

ADMRegs-Holtec-CISFEISCEm Resource

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Holtec CISF
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Re: "Docket ID NRC-2018-0052"

Submitted by Kevin Kamps, Radioactive Waste Specialist, Beyond Nuclear, May 18, 2018

Public Comments Re: We Do Not Consent!

THE RUSH JOB TO *DE FACTO* PERMANENT SURFACE STORAGE "PARKING LOT DUMPS," FOR ALL THE WRONG REASONS

We do not consent to DOE rushing into "parking lot dumps" (so-called "centralized" or "consolidated interim storage facilities," (CISFs) a.k.a. "monitored retrievable storage" sites (MRS), in order to expedite the transfer of title and liability from the nuclear utilities that profited from the generation of highly radioactive irradiated nuclear fuel wastes, onto the backs of taxpayers and/or ratepayers.

We do not consent to "centralized interim storage" facilities becoming *de facto* permanent surface storage "parking lot dumps" for highly radioactive waste.

We do not consent to "games" of radioactive Russian roulette, radioactive hot potato, and radioactive musical chairs being played, when it comes to high-risk, highly radioactive waste shipments on the roads, rails, and/or waterways through most states, shipments bound for such CISFs as Holtec/ELEA in S.E. NM (or Waste Control Specialists, LLC, in Andrews County, TX – just 38 miles from the Holtec site, and located immediately across the NM state border at Eunice).

We do not consent to the nonsense of shipping highly radioactive waste to "centralized interim storage," when permanent disposal could well involve shipping those very same wastes, right back to, or through, where they came from in the first place, heading in the opposite direction.

We do not consent to the nuclear establishment's "return to sender" schemes with "centralized interim storage." Had the Private Fuel Storage, LLC (PFS) "parking lot dump" – its license for construction and operation at the Skull Valley Goshutes Indian Reservation in Utah rubber-stamped by the U.S. Nuclear Regulatory Commission (NRC) a decade ago – actually opened, this nonsensical multiplication of transport risks could have occurred. PFS's plan was to ultimately transfer the wastes for dumping at Yucca Mountain, Nevada. But its Plan B, should Yucca not open, was to "return to sender." Sure enough, the Yucca dump was cancelled. Had the Maine Yankee nuclear power plant, for example, sent its wastes to PFS, they

would have been “returned to sender,” since they couldn’t go to Yucca. More than 50 containers of high-risk, highly radioactive waste, shipped *5,000 miles round-trip*, through numerous states, accomplishing absolutely nothing.

PFS was based on a 4,000 Holtec canister CISF, storing 40,000 metric tons of commercial irradiated nuclear fuel. And Holtec, in its New Mexico CISF license application documents, has stuck by the PFS claim, that leaking or contaminated containers could be returned to sender, in order to preserve a “start clean, stay clean” philosophy at the Holtec/ELEA, NM CISF. This is absurd – the states in between would not consent to leaking and/or contaminated shipping containers passing back through their communities, past countless number of their citizens and residents.

We do not consent to DOE’s oldest trick in the book, of trying to divide and conquer, by attempting to play “orphaned” waste communities off against the rest of us – many “stranded” waste communities have stated explicitly that *de facto* permanent surface storage parking lot dump shenanigans are done “not in our name.” The U.S. Department of Energy’s stated purpose for prioritizing “stranded” waste export to “parking lot dumps” – to free up decommissioned nuclear power plant sites for “unrestricted,” productive “re-use,” is a non-starter. Decommissioning regulations are so inadequate, supposedly “cleaned up” sites are still significantly contaminated with hazardous radioactivity, making re-use of those sites risky for current and future generations. The Blue Ribbon Commission on America’s Nuclear Future parroted DOE’s “orphaned” and “stranded” irradiated nuclear fuel arguments in recommending CISFs as a top priority. Holtec/ELEA cites the BRC’s CISF recommendations from its Jan. 2012 Final Report in its own application documents. Holtec/ELEA also claim their scheme is consistent with the BRC’s, and Obama DOE’s, talk of “consent-based siting.” The Trump DOE seems to have pulled the rug out from any such notions, even though such rhetoric remains in Holtec/ELEA’s license application documents. The growing groundswell of public opposition in NM, and beyond, to this and other CISF schemes, shows that the public does NOT consent.

FLOATING FUKUSHIMAS ON SURFACE WATERS

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.

