Holtec Continues the Drive to Solve the Nation's Spent Fuel Storage Imbroglio

After eight years of intensive review of the environmental and regulatory safety evaluation of Holtec's HI-STORE Consolidated *Interim Storage* Facility (CISF), the USNRC issued the license in May 2023 to Holtec International to build and operate the facility on the land owned by the Eddy Lea Energy Alliance (ELEA), a regional economic development entity in Southeast New Mexico. This license has paved the way to realize the industry's decades-long quest to establish a safe, secure, temporary and retrievable interim facility to store the nation's used nuclear fuel and high-level waste. The project has had overwhelming support from its host communities since its inception in 2016. The predicates of social and environmental justice have also been satisfied by the project in full measure. The unwavering community support of the project has undoubtedly been sustained by the host region's desire to diversify its economic base. The local region's enthusiasm for Holtec's HI-STORE CISF technology has also been bolstered by Holtec's plan to deploy its state-of-the-art *below-ground* storage system, which is widely considered to be the last word in safety and security. Unfortunately, in March of 2024, following a similar ruling against another private interim storage license in Texas, the United States Court of Appeals for the Fifth Circuit directed the NRC to vacate the HI-STORE CISF license. We believe that the Fifth Circuit's decision plainly contradicts several aspects of federal law, including the authorization of the NRC to license and regulate spent nuclear fuel storage facilities.

Holtec joined the U.S. Nuclear Regulatory Commission and the U.S. Federal Government, in filing petitions asking the United States Supreme Court to overturn the Fifth Circuit's March 2024 ruling and to reinstate the license for the HI-STORE CISF. The need for private interim storage is becoming ever more acute as the Department of Energy continues to be in breach of the Waste Policy Act of 1982 (which required the U.S. to begin accepting spent nuclear fuel from commercial power reactors starting in 1998). A continuing lack of a consolidated interim storage facility in the U.S. may well hobble the nuclear resurgence that America needs to lead the world in transitioning to clean energy.

The HI-STORE CISF technology, HI-STORM UMAX, developed over 20 years ago, has been proven through deployment at several U.S. plants (notably Callaway in Missouri and SONGS in California) to dramatically reduce radiation dose, provide ultimate protection from external hazards and have minimal environmental impact. An equally pertinent feature of the HI-STORM UMAX storage system applicable to southeast New Mexico is that it would have no impact on other local industrial activities such as fracking, drilling, and potash mining in the area. (It is simply untrue to claim that other enterprises in the area including oil and gas, potash, ranching, and farming will be adversely affected. Such claims have had little impact on the local public opinion, which remains staunchly supportive of Holtec's HI-STORE CISF).

Rendering of the Proposed HI-STORE Consolidated Interim Storage Facility

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It should be recalled that Holtec was invited by ELEA and welcomed by the then Governor Susana Martinez to bring our incomparably safe fuel storage technology to the State to fulfill the widely recognized need to establish one or more consolidated interim storage facilities. (The Governor's letter is located here.) Holtec's expected contribution to the community in Southeast New Mexico includes additional economic development opportunities, including a state-of-the art manufacturing facility, a technology development center and a global workforce training center. HI-STORE CISF will be capable of handling different storage canisters (both vertically and horizontally-stored) in one standardized HI-STORM UMAX system, simplifying operations and aging management activities. The HI-STORE CISF can also serve as an essential precursor to the fuel's eventual disposal in the permanent repository, which the Federal Government is obligated to develop. The strength-welded stainless-steel canisters stored at the CISF site are designed to be easily retrievable from storage (making it certifiably *interim*) and shipped to the repository or a reprocessing site.

"The NRC's federally mandated authority and responsibility to license and regulate spent nuclear fuel is long established. The construction of the CISF is a key part of future growth of nuclear energy and a vitally important part of our nation's energy security. The Fifth Circuit's ruling that the USNRC was not authorized to license and regulate nuclear fuel storage is tantamount to calling OSHA unqualified for oversight of worker safety, FAA of aviation safety, and EPA for environmental safety. We urge the Supreme Court to overturn the Fifth Circuit's legally unsound position," says Holtec SVP and Chief Communications Officer, Joy Russell.

To learn more about HI-STORE CISF, visit http://www.historecisf.com

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