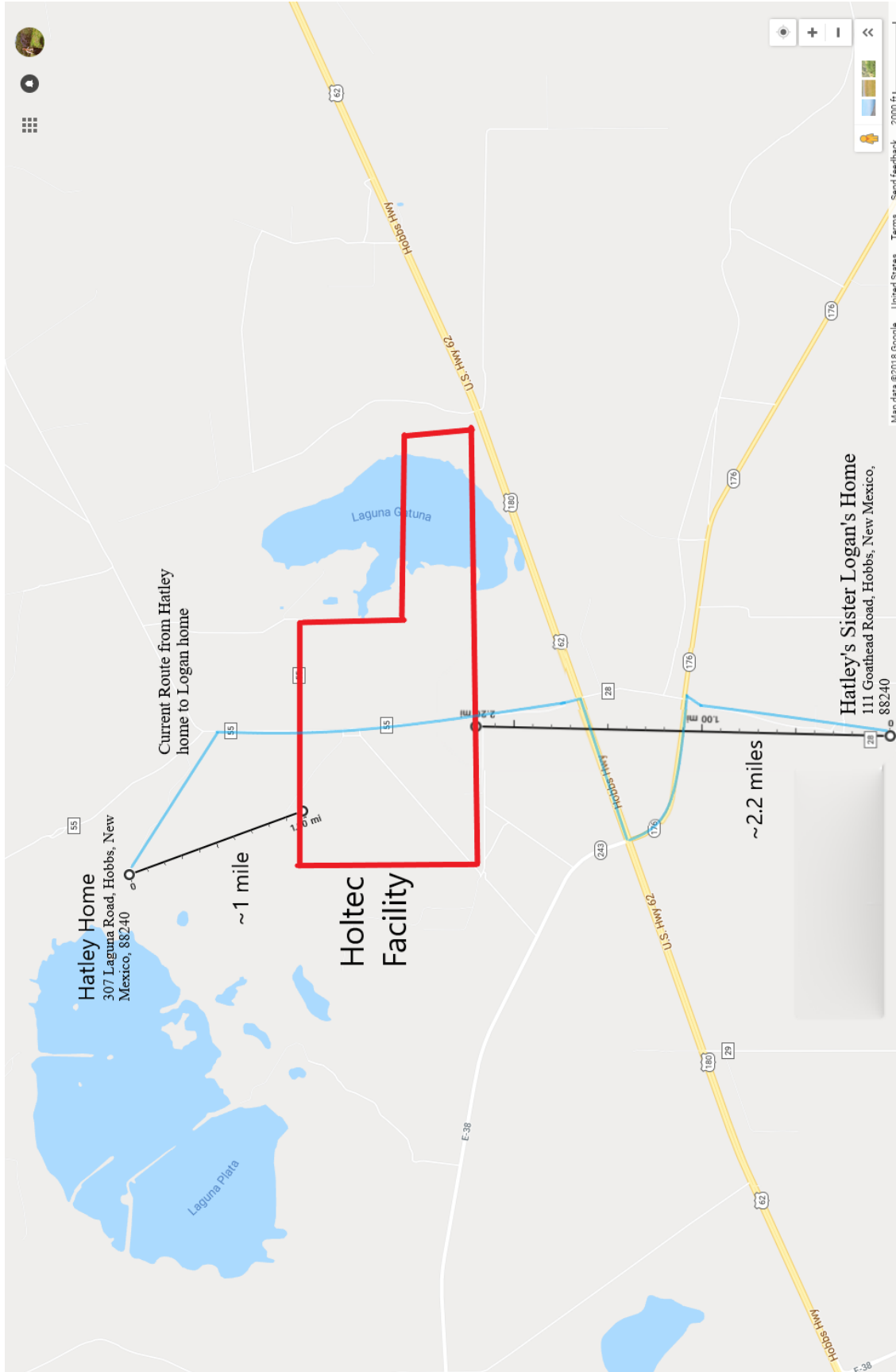
Signed,

Kel. J. Hatley

Dated:

