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2017

2016 APR 27 AM 10: 00

# PUBLIC SUBMISSION

As of: 4/27/17 8:15 AM  
Received: April 24, 2017  
Status: Pending\_Post  
Tracking No. 1k1-8w0p-86nj  
Comments Due: April 28, 2017  
Submission Type: API

RECEIVED

**Docket:** NRC-2016-0231

Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

**Comment On:** NRC-2016-0231-0005

Environmental Reviews: Waste Control Specialists, LLC; Consolidated Interim Spent Fuel Storage Facility Project

**Document:** NRC-2016-0231-DRAFT-0154

Comment on FR Doc # 2017-01966

## Submitter Information

81 FR 79531

11/14/2016

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## General Comment

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My comment focuses on two very significant concerns associated with the staff's proposed review of the subject applications.

First, the proposal as submitted by the applicant violates Federal law. I do not understand how staff can docket this application and proceed with a review of a facility that, on its face, has proposed something that is inconsistent with the Nuclear Waste Policy Act with respect to interim storage/MRS. DOE has not formally proposed this undertaking, and therefore it would seem at best a terrific misuse of limited NRC resources to undertake a complex review that REQUIRES a law change (and a commitment from a Federal agency that has signaled no such commitment) to occur. This fiction in part, underscores the hesitation WCS has now taken in its attempt to slow/stop the NRC's review of its application. How can the NRC evaluate reasonable alternatives or the impacts of the proposed action where the law PROHIBITS such action. Isn't this the inverse of the Supreme Court's judgment in Citizens United? There, the agency did not have a choice, and therefore the value of a NEPA evaluation was clearly limited. Here the agency and applicant do not have a choice TO PURSUE the desired action, so again, I don't see the value in a review of a hypothetical with assumptions that include not only a change in the law, but a specific one. This sets a very bad precedent for the agency in that it apparently has the resources for the consideration facially unlawful, hypothetical projects.

Related to the above point, like for Yucca Mountain and PFS, this EIS MUST consider the impacts of a nationwide effort for waste transportation, which I understand not be part of the applicant's current plan or environmental report. Should the project go forward, the direct consequence would be the transportation of tens of thousands of tons of waste from around the country to this location. Not evaluating the impacts of how the waste gets to the site that the NRC would be considering for such storage not only violates NEPA as the

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Template = ADM - 013

E-RIDS= ADM-03

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04/27/2017

essentially textbook definition of unlawful segmentation (we evaluate storage at the site but not how it got there!?), but also runs afoul of what both PFS and Yucca Mountains' reviews found to be a significant driver of actual environmental impacts: the development of additional rail lines, which routes waste would take from different parts of the country, and the impacts that the transportation of such large amounts of material would have on impacted communities.

Thank you for your consideration of these comments in the scoping process.