We do not consent to “Floating Fukushimas.” There are some two dozen or more atomic reactors in the U.S. that lack direct rail access. Yet Holtec/ELEA, as well as DOE, has chosen the “mostly rail” shipping scenario of highly radioactive wastes as their preferred policy. Rail shipping containers weigh significantly more than 100 metric tons. These are not Legal Weight, and thus cannot go down the interstate highways over long distances. They are designed to go down railways. But to get these gigantic, very heavy containers to the nearest railhead, either heavy haul

trucks on roads, or barges on waterways, would have to be used. Barges raise the specter of a highly radioactive waste shipment sinking, with the potential for disastrous releases of hazardous radioactivity into drinking water supplies and fisheries, or even a nuclear chain reaction on the bottom of the surface waterway (there is enough fissile Uranium-235 and Plutonium-239 present in highly radioactive waste that, if a critical mass forms in the underwater sinking disaster, and water infiltrates into the container, a nuclear chain reaction could be initiated, worsening radioactivity releases to the water body, and making emergency response a potential suicide mission, given the fatal gamma- and neutron-radiation doses being emitted by the inadvertently chain reacting critical mass).

We do not consent to highly radioactive waste shipments on the Great Lakes; one barge sinking could radioactively contaminate the drinking water supply for 40 million people in two countries – eight states in the U.S., and two provinces in Canada – as well as a large number of Native American First Nations. The Palisades reactor in southwest Michigan, and the Kewaunee and Point Beach nuclear power plants in Wisconsin, were revealed by DOE in 2002 to be potential barge shipment points of origin. The barges would ply the waters of Lake Michigan, headwaters for the rest of the Great Lakes downstream, and the direct drinking water supply for many millions of people, including the Chicago metro region.

We do not consent to highly radioactive waste barge shipments from the Calvert Cliffs nuclear power plant in Maryland, to the Port of Baltimore on the Chesapeake Bay. A sinking could destroy decades of Bay restoration work in one fell swoop, putting countless watermen (a significant number of them African American) out of work forever, wiping out a unique culture, and wrecking the Bay's tourism and recreation industries, as well as its fragile, irreplaceable, vibrant, biologically diverse ecosystem.

We do not consent to highly radioactive waste barge shipments from the Surry nuclear power plant in Virginia, to the Port of Norfolk on the James River. A sinking could ruin this historic river, and also impact the Chesapeake downstream.

We do not consent to Floating Fukushimas from the Salem/Hope Creek nuclear power plant in New Jersey traveling up the already badly polluted Delaware River to the Port of Wilmington.

We do not consent to Floating Fukushimas on the surface waters of New Jersey, New York, and Connecticut, surrounding the metropolitan New York City area, including: from New Jersey's Oyster Creek nuclear power plant, up the Jersey Shore, around Staten Island, New York, to the Port of Newark, New Jersey; from Indian Point nuclear power plant, down the Hudson River, past Manhattan, to the Port of Jersey City, New Jersey; and from the decommissioned Connecticut Yankee nuclear power plant site, down the Connecticut River, onto Long Island Sound, into the Port of New Haven, Connecticut. The very high security risks alone, of intentionally bringing

ultra-hazardous highly radioactive waste, into such close proximity to so many tens of millions of people within a radius of just tens of miles, is a non-starter.

We do not consent to Floating Fukushimas on Cape Cod Bay, Massachusetts Bay, and Boston Harbor, traveling from Pilgrim nuclear power plant to the Port of Boston.

We do not consent to Floating Fukushimas on the Mississippi River, traveling from the Grand Gulf nuclear power plant to the Port of Vicksburg in Mississippi.

We do not consent to Floating Fukushimas on the Tennessee River, traveling from the Browns Ferry nuclear power plant to Florence, Alabama.

We do not consent to Floating Fukushimas on the Missouri River, traveling from the Cooper nuclear power plant to the Port of Omaha in Nebraska.

We do not consent to Floating Fukushimas on the Pacific Coast, traveling from the Diablo Canyon nuclear power plant to Oxnard/Port of Hueneme in California.

We do not consent to Floating Fukushimas on south Florida's Atlantic Coast, traveling from St. Lucie nuclear power plant to Fort Lauderdale/Port of Everglades and/or from Turkey Point nuclear power plant to the Port of Miami.

We do not consent to Floating Fukushimas on any other surface waters in the U.S., whether they be fresh water drinking water supplies, or salt water fisheries.

