



New Mexico Environment Department

Holtec Consolidated Interim Storage Facility General Considerations and Regulatory Oversight

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Radioactive and Hazardous Materials Interim Committee
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General Position

- ❑ New Mexico is “strongly opposed to the interim storage of spent nuclear fuel (SNF) and high-level waste (HLW)” in the state.
 - There is no permanent disposal strategy for SNF and HLW in place at DOE
 - **July 1, 2021 Letter** from Governor Lujan Grisham, Senators Heinrich and Luján, and Representative Stansbury to DOE Secretary Granholm
 - The proposal poses unacceptable economic, financial and environmental risks to New Mexicans
 - **July 28, 2020 Letter** from Governor Lujan Grisham to President Trump
 - **June 7, 2019 Letter** from Governor Lujan Grisham to DOE Secretary Perry and NRC Chairwoman Svinicki
- ❑ New Mexico welcomes collaborative efforts to establish a coherent, consent-based federal policy on managing and disposing of SNR and HLW.



Chronology

- ❑ 2017 - Holtec submits an application to NRC for a consolidated interim storage facility (CISF) license
- ❑ 2018 - NRC publishes notice of the application and an opportunity to intervene in application process
- ❑ 2019 - NMED enters into a Memorandum of Understanding (MOU) with NRC on the Environmental Impact Statement (EIS) for the proposed CISF. Scope is limited to NMED's areas of *special expertise*: surface/groundwater and permitting requirements



Chronology

- ❑ 2020 - NRC issues a draft EIS for public comment on the application, NMED provides comments
- ❑ 2021 - NMED, under our MOU with NRC, provides comments regarding portions of the draft final EIS
- ❑ **Current Status** – NRC expects to issue a final EIS in November 2021 and a decision on the license application in January 2022



Highlights

- ❑ **March 2021** - NM Attorney General files a complaint in federal court against the NRC.
 - Alleged the NRC is “acting beyond the scope of its authority to issue a license to Holtec”
 - Asked the Court to issue an “injunction preventing the licensing from moving forward”
 - Unfairly causes “NM residents to bear the risk of open-ended uncertainty”
 - Jeopardizes water resources
 - Jeopardizes natural resource production, e.g., agricultural and oil and gas, which “account for a substantial percentage of New Mexico’s economy”
 - Shifts significant costs of emergency responder training and equipment to the State and local governments



Highlights

- ❑ **April 2021** - NMED comments on the Draft Final EIS:
 - Failure to provide a conceptual hydrologic site model
 - Insufficient investigation and description of groundwater resources at the proposed site
 - Insufficient characterization of karst conditions at the site
 - Insufficient characterization of radionuclide variability in spent fuel rods
 - Insufficient description of the regulation of hazardous waste at the site
 - Insufficient description of the transportation risks, aging cannisters, environmental justice, and NRC's environmental oversight role



Highlights

- ❑ **June 2021** - Fasken Land and Permian Basin Land file a lawsuit in federal court challenging NRC orders regarding the Holtec permit process.
 - Lawsuit alleges that the NRC is violating the Nuclear Waste Policy Act by considering Holtec's CISF application
 - Lawsuit also alleges that the NRC should have considered issues related to impacts to property rights, land use and subsurface mineral rights
- ❑ Beyond Nuclear, an NGO, filed a federal lawsuit against the NRC raising arguments similar to those raised by the NMAG and Fasken Land/Permian Land lawsuits.



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