Environmental Impact Statement Scoping Process

Summary Report

The Holtec Environmental Impact Statement Public Scoping Period

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A The Holtec Environmental Impact Statement Public Scoping Period

A.1 Introduction

Between March 30, 2018, and July 30, 2018, the United States (U.S.) Nuclear Regulatory Commission (NRC) conducted an environmental scoping process for Holtec International's (Holtec) application for the HI-STORE Consolidated Interim Storage Facility (CISF) (hereafter referred to as the proposed CISF) environmental impact statement (EIS), in accordance with Section 51.29 of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, *Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions*, which implement the National Environmental Policy Act of 1969 (NEPA). During the scoping process, the NRC invited potentially affected Federal, State, local, and Tribal government agencies, members of the public, interested and concerned people and organizations, and the license applicant, to identify issues and provide recommendations to the agency on the scope of an EIS. The NRC's goal for conducting the scoping process was to define the scope of issues to be addressed in the EIS including, but not limited to, identifying significant issues to be analyzed in depth, eliminating from detailed study issues that are peripheral or are not significant or that have been covered by prior environmental review, identifying alternatives, and identifying other environmental review and consultation requirements related to the proposed action. During the 120-day scoping period, members of the public, government organizations, and concerned citizen groups submitted thousands of written comments. Many more statements were submitted orally at public meetings.

This scoping summary report summarizes comments and information the NRC gathered during the scoping process. Section A provides a concise summary of the NRC's environmental scoping process for the EIS, an overview of the issues that were raised (Section A.7), and a summary of the NRC's determinations regarding the scope and content of the EIS (Section A.8). Section B contains summaries of comments received during the public scoping period and the NRC's responses. These responses contain conclusions on the scope of the EIS, including identification of any significant issues. Section C contains an alphabetized table that identifies the individuals that provided comments, their affiliation if provided, and the Agencywide Documents Access and Management System (ADAMS) Accession number that can be used to locate the correspondence. Section D provides references cited throughout the report. ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

A.2 Background

By letter dated March 30, 2017, the NRC received an application from Holtec requesting a license that would authorize Holtec to construct and operate a CISF for spent nuclear fuel (SNF) and greater than class C waste (GTCC) (collectively referred to in this document as SNF), as well as a small quantity of mixed oxide fuel, in Lea County, New Mexico (Holtec, 2017). The license application includes an Environmental Report (ER) (Holtec, 2019a) and Safety Analysis Report (SAR) (Holtec, 2019b). The proposed Holtec CISF would provide an option for storing SNF from nuclear power reactors for a period of 40 years. Holtec prepared the license application in accordance with requirements in 10 CFR Part 72, *Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste*.

A.3 Environmental Impact Statement

The proposed action is the issuance, under the provisions of 10 CFR Part 72, of an NRC license authorizing the construction and operation of the proposed Holtec CISF in southeast New Mexico at a site located approximately halfway between the cities of Carlsbad and Hobbs, New Mexico. Holtec requests authorization for the initial phase (Phase 1) of the project to store up to 8,680 metric tons of uranium (MTUs) [9,568 tons] in 500 canisters for a license period of 40 years (Holtec, 2019c). Holtec plans to subsequently request amendments to the license to store an additional 500 canisters for each of 19 expansion phases of the proposed CISF (a total of 20 phases) to be completed over the course of 20 years, to expand the facility to eventually store up to 10,000 canisters of SNF (Holtec, 2019a). Holtec's expansion of the proposed project (i.e., Phases 2-19) is not part of the proposed action currently pending before the agency. However, the NRC staff will consider these expansion phases in its description of the affected environment and impact determination in the EIS, where appropriate, when the environmental impacts of the potential future expansion were able to be determined so as to conduct a bounded analysis for the proposed CISF project. The NRC staff conducted this analysis as a matter of discretion because Holtec provided the analysis of the environmental impacts of the future anticipated expansion of the proposed facility as part of its license application (Holtec, 2019a, b). For the bounding analysis, the NRC staff assumes the storage of up to 10,000 canisters of SNF. During operation, the proposed CISF would receive SNF from decommissioned reactor sites, as well as from operating reactors prior to decommissioning. The CISF would serve as an interim storage facility before a permanent geologic repository is available.

