Date:

Mail comments to:

May Ma

Office of Administration

Mail Stop: TWFN–7– A60M

U.S. Nuclear Regulatory Commission

Washington, DC 20555– 0001

Or submit online at:

[Holtec-CISFEIS@nrc.gov](mailto:Holtec-CISFEIS@nrc.gov)

RE: Docket No. 72–1051; Holtec International’s HI–STORE CIS Facility for Spent Nuclear Fuel, Lea County, New Mexico

NRC:

I/We respectfully submit these scoping comments on the Holtec Environmental Report (ER) to bring up to 100,000 metric tons of spent fuel, high-level radioactive waste, from nuclear reactors around the country to southeast New Mexico. Please know that I/we do not consent to becoming a national radioactive waste dumping ground or to transporting up to 10,000 canisters of highly radioactive waste through thousands of communities. I/We should not have to risk the contamination of our land, aquifers or air or the health of plants, wildlife and livestock, endangering present and future generations.

**This Holtec Proposal Is Contrary to Current Law**

Current law only allows the U.S. Department of Energy to take title to commercial spent fuel “following commencement of operation of a repository” or at a DOE-owned and operated monitored retrievable storage facility. The Holtec site meets neither requirement, as it is a private facility. The Environmental Report does not discuss those legal requirements and is incomplete and inadequate. The NRC should not proceed with the licensing process. The Holtec ER states: “DOE would be responsible for transporting SNF from existing commercial nuclear power reactor storage facilities to the CIS Facility.” (Page 155) Current law does not authorize or fund DOE to do such transportation to a private storage facility. The ER does not discuss how DOE could legally do what the ER states and is inadequate and incomplete. The NRC should not proceed with the licensing process.

**Why Take These High Risks?!**

Holtec/ELEA hatched this plan. The tail is wagging the dog. Why are all these high risks being taken in the first place? Certainly not to benefit public health, safety, security, or environmental protection, despite Holtec/ELEA and nuclear power industry claims to the contrary. The transfer of title, liability, costs, and risks, for the highly radioactive irradiated nuclear fuel, from the companies that generated it, and profited from its generation must be analyzed. Will the federal taxpayers, if the U.S. Department of Energy (DOE) is stuck paying all the bills, and/or onto the nuclear electricity ratepayers, if Holtec/ELEA’s lobbyists can finagle access to the monies remaining in the Nuclear Waste Fund coffers, be stuck with the bill?

**It Must Be Analyzed Who Ultimately Pays and How Will This Affect the Proposed Scheme**

Under the Nuclear Waste Policy Act, as Amended, the nuclear utilities (meaning their electricity consumers, a.k.a. ratepayers, as well as shareholders) are responsible for interim storage of irradiated nuclear fuel. Federal taxpayers are responsible (unfortunately, and often, unwittingly) for final disposal, in a so-called “deep geologic repository.”

Does Holtec/ELEA intend to foot the bill for its CISF in southeast NM? Does it intend to assume title and liability for the irradiated nuclear fuel? Or will the nuclear power utilities retain title and liability, pay all costs, and assume all risks? The answer is: Does Holtec/ELEA want to shoulder the costs, risks, and liabilities? It would prefer DOE (that is taxpayers, and/or ratepayers) shoulder those, while it simply pockets the profits?

**Holtec Must Remove Copyrights And All Redactions in the Environmental Report**

The ER Cover Page includes a notice that it is “a copyrighted intellectual property of Holtec International. All rights reserved.” The notice further states for members of the public to excerpt “any part of this document… is unlawful without written consent of Holtec International.” It is totally inappropriate to include such a statement or to state that I/We or other members of the public cannot quote any part of the document, as that substantially restricts my/our ability to comment on the ER, which is my/our legal right. NRC must require Holtec to produce an ER that has no such copyright restriction and has no redactions. ***The scoping comment period must be extended again until such a revised ER is publicly available and there is adequate time for public comment.***

**The Impacts Of Permanent Storage Must Be Analyzed**

The Environmental Report (ER) must analyze the impacts of this “interim storage” becoming a dangerous de facto permanent facility because the waste will likely never be disposed of in a scientifically viable geologic repository using a reliable isolation system. The ER is inadequate and incomplete because it does not analyze the impacts of the spent fuel being left at the Holtec site indefinitely. The NRC must include such an analysis in its draft environmental impact statement (EIS).

