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May Ma, Office of Administration, Mail Stop: TWFN-7-A60M U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 Emailed to <u>WCS_CISF_EIS@nrc.gov</u> ATTN: Docket ID NRC 2016-0231

James Park, Office of Nuclear Material Safety and Safeguards U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 301-415-6954; <u>James.Park@nrc.gov</u>.

Nuclear Information and Resource Service (NIRS) Scoping Comments on Interim Storage Partners/ Waste Control Specialists/ Orano (WCS) Consolidated Interim Spent Fuel Storage Facility Project

Docket No. 72-1050; NRC-2016-0231 Waste Control Specialists LLC's / ISP's Consolidated Interim Spent Fuel Storage Facility Project

To the Nuclear Regulatory Commission:

NIRS continues to contend that the NRC is illegally processing the applications for Consolidated or Centralized Interim Storage facilities. We provide these comments in this apparently unlawful process to preserve our right to have these issues addressed. They include some of our 2017 comments and expand them now that a revised application is being processed by NRC.

We call on the NRC to reject the license application(s) to consolidate irradiated fuel because it is illegal, not allowed under federal law until there is a permanent repository operating. If NRC proceeds, the application should be published in Spanish so residents in the region can review it. We support the comments of Public Citizen and SEED Coalition especially with regard to the environmental justice concerns raised by this inadequate, illegal application.

We repeat our request for the application to be provided in Spanish and for public scoping meetings in Texas and other transport corridor communities across the US. We continue to request to that NRC hold public meetings/hearings on this application in several potentially impacted cities Texas, New Mexico and along the numerous potential transport routes from reactors across the country to the proposed site. If there is any possibility that the site could take foreign irradiated fuel then public hearings/meetings must be held at and along routes of points of entry.

The Interim Storage Partners/Waste Control Specialists/Orano (WCS) application to store up to 40,000 metric tonnes (MTU) of irradiated nuclear fuel/ high-level radioactive waste (possibly including Greater than Class C waste) from nuclear power reactors around the country in Andrews County, TX will cause thousands of unnecessary nuclear waste shipments across the US, possibly twice.

Please ensure the Environmental Impact Statement (EIS) includes the risks of national transportation, local transport in the vicinity of the proposed site, as well as the risks of the site becoming permanent by default. Include transportation methods, specific routes, and all their potential impacts in the

Environmental Impact Statement. Address the potential for reprocessing at the site as consolidation of irradiated fuel increases the likelihood of reprocessing.

The Environmental Impact Statement (EIS) for Waste Control Specialists' license application should include technical, social, geographic, cultural and political international impacts including:

1. TRANSPORT

Transport risks and dangers from origin to CIS to final repository must be included in the EIS. A designation of national and local transportation routes and modes of transport TO and FROM WCS's Andrews, Texas site and the array of potential impacts of accidents or malicious attacks that could occur along those routes, including the legally allowed routine radioactive emissions from transport and storage casks. Acts of sabotage and deliberate attacks en route to and at the proposed site must be considered, including potential drone attacks. None of today's certified waste containers are designed for real world transport conditions (temperatures, crash speeds, submersion in deep water) and have not been physically tested despite dump-promoter's misuse of 40 year-old crash-test videos on totally different casks. The storage containers cannot be monitored for potential cracks and leaks, inspected, repaired or replaced even though we know the waste will be dangerous longer than they will last. NRC should prevent 1000's of shipments of the most deadly radioactive waste in super-heavy, inadequate containers over deteriorating railroad tracks, roads and bridges.

2. LIKELY PERMANENT, NOT "INTERIM;" NO WAY TO REPACKAGE

ISP/WCS plans to consolidate 40,000 tons of high-level waste from nuclear power reactors in TX to "temporarily" store for 40 to 60 to 100 or more years. The waste would allegedly move again but if no permanent site is found or money to move it again never appears, it could stay forever, despite not being designed for permanent isolation. Transport is necessary for facility and cannot be segmented out of the EIS.