The proposed CISF would be licensed by the NRC to operate for up to 40 years. Holtec has indicated that it may seek to renew the license for two additional renewals of 40 years each, for a total of 120 years (Holtec, 2019a). Renewal of the license beyond 40 years would require Holtec to submit a license amendment request, which would be subject to separate safety and environmental reviews [Environmental Assessment (EA) or EIS]. Therefore, the EIS will evaluate the initial licensing period of 40 years. By the end of the license term of the proposed CISF (40 years plus subsequent renewals, if approved), the NRC expects that the SNF would be shipped to a permanent geologic repository. This expectation of repository availability is consistent with NUREG–2157, *"Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel,"* (NRC, 2014), which concluded that a reasonable period of time for the development of a repository is approximately 25 to 35 years (availability by 2048), based on experience in licensing similarly complex facilities in the U.S. and national and international experience with repositories already in progress.

A separate safety review, conducted in parallel with the environmental review, will address the safety of SNF receipt, transfer, and storage operations and related activities at the proposed CISF in New Mexico. While the proposed action does not include a specific license for transportation of radioactive material or approval of specific transportation routes, the EIS will include a discussion of the impacts of transportation for representative shipments to and from the proposed facility. Transportation of SNF to the proposed CISF would be primarily or entirely by rail. The license application proposes that transfer of SNF from the main rail line to and from the CISF facility would occur by the construction and operation of a rail spur on land owned by the U.S. Bureau of Land Management (BLM).

A.4 Scoping Process

On March 30, 2018, in accordance with 10 CFR 51.26, the NRC published a Notice of Intent (NOI) to prepare an EIS and conduct scoping in the *Federal Register* (FR): "Holtec International HI-STORE Consolidated Interim Storage Facility Project" (83 FR 13802). The NOI described the NRC's plan to prepare an EIS and conduct public scoping and requested comments on the scope of the Holtec CISF EIS. Through the NOI, the NRC invited potentially affected Federal, Tribal, State, and local governments; organizations; and members of the public to provide comments on the scope of the Holtec CISF EIS. The initial scoping period was scheduled to end on May 29, 2018. The NRC received several requests for an extension of the scoping comment period and granted an extension to the scoping period through July 30, 2018 (83 FR 22714). Comments were accepted via the Federal rulemaking website (www.Regulations.gov) using Docket ID NRC-2018-0052, through email to Holtec-CISFEIS@nrc.gov, fax, or regular U.S. mail. The scoping process provided an opportunity for members of the public to identify issues and highlight concerns related to the proposed CISF. The purpose of the scoping process (83 FR 13802) is to

- ensure that important issues and concerns are identified early and are properly studied
- identify alternatives to be examined
- identify significant issues to be analyzed in depth
- eliminate unimportant issues from detailed consideration
- identify public concerns

A.5 Public Scoping Meetings

During the 120-day scoping comment period, the NRC staff hosted six public scoping meetings, five in person and one by webinar. All comments received during these meetings were transcribed. All transcribed comments from the scoping meetings, as well as any written comments submitted in person during the scoping meetings, were considered by NRC staff and are included in the comment summaries in this report. On Wednesday, April 25, 2018, the NRC staff conducted a public scoping meeting and webinar at NRC headquarters in Rockville, MD, at 7 p.m. EST. This meeting was held in the evening via webinar, to accommodate stakeholders in western time zones and was viewable online via live webinar at http://video.nrc.gov/. A moderated teleconference line was available for remote participants to ask questions and present comments. Approximately 45 people attended this meeting, primarily by phone. A transcript of the meeting is available in ADAMS under Accession No. ML18130A895.

