



Regardless of the ruling, Holtec has indicated it is pausing plans on the New Mexico project, citing ongoing state resistance to the facility. In October 2025, the company canceled an agreement with the Eddy-Lea Energy Alliance, its partner in building the facility, called the HI-STORE CISF.

The NRC granted Holtec a license for the proposed HI-STORE CISF in May 2023, a decision that was upheld by the U.S. Court of Appeals for the District of Columbia. Likewise, challenges against both Holtec's CISF and Interim Storage Partners' proposed CISF in Andrews County, Texas, were dismissed following the Supreme Court's ruling in *NRC v. Texas* last June. While the Supreme Court found in that case that plaintiffs did not have standing to challenge the projects, the court did not weigh in on the NRC's authority under the Atomic Energy Act and the Nuclear Waste Policy Act to license private companies to store spent nuclear fuel at away-from-reactor sites.

In its latest petition, filed in October 2025, Beyond Nuclear argued that the NRC's decision to license Holtec's CISF and deny the group's hearing request violated both the NWPA and the Administrative Procedure Act, as well as the constitutional separation of powers doctrine. Beyond Nuclear also contended that the NRC manipulated the hearing process to deny the group its right to a "day in court."

Despite the petition denial, Beyond Nuclear said it will continue to obstruct any efforts to establish interim storage for spent fuel.

"Even though SCOTUS's rulings have effectively upheld the Nuclear Regulatory Commission's licenses for Holtec's consolidated interim

storage facility in New Mexico, and Interim Storage Partners' in Texas, we still hope to stop them from going forward," said Beyond Nuclear's Kevin Kamps. "After all, we were previously able to stop a very similar dump of Holtec's and the nuclear power industry's in Utah, on the Skull Valley Goshutes

Indian Reservation, despite [the] NRC having licensed it, and the federal courts having upheld that NRC license." ❌

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