MOBILE CHERNOBYLS/DIRTY BOMBS ON WHEELS

We do not consent to highly radioactive waste truck and train shipments through the heart of major population centers; through the agricultural heartland; on, over, or alongside the drinking water supplies of our nation. Whether due to high-speed crashes, heavy crushing loads, high-temperature/long duration fires, falls from a great height, underwater submersions, collapsing transport infrastructure, or intentional attack with powerful or sophisticated explosives, such as anti-tank missiles or shaped charges, highly radioactive waste shipments, if breached, could unleash catastrophic amounts of hazardous radioactivity into the environment.

We do not consent to heavy haul trucks (monster truck in front to pull, and perhaps even another one in back, to push; two hundred wheels on the trailer in between; traveling only 3-5 miles per hour) as an end run attempt to transport very heavy rail casks to the nearest railhead, while attempting to avoid controversial, high-risk barge shipments.

(Legal Weight Trucks on interstate highways could also be used, to move smaller loads of irradiated nuclear fuel to Holtec/ELEA, NM. Holtec rail casks can hold 24 to 37 PWR (pressurized water reactor) irradiated nuclear fuel assemblies. LWT casks can only hold 4. But Holtec in its license application has bragged it could

accommodate any NRC-certified storage canisters and containers at its NM CISF. This would mean even those involved in LWT shipments. So LWTs on highways are another risk that needs to be opposed.)

We do not consent to Mobile Chernobyls, or Dirty Bombs on Wheels, traveling by railway through most states in the country under Holtec's (and DOE's own) "mostly rail" shipping scheme.

We do not consent to Mobile Chernobyls, Fukushima Freeways, or Dirty Bombs on Wheels, traveling by highway through most states in the country, even under DOE's "mostly [but not entirely] rail" shipping schemes. (As mentioned above, casks designed for "legal-weight truck" shipments, as they are called, are significantly smaller and less heavy than rail casks, and would travel on interstate highways, and connecting roadways.)

We do not consent to containers, in violation of quality assurance and quality control (QA/QC) standards, being used to ship highly radioactive waste. Commonwealth Edison/Exelon whistleblower Oscar Shirani, and NRC Midwest Region dry cask storage inspector, Dr. Ross Landsman, revealed major QA/QC violations with Holtec casks, 15 years ago. They questioned the structural integrity of Holtec casks *sitting still, going zero miles per hour*, let alone at 60 mph -- or faster -- on the rail lines. NRC has never adequately addressed these QA violations, so we have to assume they have continued right up to the present. Holtec containers have received an NRC rubber-stamp permit not only for on-site storage at more than a third of U.S. reactors, but also for rail/barge/heavy haul truck transport. To make matters worse, Holtec is the lead partner in the scheme to establish the parking lot dump targeted at New Mexico. (The Private Fuel Storage, LLC parking lot dump targeted at the Skull Valley Goshute Indian Reservation in Utah, NRC rubber-stamped but later stopped despite this, would have utilized 4,000 Holtec casks, containing 40,000 metric tons of irradiated nuclear fuel. Holtec/ELEA propose a CISF up to three times larger in NM.) Holtec is not the only highly radioactive waste container with QA/QC failures, however. NAC (Nuclear Assurance Corp.), VSCs (Ventilated Storage Casks), TN NUHOMS (Areva TransNuclear), and others have violated QA/QC standards, as well. In fact, cask QA violations run rampant across industry, enabled by NRC complicity and collusion. And Holtec claims it can accommodate NACs, TN NUHOMS, and even VSCs at its NM CISF. So all cask models' QA violations are of concern. (And NACs and TN NUHOMS are explicitly central to the WCS CISF targeted at the New Mexico state line at Eunice, as well -- just 38 miles from the Holtec/ELEA CISF site.)

We do not consent to Holtec/ELEA's, DOE's, and the rest of the nuclear power industry's cynical attempt to "railroad" the American public on high-risk, highly radioactive waste transport, by invoking the U.S. Constitution's Interstate Commerce Clause, to ram Mobile Chernobyls down our throats, through our communities. For starters, radioactive waste is not a commodity. It is a forever-

deadly poison, with nowhere to go, and never belonged on our living planet to begin with. We must stop making it.

ENVIRONMENTAL INJUSTICE/RADIOACTIVE RACISM

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.