Five in-person public scoping meetings were held in New Mexico. The dates and locations for these meetings were: (i) April 30, 2018, in Roswell; (ii) May 1, 2018, in Hobbs; (iii) May 3, 2018, in Carlsbad; (iv) May 21, 2018, in Gallup; and (v) May 22, 2018, in Albuquerque. The NRC expanded the Roswell meeting and added the latter two meetings in response to requests from stakeholders. The number of meeting attendees was approximately 105 people in Roswell, 150 people in Hobbs, 120 people in Carlsbad, 90 people in Gallup, and 155 people in Albuquerque. Preceding each public scoping meeting, the NRC staff conducted an "open house" at the meeting facility. The open house provided an opportunity for members of the public to interact with the NRC staff members, to receive handouts and pamphlets, and to view informational posters that contained details of the proposed project and NRC's licensing process. Transcripts from the webinar and from each meeting along with digital versions of the handouts and the NRC presentations can be found on the NRC website (https://www.nrc.gov/waste/spent-fuel-storage/cis/hi/public-meetings.html).

To accommodate members of the public with limited English proficiency, the NRC staff provided presentation slides, a fact sheet about the project, and information about how to comment on the project in Spanish. These materials are also available on the NRC website (https://www.nrc.gov/waste/spent-fuel-storage/cis/hi/public-meetings.html). Fluent Spanish-speaking NRC staff opened all of the public scoping meetings by stating, in Spanish, that although the meetings were being conducted in English, requests to translate into Spanish were welcomed and would be honored. Two fluent Spanish-speaking NRC staff members were present at each of the scoping meetings and were identified to the audience at the beginning of each meeting. These staff members were also identified as Spanish speakers on their name tags. The NRC public meeting notices were issued in English and in Spanish in various newspapers. Although the NRC attempted to provide translated materials in Diné for the Gallup and Albuquerque public meetings, the NRC acknowledges that there were errors in the translation.

In advance of each of these meetings, meeting announcements were posted on the NRC's public meeting notification system website. In addition to the NOI, NRC staff issued public meeting announcements and advertisements in the following print and radio venues:

- Roswell Daily Record
- Hobbs News-Sun
- Carlsbad Current Argus
- Albuquerque Journal Display
- Gallup Independent
- Gallup Sun Publishing
- Albuquerque Journal Display
- New Mexico Public Radio (KENW)
- KUNW Public Radio

In addition, the NRC's Office of Public Affairs issued press releases on April 9, 2018, and May 11, 2018, to notify the public of the meetings and posted notice of the meetings on the NRC's Facebook and Twitter accounts.

A.6 Comments Received During the Scoping Period

Following the conclusion of the scoping period on July 30, 2018, the NRC staff reviewed correspondence and comments received from the six transcribed public meetings, comments submitted online at www.regulations.gov, comments sent by e-mail to Holtec-CISFEIS@nrc.gov, and comments received by regular mail. The NRC staff identified comments made by each commenter, giving each commenter and their individual comments a unique alphanumeric designation to be used for tracking and sorting.

Initially, the NRC staff sorted the identified scoping comments according to subject matter or according to the general topic. Then, comments with similar specific objectives or concerns were further grouped to capture the common issues that had been raised in the source comments. With the comments thus grouped according to subject area, the NRC staff determined the appropriate response for sets of similar comments to explain how the comments related to the scope of the EIS.

The NRC summaries of comments and responses to the comments are presented in Section B of this report. Section C contains a table that identifies all commenters and the ADAMS Accession numbers where their comments can be found.

Among the 6,665 pieces of comment correspondence, the NRC staff identified that approximately 6,150 of these pieces of correspondence involved the submission of a form letter. Comments contained in these form letters were captured in this scoping summary report just once, with all commenters who submitted an exact copy of the form letter grouped together and the comments referenced by a single ADAMS Accession number. Additional comments that were added to form letters are captured separately in this report.

