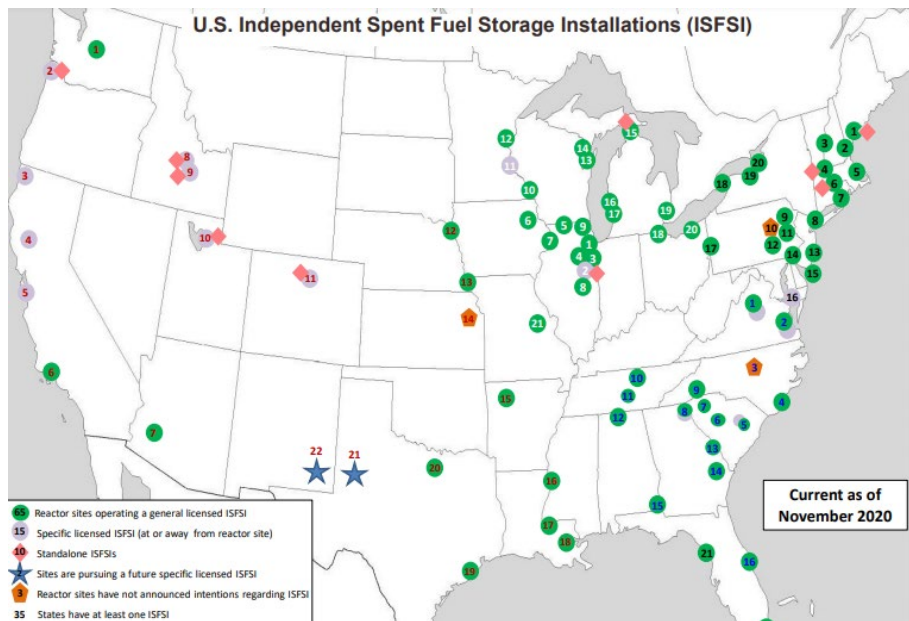


Beyond Nuclear

working for a world free from nuclear power and nuclear weapons



The U.S. Nuclear Regulatory Commission (NRC) is considering two license applications for consolidated ‘interim’ storage of nuclear waste in New Mexico and Texas. **Both of these proposed licenses would violate the Nuclear Waste Policy Act (NWP) by providing for federal ownership of the waste during transportation and storage, before a permanent geologic repository has been licensed and is operating.** One application is from Holtec International (“Holtec”), for a site in southeastern New Mexico, and the other is from Interim Storage Partners, LLC (“ISP”), for a site in western Texas.



The Holtec and ISP sites are the two blue stars on this map. Map by NRC, available at <https://www.nrc.gov/docs/ML2031/ML20315A294.pdf>.

¹42 U.S.C. § 10134(d). If a second repository is licensed, the NWP allows Congress to raise the 70,000 metric ton limit. 42 U.S.C. § 10172(a). However, not even one repository has been licensed.

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Licensing Now Underway for Two Unlawful Consolidated ‘Interim’ Storage Nuclear Waste Facilities: New Mexico and Texas

Together, these facilities – which lie only 40 miles apart -- could hold 213,000 metric tons of waste from U.S. commercial reactors: more than three times the 70,000 metric ton limit established by Congress for the first U.S. permanent repository.¹ This region of the United States would become the most radioactive place on Earth.

The NRC admits that the license provisions allowing federal ownership of the nuclear waste before a permanent repository is in operation are illegal, but insists that it can license the facilities because they will not accept DOE-owned waste before Congress changes the law to allow it.²

Thus, the NRC presumes to know what Congress will do. But changing the law to accommodate Holtec’s and ISP’s business interest would violate the fundamental principles underlying the NWP and lead the U.S. down a dangerous detour to a de facto nuclear waste dump at the earth’s surface.

States say NO across party lines: In Texas and New Mexico, state and local officials are rejecting the unlawful and dangerous nuclear waste dumps proposed by Holtec and ISP. Texas Governor Greg Abbott (R) and more than 60 Texas Democratic state legislators fiercely oppose the ISP project, as do New Mexico Governor Michelle Lujan Grisham (D) and a large number of New Mexico state legislators.