From 1987 to 1992, DOE's Nuclear Waste Negotiator wrote to every one of the many hundreds of federally recognized Native American tribes in the U.S., offering relatively large (for the tribes, anyway) sums of money, in exchange for them "just to consider" hosting highly radioactive waste "parking lot dumps" (the amount of money was exceedingly small, as compared to DOE's annual budgets, and especially as compared to nuclear power industry profit margins, CEO salaries, etc.). DOE's Nuclear Waste Negotiator focused on 60-some tribes in particular. Mescalero Apache in New Mexico, and Skull Valley Goshutes in Utah, went the furthest down DOE's (and later NRC's) dangerous road. But traditionals like Rufina Marie Laws and Joe Geronimo at Mescalero, and Margene Bullcreek and Sammy Blackbear at Skull Valley, blocked the "parking lot dumps" in the end, after fierce battles, that left very deep wounds in those communities, for which the nuclear establishment bears responsibility. This resistance was assisted by Grace Thorpe, who not only blocked the "parking lot dump" targeted at her own Sauk and Fox Reservation in Oklahoma, but assisted environmental allies at reservations across the country to do the same. President Obama honored Thorpe for her anti-dump work, as a "Woman Taking the Lead to Save Our Planet," alongside the likes of Rachel Carson of *Silent Spring* fame, in his March 2009 Women's History Month proclamation. And yet, President Obama's own Blue Ribbon Commission on America's Nuclear Future, as well as his DOE, yet again included Native American reservations on the target list for "parking lot dumps." This most disturbing internal Obama administration contradiction has never been explained.

We do not consent to the targeting of nuclear power plant sites already heavily burdened with irradiated nuclear fuel to become "parking lot dumps," importing other reactors' wastes. A study by Oak Ridge Nuclear Lab, for example, has singled out the Dresden nuclear power plant in Morris, IL as a top target for a "parking lot dump." But Dresden is already heavily burdened with around a whopping 3,000 metric tons of irradiated nuclear fuel, in the storage pools at three atomic reactors, in the "overflow parking" dry cask storage installations, as well as the immediately adjacent General Electric-Morris reprocessing facility "wet storage" pool.

For their part, the Holtec/ELEA CISF in NM, and the WCS, TX CISF, are targeted at the same area. They are but 38 miles from each other. The area has numerous communities that are majority Hispanic. The area is already heavily polluted by both the fossil fuel and the nuclear industry. There are significant poverty rates amongst

certain communities in this area, as well. In fact, the State of New Mexico as a whole ranks towards the very bottom of a broad spectrum of socio-economic wellness indicators, in comparison to the other 49 states.

This attempt by Holtec/ELEA, as well as WCS, to turn this area of s.e. NM and w. TX into a nuclear sacrifice area, is a text book example of environmental injustice, or radioactive racism. This is all the more clear when the large number of radioactive contamination sites documented on the Sacred Trust NM state map is taken into account.

SITES CURRENTLY AT THE VERY TOP OF THE TARGET LIST FOR *DE FACTO* PERMANENT SURFACE STORAGE PARKING LOT DUMPS

We do not consent to the targeting of DOE sites, already heavily contaminated with radioactivity and burdened with high-level radioactive waste, to become “parking lot dumps” for the importation of other sites’ or reactors’ wastes. The proposal to open a “parking lot dump” in Eddy-Lea Counties in extreme southeastern New Mexico, near the Waste Isolation Pilot Project (WIPP), is a case in point. WIPP is the U.S. national dump-site, in a salt formation 2,000 feet below ground, for trans-uranic contaminated radioactive wastes from the U.S. nuclear weapons complex. Although DOE assured the public that WIPP could not possibly leak in the first 10,000 years, and would leak at most once in the first 200,000 years, WIPP suffered a trans-uranic radioactive waste leak to the environment in year 15 of its operations, on Valentine’s Day, 2014. Nearly two-dozen workers at the surface suffered inhalation doses of ultra-hazardous, alpha-emitting substances, including plutonium. Trans-uranics also fell out downwind, to be further distributed by wind and rain over time. The burst of a single barrel 2,000 feet underground caused the radioactivity release. The root cause of the burst was a chemical reaction due to the mixing of chemically reactive nitrates and lead in with the radioactive wastes, which sparked the ignition. The fire was sustained by the inclusion of organic (meaning fibrous, plant-based) *kitty litter*, meant to absorb liquids. The burst of the single barrel completely shut down WIPP for multiple years. DOE estimates the recovery cost at \$500 million; the *L.A. Times* estimates one billion dollars. Estimates of two billion dollars can be found in the fine print of DOE documents.

The Holtec/ELEA site is located not far at all from the WIPP site.