In all, through each of the avenues for submitting comments [e.g., transcripts from the public webinar and public meetings, mail, the Holtec CISF site on www.regulations.gov (NRC-2018-0052), and fax] the NRC received approximately 3,900 unique comments.

A.7 Issues Raised During the Scoping Period

As the NRC staff reviewed the meeting transcripts, e-mails, and other written material, comments were extracted and organized into broad categories, then within a category, and further organized by topic area or issue. These comment categories and their major topics and issues of concern within each category are listed next. The bulleted topics and issues under each category are not meant to be exhaustive, but include the most common issues identified in the scoping comments.

NEPA and Public Process

- General comments expressing support or opposition to the project or transportation of SNF
- General comments regarding NRC's NEPA process
- National Historic Preservation Act (NHPA) Section 106 consultation; specifically, consultation with federally recognized tribes
- Requests for additional public meetings, especially along transportation routes
- Suggested improvements for submitting comments and overall meeting process
- Public access to information
- Requests for translated materials
- Questions and concerns regarding consent-based siting
- Collaboration with other agencies and experts

Assumptions and Timeframe of the Analysis

- Concerns that the storage will not be temporary and the site may become a *de facto* permanent disposal site
- Loss of future institutional controls
- The availability of a permanent geologic repository
- Repackaging of SNF and dry transfer systems (DTS)

Alternatives

- The No-Action alternative (no construction or operation of the proposed Holtec CISF)
- Consolidating SNF to store at existing generation sites
- A call for hardened onsite storage (HOSS) or hardened extended-life local monitored surface storage (HELMS) as a storage alternative at existing sites
- Suggestions for use of alternate technologies to disposition SNF

Land Use

- Land use impacts from SNF storage
- Impacts to energy development and mineral mining

Transportation

- Concerns about accidents during transportation and safety of those living near transportation routes
- Volume of transportation required for centralized interim storage compared to disposal
- Concern about rights of way through Tribal lands during transportation

Surface and Ground Water

- Radiological contamination of surface water and groundwater from the proposed facility or from accidents during transportation

Ecology

- Impacts to various ecosystems and assessment of potential mitigation measures
- Concern for threatened and endangered species, such as the Lesser Prairie Chicken and the Dune Sagebrush Lizard

Meteorology and Air Quality

- Impacts of climate change, including severe weather events that may be a result of climate change

Socioeconomics

- Socioeconomic implications (including economic and tax considerations) of onsite SNF storage
- Jobs generated from the construction, operation, and decommissioning of the facility

Environmental Justice

- Concerns that the proposed project represents an environmental injustice to minority or low-income populations
- Opposition to SNF being stored near economically stressed communities

Cost Considerations

- Cost of consolidated interim storage of SNF, including liability and accident recovery
- Concerns about assumed benefit from the proposed facility

Nonradiological Health

- General concerns about public health and safety, with regard to nuclear power and SNF storage

Radiological Health

- Radiological doses that could be incurred from SNF storage and transportation
- General concerns regarding radiological impacts from SNF storage on the biosphere, including local agriculture

Cumulative Impacts

- Cumulative impacts from spent fuel storage leaks and accidents to a variety of resources, including radiological health and surface and groundwater
- Overlapping impacts from other radiological facilities in the area
- Historical or legacy radiological impacts in the area

Accidents

- Hazards to SNF because of natural events, including flooding and other extreme weather events
- Seismic risks to and general accident susceptibility of dry casks

Safety

- Concerns regarding dry casks and high-burnup fuel
- Embrittlement, stress corrosion cracking, and other potential types of dry-cask degradation

Security and Terrorism

- Vulnerability of dry casks to terrorist attack
- Vulnerability of transportation casks in transit to the CISF
- Concerns regarding generic analysis of environmental impacts from malevolent events

