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General Comment

Why are all these high risks being taken in the first place? For no good reason whatsoever! Certainly not to benefit public health, safety, security, or environmental protection, despite Holtec International/Eddy-Lea [Counties] Energy Alliance (Holtec/ELEA), and nuclear power industry, claims and PR-spin to the contrary. Truth be told, its to transfer title, liability, costs, and risks, for the highly radioactive irradiated nuclear fuel, from the companies that generated it, and profited from its generation, onto the backs of federal taxpayers (if the U.S. Department of Energy (DOE) is stuck paying all the bills and/or onto the backs of nuclear electricity ratepayers, if Holtec/ELEAs lobbyists can finagle access to the monies remaining in the Nuclear Waste Fund coffers). Thats a pretty big favor to the companies in fact, its unique in all of industry.

And of course, if Holtec/ELEA can make large profits (at public expense), temporarily storing these highly radioactive wastes (for 40 years, to 120 years, to de facto permanently), without having to shoulder any of the costs, or risk-liabilities, well, that would work well for them!

At NRC public comment meetings in Hobbs, NM and Andrews, TX in mid-Feb. 2017, re: the WCS CISF proposal, then (since replaced) WCS CEO Rod Baltzer pushed back against this criticism. He said that the federal taxpayer is already obligated to pay for irradiated nuclear fuel storage, because DOE signed contracts with nuclear utilities in the mid-1980s, pledging to begin taking out the garbage in 1998. He pointed out that the utilities have sued DOE for breach of contract, and won damages from the U.S. Judgment Fund, which draws taxpayer funding from the U.S. Treasury, not nuclear-generated electricity ratepayer funding from the Nuclear Waste Fund.

WCS was right on this one point: U.S. taxpayers are hemorrhaging \$500 million per year in these damage awards, as Beyond Nuclear reported, and warned about, way back in 2010 < <http://ieer.org/wp/wp->

content/uploads/2010/03/NewWasteDisposalContractsBackgrounderFINAL3.pdf>.

But our criticism actually still holds. 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.

This simple fact formed the basis for an environmental coalition letter to NRC in Oct. 2016, pointing out that the WCS license application is illegal, and that the agency should cease and desist from processing it. (See <http://www.beyondnuclear.org/centralized-storage/2016/10/26/despite-setbacks-beyond-nuclear-and-allies-continue-to-chall.html> for additional information.)

Well, the simple answer, and open secret, is: Holtec/ELEA doesn't 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.

Current law requires a final disposal repository to be constructed and operating (not just licensed by NRC), before DOE can take title and liability for commercial highly radioactive irradiated nuclear fuel wastes, and start paying for such costs as transportation to that permanent dumpsite.

DOE cannot pay federal taxpayer dollars for privately-owned and operated CISFs, absent an operating permanent geological repository including both Holtec/ELEAs scheme in NM, and WCSs scheme, 38 miles away in TX. This is not legal under the Nuclear Waste Policy Act, as Amended, a.k.a. current law.

This is very risky for U.S. federal taxpayers, and/or nuclear electricity ratepayers. The linkage between an operating final disposal repository, and a centralized interim storage facility (CISF), in the Nuclear Waste Policy Act, as Amended, is to guard against centralized interim storage from becoming a de facto permanent, surface storage, parking lot dump, the costs, liabilities and risks of which, the U.S. federal taxpayer, and/or nuclear electricity ratepayers, may get stuck with, indefinitely, or forevermore.

This end run around the precautionary linkage between an operating repository, and one or more centralized interim storage facilities, that WCS seeks, and very likely Holtec/ELEA also seeks, would be a huge boon to the nuclear power industry. It would expedite the transfer of all costs, risks, and liabilities for irradiated nuclear fuel, from the nuclear utilities that profited from its generation, onto the backs of U.S. federal taxpayers, and/or nuclear utility ratepayers, sooner rather than later -- even before a repository is operating. Long before, actually: the DOE's most recent estimate, as to when a repository can be opened, is 2048! That is very likely an overly optimistic opening date!

Thank you for consideration of my opinion.

Sincerely,

Karl Koessel