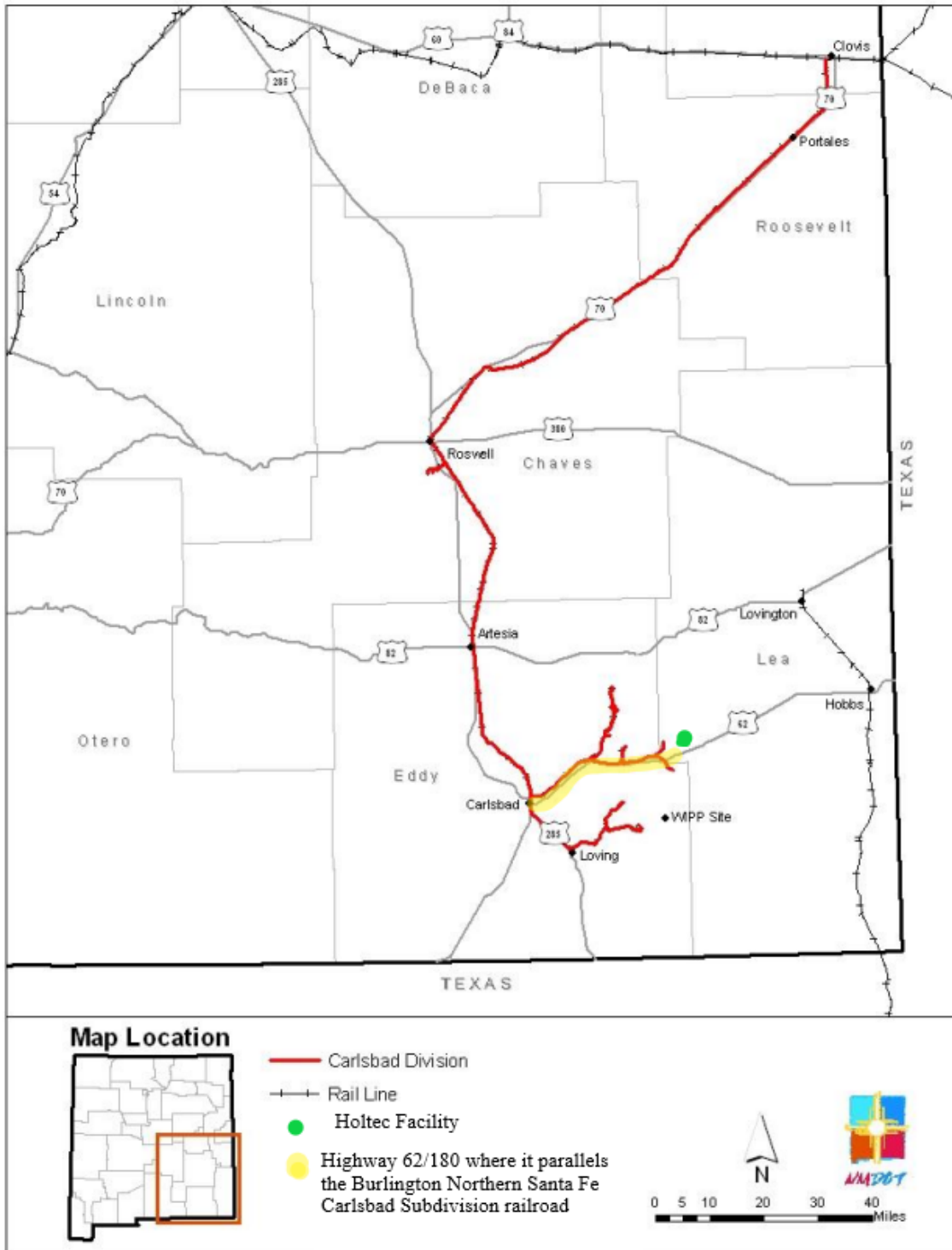
9-11-18

Exhibit_03, Attachment_A



Exhibit_03, Attachment_B

Figure 2.12 SWRR Carlsbad Division



New Mexico Department of Transportation, *New Mexico State Rail Plan*, 2-23 (Mar. 27, 2014) (“Holtec Facility” and “Highway 62/180 where it parallels the Burlington Northern Santa Fe Carlsbad Subdivision railroad” added)

Exhibit_04

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF NICK KING

Under penalty of perjury, I, Nick King, declare as follows:

1. My name is Nick King. I live at 1107 North Canal, Carlsbad, New Mexico 88220.
2. I am a member of Beyond Nuclear.
3. My home lies within 450 yards of one Burlington Northern Santa Fe Carlsbad Subdivision railroad, 800 yards of a second Burlington Northern Santa Fe Carlsbad Subdivision railroad, and a mile of a railyard, all of which it is my understanding that Holtec may use to transport spent nuclear fuel to the Holtec Consolidated Interim Storage Facility (the "Facility"). I have attached a map identifying the location of my house, the railroad, and the railyard. See Attachment **A**.
4. I am concerned about risks to my health and safety, my environment, and my property value posed by normal and accidental radiation releases during transportation of spent fuel to and from the Facility.
5. Because I live close to the transportation route and regularly drive on roads in the area, I cannot avoid small doses of unwanted radiation from each shipment of spent nuclear fuel during normal operations, which will harm my health and safety. I am especially concerned with any trains carrying spent nuclear fuel that will wait at the railyard for extended periods of time, exposing me to higher levels of unwanted and unavoidable doses of radiation. I am also concerned my travel interests and rights will be impacted by

not knowing which roads are the safest to travel on to avoid these unwanted doses of radiation and avoid potential accidents with trains carrying spent nuclear fuel.

6. I am also concerned that a rail accident of a spent nuclear fuel shipment may occur along this route of rail and harm my health and safety, and my environment (including my property). I believe there is a higher likelihood of an accident occurring near my property than elsewhere because of a combination of two factors: it is my understanding that (i) these railroads are already overburdened from the oil and gas boom in the area and are thus more susceptible to accident, and (ii) every shipment of spent nuclear fuel being sent to the Facility will have to pass along this rail corridor and the likelihood of accident increases in correlation with the number of shipments.
7. I am also concerned about the impact the transportation of spent nuclear fuel on these railroads will have on my property value. It is my understanding that property values along spent nuclear fuel transportation routes can be reduced due to real or perceived risks from the transportation.
8. I believe that the Holtec application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
9. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the Holtec application from consideration in this proceeding.

[Remainder of page intentionally left blank.]

The declarant has caused this Declaration to be executed as of the date below.