**The Exact Numbers Must be Provided and Accurately Accounted For**

Holtec/ELEA has proposed moving 100,000+ metric tons of commercial irradiated nuclear fuel. Holtec/ELEA cites the figure of 120,000 metric tons. But in fact, multiplying the first phase of 8,680 metric tons of uranium -- as described in NRC’s March 30, 2018 Federal Register Notice -- by 20 phases, over 20 years, as Holtec proposes, that would mean not 100,000, nor 120,000, but rather 173,000 metric tons of commercial irradiated nuclear fuel! The application as written is inaccurate and misleading.

**More Alternatives Must Be Analyzed**

Keeping the spent fuel casks in some form of Hardened On Site Storage (HOSS) on the reactor sites must be analyzed, but is not included in the ERA comparison of the safety and cost impacts of the Holtec CIS compared to keeping the waste safely on site must be analyzed. The NRC must also include such an analysis in its draft EIS.

The alternative of consolidated storage being done at an existing licensed Independent Spent Fuel Storage Facility (ISFSI) must be analyzed. According to the NRC website, there are 64 reactor sites with general-licensed ISFSIs in various part of the nation. The ER must analyze why one or more of those sites could not provide some or all of the consolidated storage proposed by Holtec. The NRC must also include such an analysis in its draft EIS.

**The ER inadequately discusses the transportation Risks**

The transportation risks are based on a 2-year old document for another facility. “The incident-free radiological transportation analysis in this ER tiers from the analysis prepared for the proposed WCS CIS Facility in Andrews County, Texas (WCS 2016). (ER pg. 199) To analyze the transportation risks for this ER, Holtec simply took the WCS report and multiplied by 2.5 times. The transportation risks are based on three sample routes to only three reactor sites, which are supposed to represent all the routes to all the reactor sites. Yet, Holtec proposes to bring ALL of the spent fuel at all of the commercial reactors.

This ER must include transportation routes and the potential impacts of accidents or terrorism incidents on public health and safety along all the routes. The ER states that high-level radioactive waste would be transported for more than 20 years. Even one small accident would be one too many. Terrorist acts involving radioactive waste in a large metropolitan area could have extremely high consequences, which must be analyzed.

The ER is inadequate and incomplete because it does not include an adequate analysis of all transportation routes and modes from all reactors. The ER is inadequate and incomplete because it does not discuss how rail shipments from reactors without rail access would be accomplished and the risks and impacts of such shipments. The NRC draft EIS must also analyze these transportation risks and impacts, if the licensing process continues.

Since this is supposedly a “storage” site and not a “disposal” site, at some future point the spent fuel will need to be removed and sent to a disposal site, **thus doubling the transportation risk stated in this ER**. The ER is inadequate and incomplete because it does not include an analysis of such additional transportation routes, risks, and impacts.

**Legal Weight Truck Shipments Must Be Analyzed**

The potential for LWT (Legal Weight Truck) shipments of irradiated nuclear fuel to Holtec/ELEA’s CISF in southeast NM must be specifically eliminated or analyzed. Holtec/ELEA states in its license application documents such as the ER (Environmental Report) that it could accommodate any and all NRC-certified casks for shipping and/or storing irradiated nuclear fuel. This would include shipping casks for LWT transport, which can contain only 4 Pressurized Water Reactor (PWR) irradiated nuclear fuel assemblies, as compared to 24 or even 37 PWR assemblies in rail-sized casks on trains, barges, or heavy haul trucks. If LWT shipments are in fact to be a part of the Holtec/ELEA CISF transport scheme, then communities along interstate highways in most states in the Lower 48 should also be extended public comment meetings.

**Barge Shipments Must Be Analyzed**

We do not consent to radioactive waste barge shipments on the lakes and rivers of this country, the fresh drinking water supply for countless millions, nor on the seacoasts.

**The Consequences To An Accident-Exposed Individual Must Be Analyzed**

Terms like “collective dose risk” and “person-rem” are used to ignore the potential impacts to a single individual. The ER even states, “Because the risks are for the entire population of individuals along the transportation routes, the risk to any single individual would be small.” (Pg. 201) This is not an excuse to not state the impacts and doses to the individual. The ER is inadequate and incomplete.