We do not consent to a *de facto* permanent surface storage “parking lot dump” targeted at Waste Control Specialists, LLC (WCS) in Andrews County, Texas – right on the state line at Eunice, NM. WCS applied to NRC for a CISF construction and operation license on April 28, 2016. WCS already dumps all categories of so-called “low” level radioactive waste – Class A, B, and C – into the ground, either directly above, or immediately adjacent to, the Ogallala Aquifer. The Ogallala Aquifer serves as a vital supply of drinking and irrigation water for numerous states on the Great Plains, from Texas to South Dakota, including parts of eastern NM. WCS effectively

serves as a national dump-site for such radioactive wastes. (Several state environmental agency staffers resigned their career jobs in protest over the outrageous decision to allow WCS to open for “low” level radioactive waste dumping in the first place.) WCS also accepted many scores of barrels from Los Alamos Nuclear Lab in New Mexico, containing the same volatile mix as burst in the WIPP underground in 2014. Already, the potentially bursting barrels have sat out in the hot summer sun at WCS in 2014, 2015, 2016, 2017, and 2018, with no end in sight. Heat fueling a chemical reaction, igniting combustibles, and pressure build-up, is the entire problem with the burst risk. If one or more barrels burst at WCS, into the open air of the surface environment, the releases of plutonium and other ultra-hazardous trans-uranic radioactive wastes could be significantly worse, in terms of downwind and downstream fallout, than the 2014 WIPP release, which originated 2,000 feet below ground, and had to follow a long, circuitous path, through thousands of feet of horizontal burial caverns and tunnels, as well as thousands of feet of vertical ventilation shaft, to reach the surface environment, and fallout over a wide area downwind. The barrels at WCS are *at* the surface environment! WCS accepting these potentially explosive barrels in such a great big hurry in the first place, without even knowing the risks they were getting into, shows what a careless company it is. It cannot and should not be trusted to store highly radioactive waste, not even temporarily (although “interim” is a deception – the storage would become very long term, perhaps even permanent).

Although WCS went bankrupt in 2017, and requested NRC to suspend its licensing proceeding for the CISF, it is now under “new management.” WCS could hit the “play” button on its “paused” NRC proceeding at any time. If this happens, both NRC licensing proceedings (Holtec/ELEA, NM, and WCS, TX) would be taking place simultaneously – yet another environmental justice violation, considering the opponents in the people of color communities targeted, and their allies from non-profit (and often largely volunteer) environmental groups, would be forced to fight both companies at the same time.

A second company, Advanced Fuel Cycle Initiative (AFCI), is targeting another west TX county for *de facto* permanent storage as well: Culberson. Given the large Hispanic American population in the area, as well as low-income levels, environmental justice concerns are raised, yet again, by these proposed west TX parking lot dumps. Much the same can be said regarding the populations in southeastern New Mexico, surrounding the proposed “parking lot dump” there, targeted about halfway between Carlsbad and Hobbs.

Another “parking lot dump” target – Savannah River Site (SRS), South Carolina – also raises red flags about disproportionate impacts on people of color and low-income communities. SRS is already a badly radioactively contaminated region, due to decades of nuclear weapons production, and other related nuclear activities (such as mixed oxide plutonium fuel storage and fabrication, civilian high-level radioactive waste reprocessing, etc.). But in addition, the area also “hosts” the adjacent Barnwell, SC “low” level radioactive waste dump – a national dump for decades on

end, long leaking. And in 2017, DOE began trucking highly radioactive liquid material, from Chalk River Nuclear Labs, Ontario, Canada, to SRS, for reprocessing. This is an unprecedented high risk – highly radioactive liquid material (waste) had never been transported before, in North American history. To make matters even worse, the area “hosts” the largest – in terms of number of reactors – nuclear power plant in the U.S., Vogtle. Vogtle Units 1 and 2 have already operated for decades; Units 3 and 4 are currently under construction. The nearby community of Shell Bluff, Georgia is predominantly African American and low-income. Targeting the SRS area with a highly radioactive waste “parking lot dump” would just compound the environmental injustice even worse.

Of all the targeted locations for CISFs in the U.S., Holtec/ELEA, NM is now in the lead; WCS, TX, just 38 miles away, is a currently close second. Both need to be stopped dead in their tracks, as do all the others further behind as well.