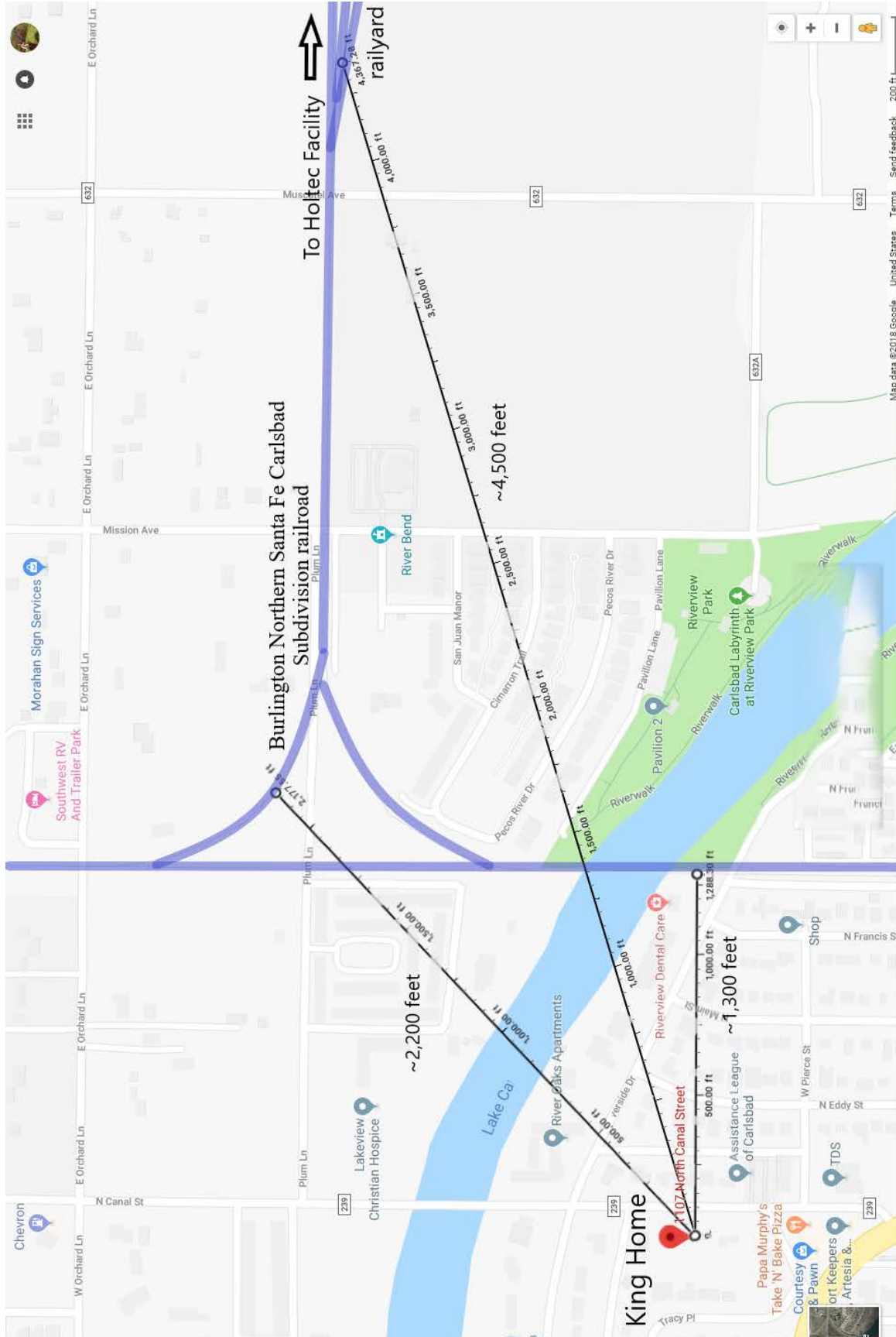
Signed

Nicholas King

Dated:

9-7-18

Exhibit_04, Attachment_A



Exhibit_05

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF MARGO SMITH

Under penalty of perjury, I, Margo Smith, declare as follows:

1. My name is Margo Smith.
2. I am a member of Beyond Nuclear.
3. I live with my husband, daughter, and grandchild at 258 Smith Ranch Road, Hobbs, New Mexico, 88240, located on the Smith Ranch and approximately seven miles from the Holtec Consolidated Interim Storage Facility (the "Facility"). I have attached a map identifying the location of my home and the Facility. See Attachment A.
4. My family is comprised of fourteen members, including my three daughters, four grandsons ages 2, 9, 13, and 14 (one of whom lives with me), son-in-laws, and mother-in-law. My family and I all frequently and regularly spend time within 7 miles of the Facility because we live, recreate, and work on the Smith Ranch. The Facility will lie in the center of the Smith Ranch.
5. Every day my family and I spend time managing our cattle. As my cattle currently range on the land where the Facility will be built, I am currently able to enter this land. Once the Facility is built, I will be able to travel along its fence line.

6. I drive on Highway 62/180 at least two times a week to visit my daughters, Keli Hatley and Stephanie Logan. My daughter Keli Hatley lives at 307 Laguna Road, Hobbs, New Mexico, 88240, a mile from the Facility. My daughter Stephanie Logan lives at 111 Goathead Road, Hobbs, New Mexico, 88240, a little over two miles from the Facility. From Highway 62/180, I take Laguna Road/Country Road 55 to get to Keli's house, and it is my understanding that the construction of the Facility will require moving a section of this road.
7. I also regularly use Highway 62/180 between my home and Carlsbad where it parallels the Burlington Northern Santa Fe Carlsbad Subdivision railroad that Holtec plans to use to transport spent nuclear fuel to the Facility. See Attachment B. I use this Highway regularly to go grocery shopping, and to attend and participate in rodeos in Carlsbad. I also drive from Highway 62/180 to Highway 360 to visit Artesia. Highway 360 intersects with the railroad that Holtec plans to use to transport spent nuclear fuel to the Facility. When I am driving on these highways and roads, I notice rail cars near me.
8. Every weekday, the local school bus drives from Hobbs on Highway 62/180 to Laguna Road/Country Road 55 to reach my daughter Keli's home at 307 Laguna Road, Hobbs, New Mexico, 88240, to pick up my grandsons. It is my understanding that construction of the Facility will require moving a section of the Laguna Road/Country Road 55 on which the school bus currently drives. The school bus then drives back to Highway 62/180 to come to my house to pick up more of my grandsons. My grandsons will be relying on this mode of transportation for several more years.
9. I am concerned about the risks to my home, my health and safety, the health and safety of my family, and my environment posed by the construction and operation of the Facility, and by transportation of spent nuclear fuel to the Facility.
10. I am concerned about the radiation risks to me and my family posed by living next to a facility housing such an enormous inventory of radioactive material as the Facility. I am especially concerned how the Facility could impact my children and young grandchildren. I am also concerned that an accident involving spent nuclear fuel at the Facility will harm my family and home due to radiological exposure.
11. I am also concerned about the impact the Facility will have on the value of my home and the Smith Ranch because I am concerned that the Facility will deter people from wanting to live in this area. It is my understanding that property values near a nuclear facility can be reduced as early as when it receives its license to operate due to real or perceived risks of exposure to radiation releases from the nearby facility. It is also my understanding that property values may continue to decrease as the facility is constructed and operating.
12. I am also concerned that the additional traffic from the Facility will harm myself or my family, especially because I have young family members who are currently driven to school on these roads, and who will soon be learning to drive on these roads. The roads in this area are already dangerous because they are overused by the oil and gas industry and were not constructed to withstand the amount of traffic that the industry entails. The