**Cracked And Leaking Casks Must Be Addressed**

The ER does not analyze exactly how radioactive waste from a cracked and leaking canister would be handled, since there is no wet pool or hot cell at the site. If a cask arriving at the site is cracking or leaked, it might not be allowed to “return canisters.” Page 214. The ER is inadequate and incomplete because it does not analyze these situations. The NRC draft EIS must include such an analysis.

**Risks of “Routine” Shipments That Are Like “Mobile X-ray Machines That Can’t Be Turned Off” Must Be Analyzed**

Even “routine” or “incident-free” shipments of highly radioactive irradiated nuclear fuel – such as those bound for so-called “centralized” or “consolidated interim storage facilities” (CISFs) like Holtec/ELEA, NM or WCS, TX – carry health risks to workers and innocent passers-by, and residents along the shipping routes nation-wide. This is because it would take so much radiation shielding to completely hold in the gamma- and neutron-radiation, being emitted by the highly radioactive waste, that the shipments would be too heavy to move economically. So, NRC has compromised, and “allows” for or “permits,” a certain amount of hazardous gamma- and neutron-radiation to stream out of the shipping container, exposing people close enough by to the hazardous radioactivity.

**More Cumulative Impacts Must Be Analyzed**

The ER mentions WIPP but does not analyze the cumulative impacts of a radiologic releases from WIPP, URENCO, Waste Control Specialists, and radically increased background radiologic pollution due to oil and gas activity on the proposed CIS site This must be done along with analyzing the impacts of an expanded WIPP, which is reasonably foreseeable. Also, expanded flight tests are being proposed for the area…

**Impacts Of Future Railroads And Electric Lines Must Be Analyzed**

The railroads and electric lines are not in place, but must be analyzed. Locations of electrical lines, and estimates on electric use must be given. Locations of railroad lines and impacts of railroad construction, including upgrading existing tracks that cannot handle the weight of the HI-STAR 190 transport cask, must be given. The ER is incomplete and inadequate. The NRC draft EIS must analyze these issues, if the licensing process proceeds.

**How many of the estimated 135 jobs will go to locals?**

The ER estimates 80 construction jobs and 55 permanent operating jobs. How many of these jobs will go to locals? What is the commitment to hire the disproportionally impacted low income and minorities?

**Seismic Impacts On Stored Casks Must Be Stated**

Although the ER gives a statement on recent seismic activity in the area, there is no analysis of what many 3.0 – 4.0 fracking-induced earthquakes will have on the buried casks. The ER is incomplete and inadequate. The NRC draft EIS must analyze these issues.

**Environmental Injustice Must Be Addressed**

We do not consent to the environmental injustice and radioactive racism of yet again targeting low-income communities of color with the most hazardous substances ever created, highly radioactive irradiated nuclear fuel.

**Risks of Loss of Institutional Control Must Be Analyzed**

DOE warned in its Feb. 2002 Final EIS (Environmental Impact Statement) on the proposed Yucca Mountain, Nevada national burial dump for highly radioactive wastes, that loss of institutional control over surface storage sites would eventually prove catastrophic. (Loss of institutional control means societal breakdown, so that maintenance, repair, and replacement of infrastructure and storage containers at Holtec/ELEA would be lost over long enough periods of time – in fact, even basic knowledge of the existence of the facility itself there could be entirely lost/forgotten someday.) Entropy means that things falls apart, over long enough periods of time.

Additional Comments -

Sincerely,

[Please provide at least Name, City, & State - Any information (e.g., personal or contact) you provide on this comment form or in an attachment may be publicly disclosed and searchable on the Internet and in a paper docket and will be provided to the Department or Agency issuing the notice.]

The link to these comments – https://www.nukewatch.org/nohlwnm.html

The link to the ER – https://www.nrc.gov/docs/ML1802/ML18023A904.pdf

And here's the Federal Register Notice -

https://www.gpo.gov/fdsys/pkg/FR-2018-03-30/pdf/2018-06495.pdf

Links to more info -- https://www.nirs.org/campaigns/dont-waste-america/cis/

http://www.beyondnuclear.org/centralized-storage/

http://neis.org/current-radioactive-waste-issues/, http://nukefreetexas.org