HIGHLY RADIOACTIVE IRRADIATED NUCLEAR FUEL STORAGE POOLS

We do not consent to the nuclear power industry, with NRC’s blessing, keeping highly radioactive waste at high-risk, high-density “wet” storage in waste pools, for years or decades into the future. NRC decommissioning regulations, for example, allow pool storage for as long as 60-years post reactor shutdown (so, if the reactor had operated for 60 years, as NRC has permitted time and again, that would mean a total of 120 years of pool storage; NRC is now actively considering allowing 80 years of operations at reactors, which would then add up to 140 years of pool storage; there have even been proposals floated for 100 years of reactors operations, which this lax NRC policy would then allow for 160 years of pool storage). Nuclear utilities seek to defer dry cask storage costs as far off into the future as possible, by maximizing pool storage for as long as possible. Pools are so densely-packed, they have approached operating reactor core densities. Especially considering degradation of neutron absorbing structures (such as Boraflex panels) in the pools, this risks potentially deadly and disastrous nuclear chain reactions in the unshielded pool. But high-density storage also risks a sudden cooling water drain down, or a slower motion boil down. Either way, the worst case scenario would be a partial drain down, where irradiated nuclear fuel is partially exposed to air, with remaining pool water below blocking convection air currents, that would at least provide some (and perhaps still not enough) cooling to the overheating exposed irradiated nuclear fuel assemblies. Once exposed to air, the zirconium-clad fuel rods could reach ignition temperature within hours, initiating spontaneous combustion. The chemical reaction would turn exothermic, self-feeding, with the fire burning down the fuel rods, not unlike 4th of July sparklers. The pool would be unapproachable, due to lack of cooling water radiation shielding, with instantaneously deadly doses of radiation nearby. Thus, emergency responders would likely be blocked from intervening; even suicide squad interventions would

likely be ineffective. The radioactive Cesium-137 releases alone, to the environment, would be very catastrophic, over a very large region, due to such a pool fire.

We do not consent to ongoing pool storage, due to pool leaks that, according to NRC in 2013, had already occurred at 13 pools across the U.S. This number can be expected to increase, with worsening age-related degradation at U.S. nuclear power plants. Such pool leaks harm soil, groundwater, surface water, and people and other living things downstream, up the food chain, and down the generations.

We do not consent to pools being dismantled during nuclear power plant decommissioning. Although pools should be off-loaded into hardened on-site storage ASAP (see below), and kept unloaded, the pool structures, systems, and components themselves should be left intact, maintained, operable, and not be dismantled nor allowed to fall into disrepair. Keeping functional pools extant, albeit empty until needed, would provide an emergency location for failed cask to new replacement cask transfers of irradiated nuclear fuel, with needed radiation shielding. If pools continue to be dismantled at decommissioning nuclear power plant sites (as has been the standard approach thus far), any cask-to-cask transfers would have to be done on an *ad hoc* basis, perhaps under a worsening emergency situation. There is no reason to paint ourselves into such a potentially catastrophic corner. Pools can be maintained to provide an emergency back-up transfer option. Although they should no longer be used for regular, ongoing, long-term waste storage, as they are too risky.

NEED FOR HARDENED ON-SITE STORAGE (HOSS)

We do not consent to NRC's status quo, allowing nuclear utilities to store irradiated nuclear fuel for as long as 120 years in vulnerable storage pools, and to store highly radioactive waste in vulnerable dry casks. Many hundreds of environmental, public interest, and social justice groups, representing all 50 states, have called for Hardened On-Site Storage (HOSS) for 16+ years. HOSS calls for emptying of vulnerable storage pools into dry casks, but not into vulnerable status quo ones, as is currently done. This out of the frying pan, into the fire approach is unacceptable and dangerous. Dry casks must be designed and built well, with rigorous QA standards, to last not decades, but centuries. Dry cask storage must be safeguarded against leaks, accidents, natural disasters, and intentional attacks. Such health, safety, security, and environmental protections are not fulfilled by current, vulnerable dry cask storage permitted by NRC.

We do not consent to abandonment of highly radioactive waste on the shores of the Great Lakes, on the banks of rivers, on the ocean coasts, etc., where it is currently stored. Such abandonment would lead to catastrophic releases of hazardous radioactivity over time, into the drinking water supplies for countless millions of people, into major fisheries, etc. This is especially true under climate chaos scenarios, with extreme weather events at such locations, and rising sea levels,