roads contain many potholes and are extremely narrow. For example, I have been in an accident in which a passing vehicle's mirror and my car's mirror hit each other because of how narrow the road is. It is my understanding that there have already been multiple vehicular deaths in the area and that the Holtec application projects 2.9 deaths from transportation of spent nuclear fuel to the Facility. It is my understanding that the oil and gas industry have proposed the installation of helicopter pads for medical evacuations related to industry operations, as well as 600-800 "man camps" to house workers, which will only exacerbate the traffic and worsen road conditions.

13. I am also concerned that my family and I will not be able to avoid small doses of unwanted radiation from driving next to rail cars carrying shipments of spent nuclear fuel, which will harm our health and safety. I am also concerned that we cannot avoid higher doses of unwanted radiation should Holtec transport the spent nuclear fuel by truck along Highway 62/180, Highway 176/243, and other roads in the area that we frequent.
14. I am also concerned my grandsons cannot avoid doses of unwanted radiation from passing next to the Facility while being bused to and from school.
15. I am also concerned with the impacts to my interest and right to travel near my home posed by Holtec's proposed transportation routes for spent nuclear fuel. We will not be able to avoid highways and roads that are involved with transporting spent nuclear fuel to the Facility in order to ensure myself and my family travel on the safest roads to avoid unwanted doses of radiation or potential accidents involving the transportation of spent nuclear fuel because these highways and roads are our primary routes to access work, school, and recreational activities.
16. I believe that the Holtec application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
17. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the Holtec application from consideration in this proceeding.

[Remainder of page intentionally left blank.]

The declarant has caused this Declaration to be executed as of the date below.