The EIS should address the impacts of "interim storage" becoming a dangerous permanent de facto disposal. The waste may never be moved to scientifically viable, geologic repository using a reliable isolation system. Regarding the Storage Container Systems, the period of storage of irradiated fuel at WCS could exceed the expected life of the dry cask containers in which it is stored. NRC must consider the industry's present inability to re-containerize nuclear waste when casks fail, the absence of a facility at the proposed WCS site to perform such operations, and the amount and source of funds to pay for it.

3. NO WAY TO RECONTAINERIZE/ TRANSFER WASTE

Currently there is no way to re-containerize the waste if and when needed. The EIS must analyze and explain how WCS will do this now and how they will guarantee it can be done in perpetuity. The statement should include how radioactive waste from a cracked and leaking canister would be handled, as it appears there would be no wet pool or hot cell at the WCS site. It appears that no one knows yet

how to transfer waste from dry cask to dry cask. WCS and the EIS should outline how this would be accomplished ahead of time and identify the facilities and equipment that will be available to carry out such re-containerization activities.

4. WASTE LONGEVITY AND HIGHER RADIOACTIVITY than in application

The EIS must cover the millions of years the waste will stay dangerous—consider the future as there is NO PLAN and NO GUARANTEE in the license application that the waste will ever leave. NRC should include full evaluation of storage and transport of "high burnup" fuel. It is a significant portion of the waste that would go to WCS.

5. HEALTH DANGERS to WHOLE HUMAN LIFECYCLE

Assess health threats to the human life cycle—which are not accounted for in 10 CFR 20. Since there is hazardous and mixed waste at the WCS site, the EIS must review the multiple, additive, cumulative and synergistic effects of radioactivity and hazardous waste on workers, residents, people of all ages with varying susceptibilities to radiation, animals, plants, microbes, water, soil, etc. Please clarify the physical impacts of hazardous materials on WCS's many sites and nearby facilities (including the Urenco uranium facility, immediately next door to the proposed storage area) on people (especially the most vulnerable stages of our human life cycle-females, babies and youth), on all animals, endangered species, plants, the ecosystem, air and water, environment, cultural and social institutions and communities, etc.

6. SYNERGISTIC IMPACTS FROM NEARBY HAZARDOUS AND RADIOACTIVE FACILITIES

In-depth research should examine radiation monitoring and synergistic, additive, multiple and cumulative impacts of multiple radioactive and hazardous facilities near the WCS site, site security, engineering adequacy of the storage pad and seismic stresses, the adequacy of the crane that would move radioactive waste.

WCS already has hazardous, radioactive and mixed waste treatment and storage facilities at the same site and continues to bring in more to the very site proposed for massive amounts of high level radioactive waste. There is a uranium enrichment facility next door. The EIS must evaluate the effects of multiple hazards and impacts of accidents, releases, explosions and other incidents from its neighbors.

7. REPROCESSING + PROLIFERATION DANGER

Consolidating waste is the first step to dangerous reprocessing to extract plutonium, increasing nuclear weapons proliferation, massive water use and intense, irreversible environmental contamination. Reprocessing was proposed at this same site before (GNEP) and must be addressed in the EIS.

8. THREAT TO LOCAL ECONOMY

Assess the economic threats to the industries and businesses that drive the economic engines of the communities, including oil and gas, farming, ranching, dairy and others. Assess the perceived threats as well to the whole region.

9. HARSH NATURAL AND HUMAN-CAUSED CONDITIONS

Above-ground casks would be exposed to the weathering effects of temperature extremes, and potential wildfires, tornadoes, and earthquakes. The area is potentially seismically active and there are large amounts of fracking and other extraction in proximity to the site, possibly even beneath the site.

The site of the proposed CIS facility in Andrews County, Texas is subject to severe weather and climatic conditions that could endanger nuclear waste containers. Extreme temperatures, wind and sand storms, wildfires, lightning strikes and storms, floods and tornadoes must be assessed in light of climate change and more severe and frequent dangerous weather.