causing major flooding. Many of these very same sites are also vulnerable to earthquakes, tsunamis, and other natural disasters. As environmental groups have long advocated, highly radioactive wastes should be stored as close to the point of origin as possible, as safely as possible. Certain sites are not appropriate for HOSS, just as they were not appropriate for reactors in the first place. Prairie Island, Minnesota, is a case in point, home to the Prairie Island Indian Community, which never granted its consent to the construction and operation of the two atomic reactors there, nor to the generation and storage of highly radioactive waste, just hundreds of yards from their community. While wastes need to be relocated from Prairie Island to higher ground, out of the flood plain of the Mississippi River, this should be done in the immediate area, as close as possible, as safely as possible. This is no justification to launch a national Mobile Chernobyl/"parking lot dump" cross-country shipping campaign, creating a whole new set of potentially catastrophic risks elsewhere. In fact, Prairie Island nuclear power plant's owner, Xcel Energy/Northern States Power, has been an infamous leader in such schemes, for decades, including the radioactively racist targeting of PFS at the Skull Valley Goshutes Indian Reservation in Utah. PFS also would have used Holtec containers – 4,000 of them – to store 40,000 metric tons of irradiated nuclear fuel. The Holtec/ELEA scheme could grow to 120,000 metric tons – 12,000 containers, three times larger than the licensed, but nonetheless aborted, PFS scheme.

We do not consent to NRC's science fiction fantasy of non-existent, unfunded "Dry Transfer Systems," and the absurd notion that these Dry Transfer Systems and dry cask storage installations, will be replaced, in their entirety, once every hundred years, whether the storage is at current nuclear power plant sites, or away-from-reactor locations (such as *de facto* permanent surface storage "parking lot dumps"). Dr. Mark Cooper of Vermont Law School has estimated that the first 200 years of irradiated nuclear fuel management in the U.S. – assuming a single repository, and a couple of centralized interim storage sites – will already cost ratepayers, and/or taxpayers, \$210 to 350 billion (yes, with a B) – effectively doubling the cost of nuclear-generated electricity, if accounted for (which it never has been, till Dr. Cooper did the calculations on his own initiative, on behalf of an environmental coalition intervening in NRC's Nuclear Waste Confidence/Continued Storage of Spent Nuclear Fuel proceeding). But 200 years is a drop in the ocean, compared to the million years, or longer, highly radioactive waste remains hazardous. We need to stop making it, by shutting down reactors and replacing them with energy efficiency and renewable sources, such as wind power and solar photo-voltaic (PV). And we need to figure out how to keep the radioactive waste that already exists, isolated from the living environment, forevermore. As Arnie Gundersen, Chief Engineer of Fairewinds Energy Education, has put it: *"We all know that the wind doesn't blow consistently and the sun doesn't shine every day, but the nuclear industry would have you believe that humankind is smart enough to develop techniques to store nuclear waste for a quarter of a million years, but at the same time humankind is so dumb we can't figure out a way to store solar electricity overnight. To me that doesn't make sense."*

Yucca Mountain

We do not consent to the proposed dumpsite for irradiated nuclear fuel, and high-level radioactive waste, targeted at Yucca Mountain, Nevada. It was wisely cancelled and defunded by the Obama administration and DOE in 2010, as it should have been from the beginning, in the early 1980s. Obama, and the Energy Secretaries (Chu, and Moniz) serving under him, declared Yucca “unworkable.” Unfolding what “unworkable” means would have to include that the site is not scientifically suitable. It is a very active earthquake zone. It is a volcanic zone. It is saturated with water underground. It has highly corrosive chemistry in the rock, which, combined with the thermal heat of the waste, and the surrounding moisture, would create the perfect storm for burial container failure in a relatively short period of time. If irradiated nuclear fuel were ever to be buried at Yucca, it would leak out massively over time. The catastrophic amounts of hazardous radioactivity would be carried by Yucca’s groundwater to points downstream, including the Amargosa Valley agricultural region, one of Nevada’s most productive, as well as Death Valley, home to the Timbisha Shoshone Nation.

Unworkable also means that Yucca is Western Shoshone Indian Nation land, acknowledged by the U.S. government when it signed the “peace and friendship” Treaty of Ruby Valley of 1863. Treaties are the highest law of the land, equal in stature to the U.S. Constitution itself.

In addition to such illegalities, the Yucca dump is also an unacceptable environmental justice violation.

The Western Shoshone Indian Nation has certainly never consented to its land being turned into a high-level radioactive waste dump. To the contrary, the Western Shoshone have led efforts to stop the dump, to end nuclear weapons detonations at the Nevada Test Site, etc.

