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Information Service (IL) \* Nuclear Issues Study Group (NM)  
\* Public Citizen (DC, TX) \* San Luis Obispo Mothers for Peace (CA)**

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**NATIONAL ENVIRONMENTAL COALITION FILES LEGAL CHALLENGE  
AGAINST HOLTEC/ELEA MEGA-DUMP FOR IRRADIATED NUCLEAR FUEL**

***CONTENTIONS INCLUDE HIGH RISKS OF SHIPPING  
HIGH-LEVEL RADIOACTIVE WASTE BY TRUCK, TRAIN, AND/OR BARGE  
THROUGH MOST STATES***

Hobbs, New Mexico—On September 14, an environmental coalition stretching from the Northeast, to the Midwest, to the Southwest, to the West Coast, has legally intervened against the Holtec International/Eddy-Lea [Counties] Energy Alliance application to the U.S. Nuclear Regulatory Commission (NRC) for a construction and operation license for a so-called centralized interim storage facility (CISF) for irradiated nuclear fuel in southeastern New Mexico, halfway between Hobbs and Carlsbad, in Lea and Eddy Counties, respectively. Holtec/ELEA's proposed CISF would store up to 173,000 metric tons of commercial irradiated nuclear fuel from atomic reactors across the country, more than twice what currently exists in the U.S. (81,000 metric tons), and nearly three times the legal limit for commercial irradiated nuclear fuel allowed at the highly controversial, proposed Yucca Mountain, Nevada permanent dump-site (63,000 metric tons). The coalition is represented by legal counsel Terry Lodge of Toledo, Ohio. The coalition's legal intervention is posted online at < <http://www.beyondnuclear.org/centralized-storage/>>. [Link directly to the intervention here.](#)

The coalition has asserted legal standing by the fact that the seven organizations comprising the coalition (the groups are listed above in the masthead) have members who are residents living in close proximity to road, rail, and/or waterway routes that would likely be used to ship highly radioactive wastes from two-dozen permanently shutdown atomic reactors, and 100 still operating ones, via truck, train, and/or barge. Such shipments, numbering in the tens of thousands, would pass through most states, many major cities, and the vast majority of U.S. congressional districts. Dr. James David Ballard, a retired professor at California State University-Northridge's Criminology and Justice Department, who for decades has authored cutting edge studies on the safety and security risks of transporting highly radioactive waste, serves as an expert witness for the coalition. [His expert witness report has been posted online, here.](#)

The coalition has objected that there is no federal authorization for Holtec/ELEA's CISF.

The coalition has also objected to the redaction, for unexplained “security-related” reasons, of 25% of the Holtec Environmental Report, comprising the entire “Cultural Resources” chapter.

Another legal objection is that Holtec cannot provide reasonable assurances that it can obtain the necessary funds to cover the costs of construction, operation, maintenance, and decommissioning of the CISF. A significant part of this is the underestimation by Holtec of the volume of so-called “low-level” radioactive waste that would be generated at the CISF, and the astronomical price tag for disposing of it that has been largely to entirely ignored in the license application.

Additional coalition contentions, or legal objections, include: Holtec does not qualify for any exemptions from environmental protections under NRC regulations, as the site is not generic, but one of a kind; the risks of fracking and mining beneath the CISF; plans for a highly polluting reprocessing facility associated with the Holtec CISF have been omitted from required cumulative effects analysis; Holtec’s ‘Start Clean/Stay Clean’ policy, of returning to sender any arriving shipping containers found to be leaking or radioactively contaminated, is unlawful and directly threatens public health through transportation corridor communities in multiple states; missing documentation, including woefully inadequate disclosure of transportation routes, means the Holtec license application is fatally incomplete; Holtec’s own internal contradictions for the length of so-called “interim” storage (the company has said 40 years, 100 years, 120 years, and 300 years at various points) is objectionable, and risks that the CISF could become a de facto permanent surface storage “parking lot dump”; and geological and hydrological risks associated with the Holtec CISF site.

In addition to the dozen contentions listed above, the coalition has incorporated by reference another 25 contentions introduced in opposition to the Holtec/ELEA CISF by the Sierra Club, represented by Iowa attorney Wally Taylor of the Sierra Club Nuclear-Free Campaign. The Sierra Club intervention is posted online at <http://www.beyondnuclear.org/centralized-storage/>. [Link directly to the petition and request, here.](#)

In addition to the coalition and Sierra Club, [Beyond Nuclear](#) and [Alliance for Environmental Strategies](#) have also filed legal interventions opposing the Holtec/ELEA CISF. Their interventions (as well as a [Beyond Nuclear motion to dismiss](#) both the Holtec/ELEA application, and a very similar CISF application filed by Waste Control Specialists/Interim Storage Partners in Andrews County, West Texas, just 40 miles from the Holtec/ELEA CISF site) are posted at <http://www.beyondnuclear.org/centralized-storage/>

Holtec International, the Eddy-Lea [Counties] Energy Alliance, as well as the Nuclear Regulatory Commission staff (expected to be pro-CISF), have 25 days after September 14 to counter the coalition’s (and allied environmental group’s) intervention contentions. Seven days after that, the opponents to the CISF will

respond to Holtec, ELEA, and NRC staff arguments. The NRC will appoint an Atomic Safety and Licensing Board (ASLB) three-person panel, comprised of administrative law judges (formerly known as hearing examiners), to preside over the licensing proceeding.

The September 14<sup>th</sup> legal intervention filings come six weeks after record-breaking public comment submissions to NRC expressing opposition to the Holtec/ELEA CISF. By NRC's July 30 deadline, more than 30,000 public comments were submitted to the agency.

NRC recently announced the re-commencement of yet another, previously suspended, licensing proceeding, regarding the WCS/ISP CISF proposal. Public comments are due by October 19 (15,000 comments expressing opposition have previously been submitted, before WCS declared bankruptcy in 2017 and suspended the licensing proceeding), and legal interventions are due by October 29. Many of the same groups opposing Holtec/ELEA's CISF, and perhaps additional ones, are expected to also officially oppose WCS/ISP's CISF, as by legally intervening.