NRC must provide in depth analysis of the impacts on the waste and containers of high temperatures, salty dry climate, potential flash floods, lightning, burrowing animals, sand, blocked vents, wind, rain, fire on the casks and waste. Assume increased earthquake risks and other impacts from fracking near the site and in the whole region. The EIS should plan for Climate Change and unpredictable conditions.

The EIS should address these issues and answer the following questions: At what point could the waste go critical? What contact with other radioactive waste and hazardous materials at the WCS site could occur? What are the cumulative impacts of waste at this site and nearby sites on workers, local people and the environment, and how could natural disasters add to or multiply impacts?

10. WATER

The EIS should *independently* review the risk of groundwater contamination at the site, especially since all of the technical and administrative reviewers at the Texas Commission on Environmental Quality TCEQ recommended denying the license for "low-level" radioactive waste at the Waste Control Specialists site due to the inability to guarantee protection of groundwater. WCS is seeking a permit to release radioactive and hazardous water to the New Mexico side of its property. There is water at the site and there are nearby major aquifer formations. This must be fully reviewed in the EIS.

11. NO CONSENT

Texans have been clear that they don't consent to becoming a national radioactive waste dumping ground. They should not have to risk contamination of their land, aquifers, air or the health of plants, wildlife and livestock. Unshielded exposure to the high-level radioactive waste proposed for this site can lead to immediate death.

12. LIABILITY IN TRANSIT AND AT THE SITE

The EIS should reveal who will pay in cases of contamination. Vehicle insurance and Homeowners' insurance don't cover radioactive contamination. A single rail car could haul waste containing as much plutonium as the bomb dropped on Nagasaki and as much cesium as was released from Chernobyl. There have been serious train accidents throughout the country in recent years, including near the WCS site. Two trains have collided head-on in West Texas last year at 65 mph. The casks on the market today

have never been tested, cannot be inspected for cracks and are not designed to meet real road, barge, or rail conditions that they would encounter in transit.

The EIS should address these potential dangers and worst case scenario consequences. Consider the potential impacts from accidents or radioactive waste related acts of malice along transport routes and at the site, including impacts to people, land, air, crops, animals and water.

We endorse the Public Citizen/SEED Coalition comments especially on transport.

13. EMERGENCY RESPONSE

NRC should include in the EIS the reliability and capability of volunteer and distantly-located emergency response personnel upon which the site will rely. Include availability, training, equipping and notification to emergency responders all along the way for radioactive accidents and attacks.

14. ENVIRONMENTAL and ECONOMIC JUSTICE VIOLATION

The proposal is a clear violation of environmental and economic justice at site and along transport routes to it.

The population is largely Hispanic. Some speak Spanish as their first language. Very few of the materials have been provided in Spanish. This is a call for the NRC and the applicant to provide the application in Spanish.

Although the economy can be boom and bust, those impacted are less able politically and economically to afford to challenge the proposed dump.

The proposed area has valuable industries and interests that would be threatened by the site. Some of the hazardous and extractive industries that are a big part of the economy in the region oppose the dump. The EIS must look at the impact on existing sustainable parts of the economic engine in the communities and region, including the potential impact of a severe transport accident and releases on site and in transit.

The impacts on lower income residents and on people with lifestyles closer to the land is exponentially greater than on those that have more resources and connections to compensate or relocate.

West Texans have experienced environmental racism for decades. People of Color continue to be disproportionately impacted by hazardous and toxic wastes. The EIS must address this much deeper than the short, apparently random claims in the application materials.

CONCLUSION:

NRC must REJECT ISP/WCS (and all) applications for a Consolidated "Interim" Storage Facility (CISF) for high-level nuclear waste because such facilities are NOT allowed under US federal laws to the extent the Department of Energy and US taxpayers are expected to own and transport the waste.