Unworkable also means that Nevada does not consent to the dump. It never has. Yucca Mountain was singled out as the only site in the U.S. for further consideration as a potential dump, by the “Screw Nevada bill” of 1987, as it is most commonly referred to. This infamous amendment to the Nuclear Waste Policy Act of 1983 was orchestrated by such powerful state congressional delegations as those from Texas and Washington State – other Western targets, which also happened to hold the U.S. House Speakership, and U.S. House Majority Leadership, at that time. Conspiring with such Eastern states as New Hampshire, itself targeted, these states successfully got themselves off the short list for the country’s high-level radioactive waste dump, by “screwing Nevada.” This turned a comparative science-based site suitability search, including the principle of regional equity (a dump in the West, but also one in the East, where the vast majority of atomic reactors, and hence highly radioactive wastes, are located to begin with), into a ram-it-down-Nevada’s-throat case of raw politics (Nevada had only one U.S. Representative in 1987; Texas and Washington,

by comparison, had three dozen, and one dozen, respectively.) Despite this, the State of Nevada has successfully fought tooth and nail, expressing its non-consent to the Yucca dump, for 30 years now.

The Yucca dump is a non-starter, and must be removed from any further consideration.

Nuclear Power and Highly Radioactive Waste Generation

We do not consent to the generation of irradiated nuclear fuel in the first place. Both the Blue Ribbon Commission on America's Nuclear Future (BRC, in its 2012 Final Report), and also DOE's ONE (Office of Nuclear Energy, in its Dec. 23, 2015 to late mid-2016 public comment proceeding on defining "consent-based siting"), have cynically framed the highly radioactive waste problem as a minor one, to be solved as expeditiously – and seemingly flippantly – as possible, so that nuclear power can go on its merry way, making ever more forever deadly highly radioactive waste, for which there is still no safe, sound solution – and there may never be. As Dr. Judith Johnsrud of the Environmental Coalition on Nuclear Power put it, highly radioactive waste may well be "trans-solutional," a problem we have created that is beyond our ability to solve. And as Beyond Nuclear board member Kay Drey has put it, the mountain of radioactive waste is now more than 75 years high, and we still don't know what to do with the first cupful (from Enrico Fermi's WWII Manhattan Project "race for the atom bomb" reactor, the world's first, at the University of Chicago, first operated on Dec. 2, 1942).

For more information, please see:

<http://www.state.nv.us/nucwaste/trans.htm>

<http://www.nirs.org/radwaste/hlwtransport/mobilechernobyl.htm>

<http://www.nirs.org/fukushimafreeways/stopfukushimafreeways.htm>

<http://www.nirs.org/radwaste/atreactorstorage/atreactorhome.htm>

<http://www.nirs.org/radwaste/yucca/yuccahome.htm>

<http://www.nirs.org/radwaste/scullvalley/skullvalley.htm>

<http://www.nirs.org/radwaste/wasteconfidence.htm>

<http://www.nirs.org/radwaste//atreactorstorage/shiranialeg04.htm>

<http://www.nirs.org/radwaste/scullvalley/historynativecommunitiesnuclearwaste06142005.pdf>

<http://www.nirs.org/factsheets/nirsfctshdrycaskvulnerable.pdf>

<http://www.beyondnuclear.org/radioactive-waste/>

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

<http://www.beyondnuclear.org/on-site-storage/>

<http://www.beyondnuclear.org/waste-transportation/>

<http://www.beyondnuclear.org/yucca-mountain/>

<http://www.beyondnuclear.org/waste-transportation/2016/1/20/doe-undertaking-logistical-planning-for-shipment-of-stranded.html>

<http://www.beyondnuclear.org/home/2012/1/18/a-mountain-of-waste-70-years-high-and-no-solution-in-sight.html>

<http://neis.org/2012-conference/>

<https://sanonofresafety.files.wordpress.com/2011/11/doe-designedtoleak2016-05-3sos.pdf>

<http://nonuclearwasteaqui.org/>

http://ieer.org/wp/wp-content/uploads/2010/03/HOSS_PRINCIPLES_3-23-10x.pdf

<http://www.sric.org/nuclear/wippleak2014.php>

<http://www.indianz.com/News/2015/019111.asp>

Prepared on May 18, 2018 by Kevin Kamps, Radioactive Waste Specialist at Beyond Nuclear (updated and adapted from DOE "Consent-Based Siting" public comments, prepared on May 17, 2016). For additional information, contact Kevin at kevin@beyondnuclear.org.

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General Comment

Re: Docket ID NRC20180052

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Public Comments Re: We Do Not Consent! (14-Page Version)

Attachments

5 18 18 Public Comments We do not consent 14 page version

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