²Interim Storage Partners L.L.C. (WCS Consolidated Interim Storage Facility), CLI-20-14, ___ N.R.C. ___ (Dec. 12, 2020), <https://www.nrc.gov/docs/ML2035/ML20352A359.pdf>; Holtec International (HI-STORE Consolidated Interim Storage Facility), CLI-21-04, ___ N.R.C. ___ (Feb. 18, 2021), <https://www.nrc.gov/docs/ML2104/ML21049A200.pdf>.

What Measures Are Needed for Reasonably Safe Interim Storage at Reactor Sites Pending Repository Siting and Licensing?

The U.S. Nuclear Regulatory Commission (NRC) has affirmed that nuclear waste must be disposed of in a deep geologic repository for long-term safety and environmental protection. In the meantime, the NRC has determined that nuclear waste can be stored at reactor sites indefinitely, without significant safety or environmental impacts.³

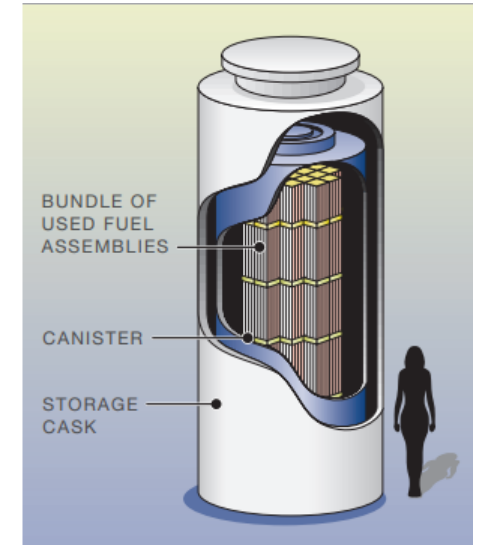
Interim nuclear waste storage can only be done safely if it is accompanied by assurances that it will, indeed, be *interim*. Thus, storage of nuclear waste at reactor sites must be accompanied by a science-based and transparent repository program that is based on informed consent. In addition, to minimize safety, security, and environmental risks at reactor sites, additional steps should be taken in compliance with **Hardened On-Site Storage (HOSS)** principles.⁴ These principles are designed to ensure that the amount of radiation released from stored nuclear waste, even in projected severe attacks, is low enough that the storage system would be unattractive as a terrorist target. HOSS principles thus include:

- Nuclear waste should be moved as quickly as possible from water-filled, high-density storage pools to dry casks, to minimize the risk of pool fires (*i.e.*, “expedited transfer” of irradiated nuclear fuel).
- For operating reactors or any decommissioned reactor where nuclear waste will be stored for any extended period, pools should be fitted with low-density open racks to minimize fire hazards.
- Casks should be hardened to resist severe attacks, such as by high-explosive or deeply penetrating weapons.

³Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel, Vol. 1, Tables ES-3 (NRC NUREG-2157, 2014).

⁴*Principles for Safeguarding Nuclear Waste at Reactors (Hardened On-Site Storage, HOSS)*, <http://www.beyondnuclear.org/on-site-storage/2020/8/19/principles-for-safeguarding->
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- Casks should be placed in a location and manner that makes detection difficult from outside the site boundary.
- Monitoring should be conducted by licensees, with real time comprehensive reporting required and full public access to relevant information.
- Funds should be provided for independent monitoring by state, local, and tribal governments.
- Reprocessing of nuclear fuel should be prohibited due to costs, security risks, and environmental hazards. Reprocessing severely contaminates air, water, soil and exposes workers to large doses of radiation. It also increases the volume and forms of radioactive wastes needing isolation.
- Consistent with the NWSA and longstanding federal policy, reactor licensees should retain ownership of and liability for nuclear waste until a repository is licensed and operating.



A dry storage cask. Source: Blue Ribbon Commission on America's Nuclear Future, Report to the Secretary of Energy at 11, https://www.energy.gov/sites/prod/files/2013/04/f0/brc_finalreport_jan2012.pdf.

With the additional protections provided by HOSS, highly radioactive nuclear waste can remain onsite while a repository is sited, built, and licensed. The U.S. Nuclear Regulatory Commission has not identified any safety or environmental reason to move it.

See Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel, Vol. 1, Tables ES-3 and ES-4 (NRC NUREG-2157, 2014).

[nuclear-waste-at-reactors-harden.html](#). See also Thompson, Robust Storage of Spent Nuclear Fuel: a Neglected Issue of Homeland Security (2003), <http://archives.nirs.us/reactorwatch/security/sechossrpt012003.pdf>.