Signed,

Margo Smith

Dated: 9-12-18

Exhibit_05, Attachment_A

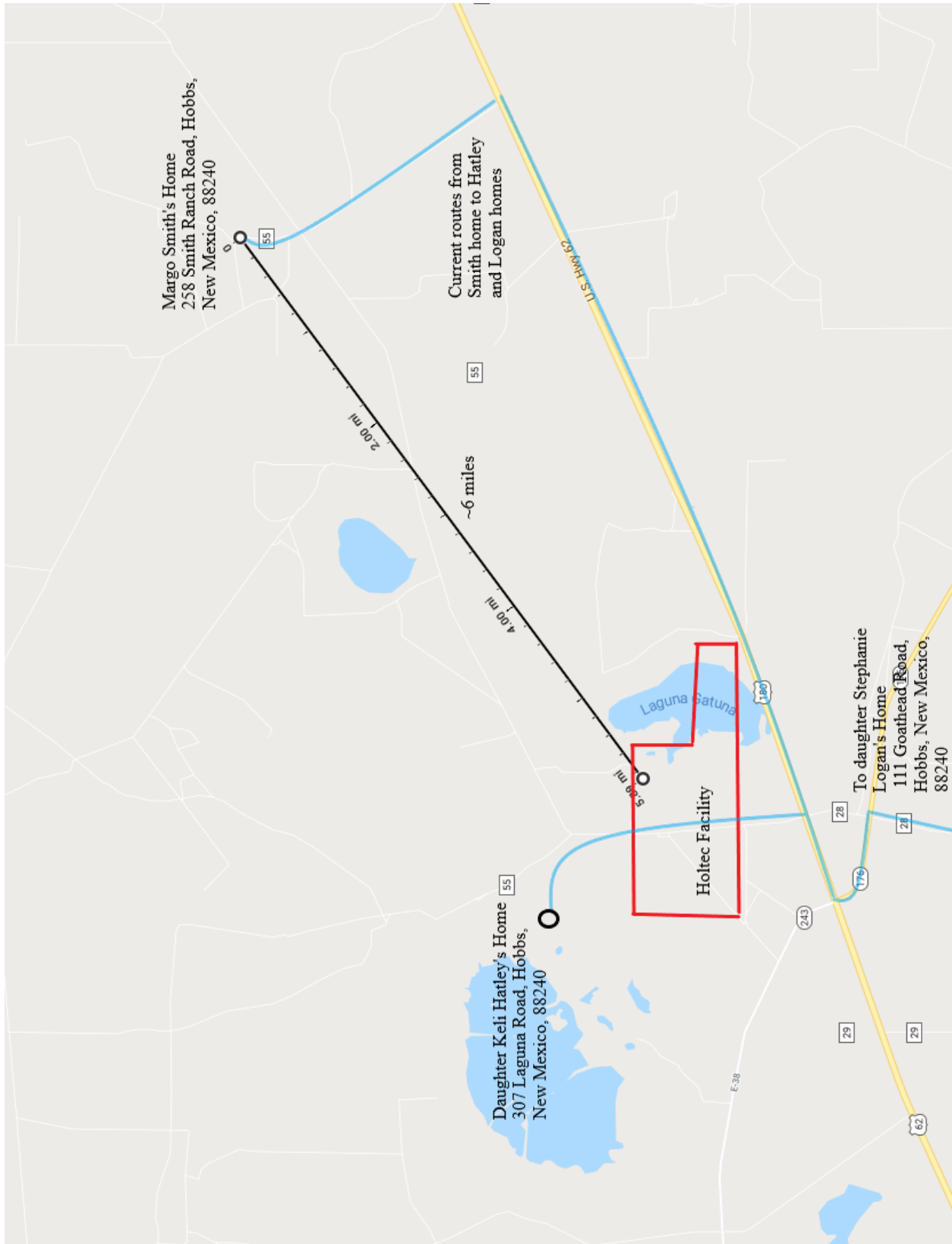
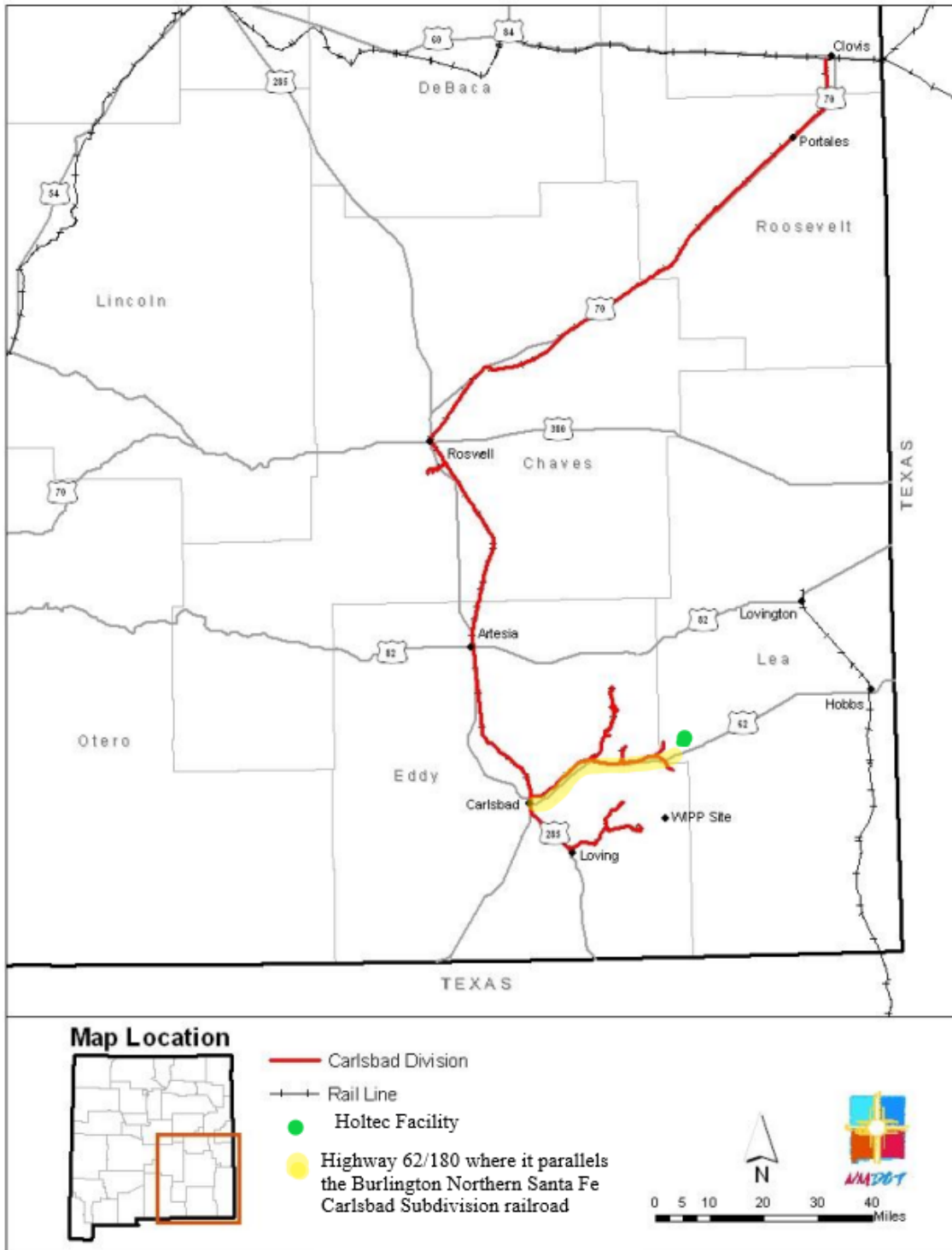


Figure 2.12 SWRR Carlsbad Division



New Mexico Department of Transportation, *New Mexico State Rail Plan*, 2-23 (Mar. 27, 2014) (“Holtec Facility” and “Highway 62/180 where it parallels the Burlington Northern Santa Fe Carlsbad Subdivision railroad” added)

Exhibit_06

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF ROSE M. GARDNER

Under penalty of perjury, I, Rose M. Gardner, declare as follows:

1. My name is Rose M. Gardner.
2. I am a member of Beyond Nuclear.
3. I live with my husband at 1402 Avenue A, Eunice, New Mexico, 88231, within seven miles of the Interim Storage Partners' ("ISP") Waste Control Specialists Consolidated Interim Storage Facility (the "Facility").
4. The majority of family also lives in Eunice, New Mexico. My first daughter lives next door to my home and my second daughter lives a block away from my home. My husband's sister, her grown daughter, and her ten-year-old granddaughter live at the intersection of Highway 176 and Highway 18, within approximately five miles of the Facility. I regularly spend time with my family at their homes. For example, my niece lives in Eunice as well and I take care of her three young children in their home. My family and I all frequently and regularly spend time within eight miles of the Facility because we live, recreate, and work in Eunice.
5. I own a flower shop at 1700 Main Street, Eunice, New Mexico, about six miles from the Facility. I plan to move this flower shop to the 100 block of Main Street soon. I also own 15 acres of land on 16th Street between Avenue A and Avenue F on which I raise horses and chickens, also about six miles from the Facility.
6. I use Highway 176 and Highway 18 frequently, for example, to deliver flowers to my clients in Jal, New Mexico. Highway 18 parallels the Texas and New Mexico Railway

that, it is my understanding, ISP plans to use to transport spent nuclear fuel to the Facility. When I drive on Highway 18, I notice rail cars next to me. I believe there have been multiple train derailments in the past few years on this railroad.

7. I regularly enter Highway 18 from Highway 207 south of Eunice, New Mexico. To enter Highway 18 at this location, I have to cross the Texas and New Mexico Railway. The railroad crossing does not have a gate, like many other railroad crossings in the area.
8. I am concerned about the risks to my home, my health and safety, the health and safety of my family, and my environment posed by the construction and operation of the Facility and by transportation of spent nuclear fuel to the Facility.
9. I am concerned about the radiation risks to me and my family posed by living next to a facility housing such an enormous inventory of radioactive material as the Facility. I am especially concerned how the Facility could impact my young grandchildren, grandnieces, and grandnephews. I am also concerned that an accident involving spent nuclear fuel at the Facility will harm my family and home due to radiological exposure.
10. I am also concerned about the impact the Facility will have on the value of my home because I am concerned that the Facility will deter people from wanting to live in this area. It is my understanding that property values near a nuclear facility can be reduced as early as when it receives its license to operate due to real or perceived risks of exposure to radiation releases from the nearby facility. It is also my understanding that property values may continue to decrease as the facility is constructed and operating.
11. I am also concerned that my family and I will not be able to avoid small doses of unwanted radiation from driving next to rail cars carrying shipments of spent nuclear fuel, which will harm our health and safety.
12. I am also concerned with the impacts to my interest and right to travel near my home posed by ISP's future transportation routes for spent nuclear fuel. We will not be able to avoid highways and roads that are involved with transporting spent nuclear fuel to the Facility because these highways and roads are our primary routes to access work, school, and recreational activities.
13. I believe that the ISP application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
14. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the ISP application from consideration in this proceeding.

[Remainder of page intentionally left blank.]

The declarant has caused this Declaration to be executed as of the date below.

Signed,

Rose M. Gaudino

Dated:

9-13-2018

Exhibit_07

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF D.K. BOYD

Under penalty of perjury, I, D.K. Boyd, declare as follows:

1. My name is D.K. Boyd.
2. I am a member of Beyond Nuclear.
3. My main address is 4200 Tanforan Avenue, Midland, Texas, 79707.
4. I own and ranch the Frying Pan Ranch, most of which I own by deed and some of which I lease from New Mexico. The Frying Pan Ranch is located on 137,599 acres in southeastern New Mexico and western Texas. The closest part of the Frying Pan Ranch to Interim Storage Partners' ("ISP") Waste Control Specialists Consolidated Interim Storage Facility (the "Facility") is only four miles away. I have attached a map identifying the location of this part of the Frying Pan Ranch and the Facility. See Attachment A.
5. I have mineral interests and working interests in oil and gas operations on the Frying Pan Ranch. I also lease some of the Frying Pan Ranch to companies conducting oil and gas operations.
6. My brother and his employees frequently and regularly spend time within 15 miles of the Facility because my brother runs cattle operations on the Frying Pan Ranch. One of my brother's employees lives on Frying Pan Ranch in New Mexico in Township 23S, Range 38E, Section 8.


7. I also frequently and regularly spend time on the local roads near the Facility and transportation routes for the Facility. For instance, about once a week, I drive on Highway 18 south of Eunice, New Mexico. I have to use Highway 18 to travel for business, between different parts of my ranch, and between my residences. When I am on this Highway, I have noticed rail cars traveling next to me on the Texas and New Mexico Railway because this railroad parallels Highway 18 within a couple hundred feet for almost 40 miles. It is my understanding that ISP plans to transport spent nuclear fuel to the Facility on this railroad.
8. The Texas and New Mexico Railway also runs through approximately 5.5 miles of the Frying Pan Ranch. My family and I frequently and regularly cross this railroad via car or horse to conduct our cattle operations.
9. I am concerned about the radiation risks posed by the construction and operation of the Facility to my property, my health and safety, the health and safety of my family and employees, and my environment, by living and working next to a facility housing such an enormous inventory of radioactive material, and by transportation of spent nuclear fuel to the Facility.
10. I am also concerned that an accident involving spent nuclear fuel at the Facility will harm my family and property due to radiological exposure. I am also concerned that such an accident will harm the value of my mineral and working interests in gas and oil production or make them functionally inaccessible due to radiological exposure.
11. I am also concerned about the impact the Facility will have on the value of the Frying Pan Ranch. It is my understanding that property values near a nuclear facility can be reduced as early as when it receives its license to operate due to real or perceived risks of exposure to radiation releases from the nearby facility. It is also my understanding that property values continue to decrease as the Facility is constructed and operating.
12. I am also concerned that the licensing, construction, and operation of the Facility will impact the economic prosperity of the counties where I live and own land. It is my understanding that the Permian Basin in New Mexico and Texas is the largest oil and gas producer in the United States and the second largest in the world. I am concerned that construction and operation of the Facility on top of the Permian Basin will impact the ability to continue drilling so successfully here and therefore have a negative effect on the economy. This could harm local businesses and the value of my property. I am also concerned that construction and operation of the Facility will limit the domestic production of oil and gas in the United States.
13. I am also concerned that I will not be able to avoid small doses of unwanted radiation from driving next to rail cars carrying shipments of spent nuclear fuel, which will harm my health and safety.

14. I am also concerned with the impacts to my interest and right to travel near my home posed by ISP's proposed transportation of spent nuclear fuel on the Texas and New Mexico Railway. In order to ensure myself and my family travel on the safest roads to avoid unwanted doses of radiation or potential accidents involving transportation of spent nuclear fuel, we would have to avoid highways and roads that are our primary routes to access business and everyday necessities.
15. I believe that the ISP application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
16. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the ISP application from consideration in this proceeding.

[Remainder of page intentionally left blank.]

The declarant has caused this Declaration to be executed as of the date below.

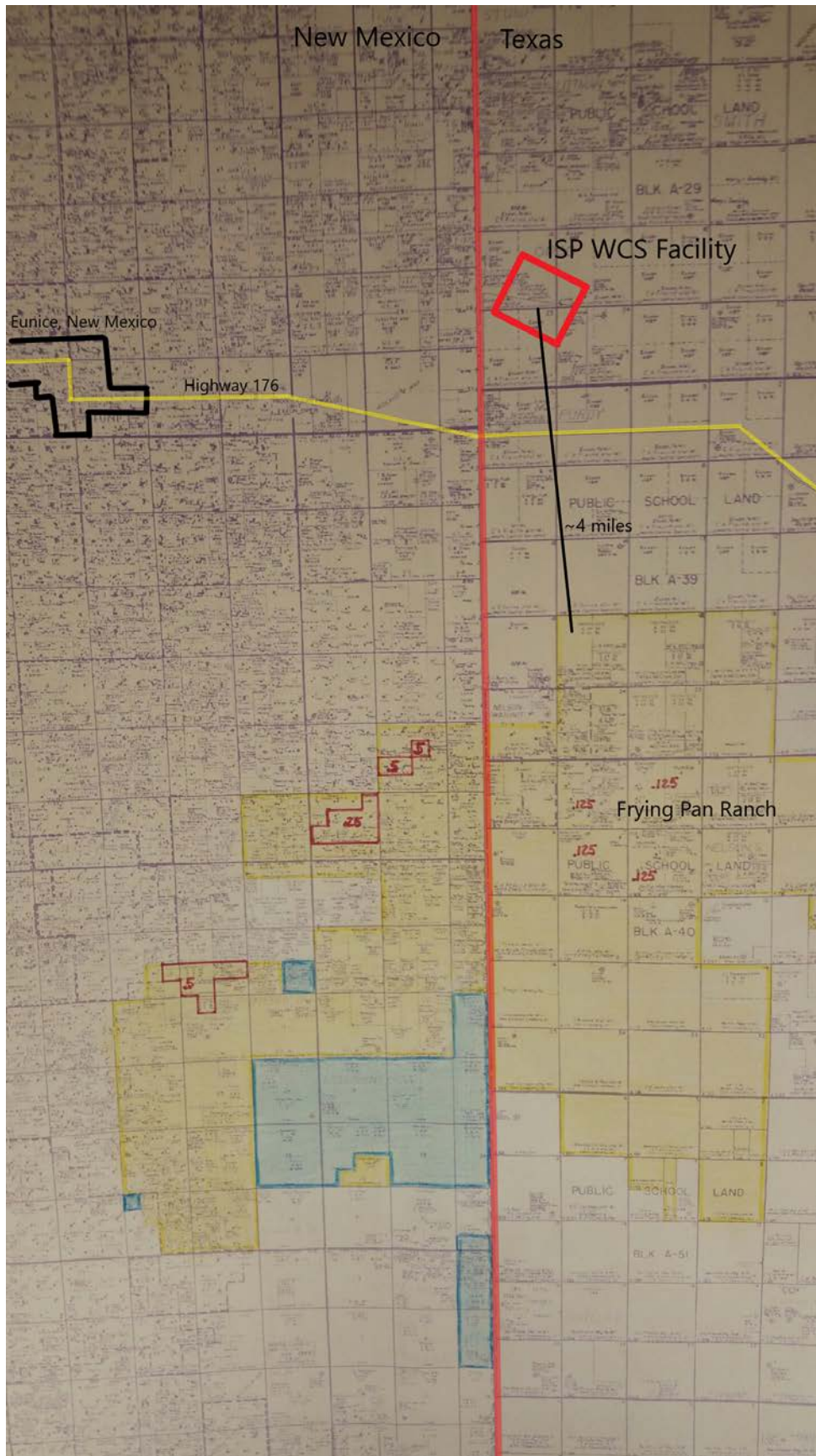
Signed,



O.K. Boyd

Dated: September 14, 2018

Exhibit_07, Attachment_A



Exhibit_08

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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

In the Matter of:)
)
Interim Storage Partners) Docket No. 72-1050
)
(WCS Consolidated Interim Storage Facility))
)

DECLARATION OF GENE HARBAUGH

Under penalty of perjury, I, Gene Harbaugh, declare as follows:

1. My name is Gene Harbaugh. I live at 601 East Orchard Lane, Carlsbad, New Mexico 88220.
2. I am a member of Beyond Nuclear.
3. My home lies within 250 yards of a Burlington Northern Santa Fe Carlsbad Subdivision railroad and 500 yards of a railyard on which, as I understand, Holtec proposes to transport spent nuclear fuel to the Holtec Consolidated Interim Storage Facility (the "Facility"). I have attached a map identifying the location of my house, the railroad, and the railyard. See Attachment A.
4. I am concerned about risks to my health and safety, my environment, and my property value posed by normal and accidental radiation releases during transportation of spent fuel to and from the Facility.
5. Because I live close to the transportation route and regularly drive on roads in the area, I cannot avoid small doses of unwanted radiation from each shipment of spent nuclear fuel

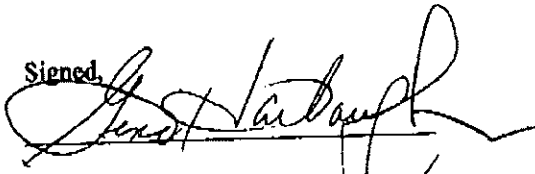
during normal operations, which will harm my health and safety. I am especially concerned with any trains carrying spent nuclear fuel that will wait at the railyard for extended periods of time, exposing me to higher levels of unwanted and unavoidable doses of radiation. I am also concerned my travel interests and rights will be impacted by not knowing which roads are the safest to travel on to avoid these unwanted doses of radiation and avoid potential accidents with trains carrying spent nuclear fuel.

6. I am also concerned that a rail accident of a spent nuclear fuel shipment may occur along this route of rail and harm my health and safety, and my environment (including my property). I believe there is a higher likelihood of an accident occurring near my property than elsewhere because of a combination of two factors: it is my understanding that (i) these railroads are already overburdened from the oil and gas boom in the area and are thus more susceptible to accident, and (ii) every shipment of spent nuclear fuel being sent to the Facility will have to pass along this rail corridor and the likelihood of accident increases in correlation with the number of shipments.
7. I am also concerned about the impact the transportation of spent nuclear fuel on these railroads will have on my property value. It is my understanding that property values along spent nuclear fuel transportation routes can be reduced due to real or perceived risks from the transportation.
8. I believe that the Holtec application is inadequate and illegal as written and that my interests will not be adequately represented in this action without the opportunity of Beyond Nuclear to intervene as a party in the proceeding on my behalf.
9. Therefore, I have authorized Beyond Nuclear to request a hearing and intervene on my behalf in the U.S. Nuclear Regulatory Commission's licensing proceeding for the Facility. I have also authorized Beyond Nuclear to file a motion to dismiss the Holtec application from consideration in this proceeding.

[Remainder of page intentionally left blank.]

The declarant has caused this Declaration to be executed as of the date below.

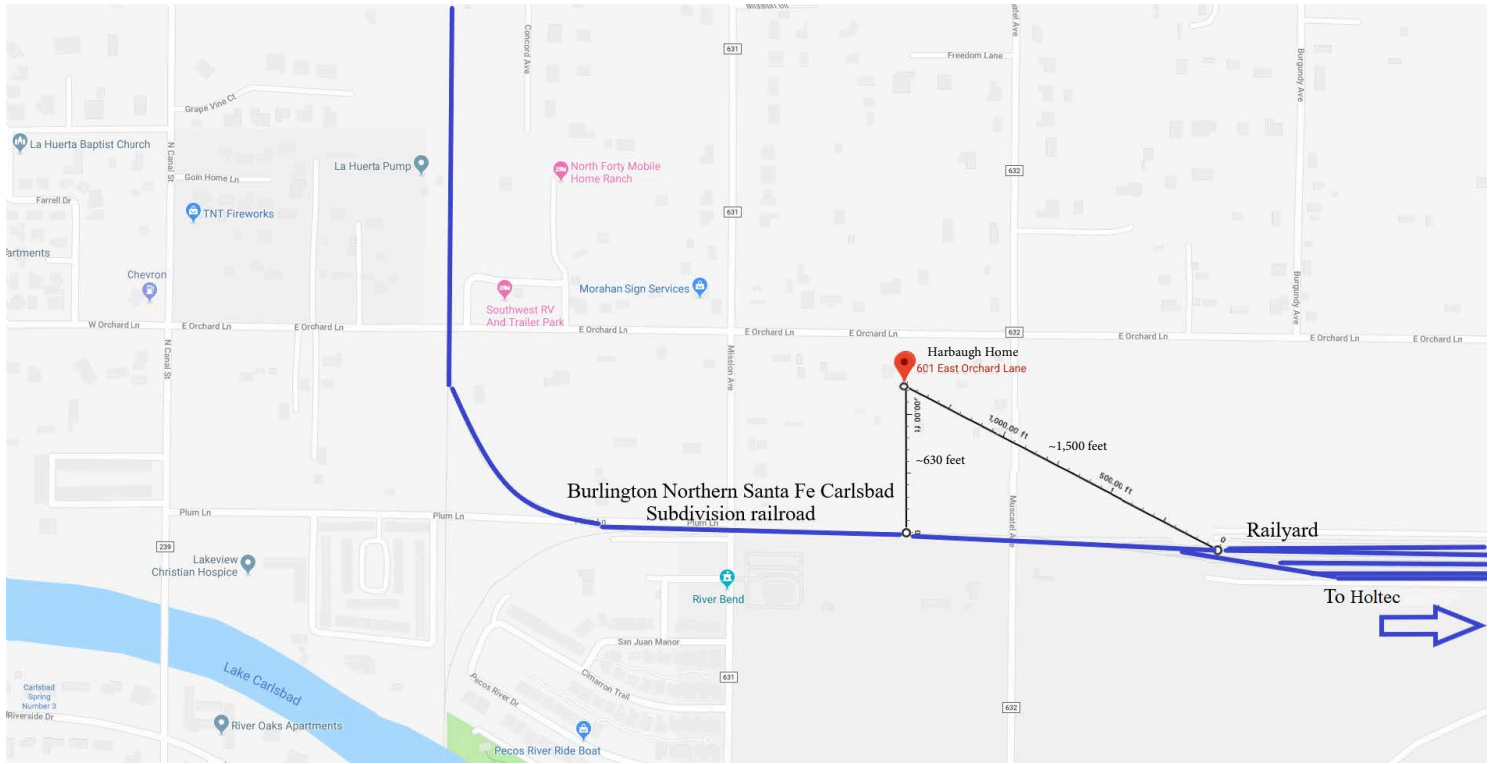
Signed:



Dated:

Sept. 14, 2018

Exhibit_08, Attachment A



Map data ©2018 Google 200 ft



601 E Orchard Ln
Carlsbad, NM 88220

CQRJ+RH Carlsbad North, New Mexico