Other Issues

- General site-specific concerns at other NRC-licensed and non-NRC licensed sites (e.g., safety or radiological health concerns at proposed and existing reactor sites)
- Calls for replacing nuclear energy with renewable forms of energy, such as wind, solar, and geothermal
- Comments specific to the Yucca Mountain proceeding, including concerns about the general need for but lack of a permanent repository
- Concerns about legacy nuclear testing or radiological facilities that are not in the vicinity of the proposed CISF
- General opposition to nuclear power
- General support of nuclear power
- Calls to stop nuclear waste production by ending licensing reviews and decommissioning existing nuclear facilities

A.8 Scope of the Holtec CISF EIS

As a result of the scoping process, the NRC staff identified and eliminated peripheral issues that will not be addressed in the Holtec CISF EIS, consistent with 10 CFR 51.29(a)(3). Section B, "Responses to Scoping Comments," provides the NRC staff responses that discuss why particular topics or concerns are outside the scope of the EIS, or indicate that these concerns or topics are in scope and will be evaluated and documented in the EIS. In many cases, the NRC cannot state the degree of specificity of analysis that will be applied to these in-scope issues. Commenters should not expect that every item identified as "in scope" for the EIS will receive the same level of review and analysis. The degree of analysis for each resource will be determined based on the scope, complexity, nature, and intensity of the potential impacts with respect to the affected environment.

The general scope of the EIS includes an evaluation of the environmental impacts of consolidated interim storage of SNF at the proposed CISF location and reasonable alternatives, including the No-Action alternative. In the following discussion, the NRC staff outlines its current approach to the structure of the EIS, chapter by chapter. The EIS, which will be published for public comment, may adopt a different format than is outlined here.

Chapter 1 of the EIS will provide an introduction to the proposed action, purpose and need of the proposed action, and reasonable alternatives to the proposed action; outline the specific assumptions that informed the analyses contained in later chapters of the EIS; and list applicable regulations and related environmental documents used in the environmental review.

Chapter 2 of the EIS will describe Holtec's proposed CISF facility characteristics and activities that are used to assess the environmental impacts that may occur from licensing the construction and operation of the proposed facility to store SNF.

Chapter 3 will contain a discussion of the affected environment that exists at and around the proposed project location, and, with Chapter 2, will form the basis for assessing the potential impacts to the environment in Chapter 4. The affected environment will include the following resource areas: land use, socioeconomics, environmental justice, air quality, geology and soils, water resources (surface water and groundwater), ecological resources (terrestrial and aquatic resources), historic and cultural resources, noise, visual and scenic, waste management, transportation, and public and occupational health.

Chapter 4 will include the NRC staff's evaluation of the environmental impacts associated with the construction of the proposed CISF, the storage of SNF at the proposed location, and the decommissioning of the CISF. This chapter will also include a discussion of potential mitigation that could reduce or avoid adverse environmental impacts.

Chapter 5 will consider and evaluate the cumulative impacts that could occur from the incremental impact of consolidated interim SNF storage when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes these other actions. Other past, present, and reasonably foreseeable future actions that will be considered in the cumulative impact assessment include presence of other energy and mineral extraction, other nuclear facilities, and transport of SNF from the proposed CISF to a permanent repository.

Chapter 6 will include specific mitigation measures proposed by Holtec, such as programs, procedures, and controls for monitoring, measuring, and documenting specific goals or targets subject to local, State, and Federal agencies' review and approval.

Chapter 7 will include Holtec's proposed environmental measurements and monitoring programs that it will use to demonstrate compliance with regulations in 10 CFR Part 20 and 10 CFR Part 72 regarding radiological effluent release limits, public and occupational dose limits, and reporting. Information regarding program-specific or discretionary monitoring also will be included.

Chapter 8 will describe the societal costs and benefits associated with the proposed action and the No-Action alternative. The purpose of the cost-benefit analysis is not to exhaustively identify and quantify all of the potential costs and benefits, but to disclose major quantitative and qualitative cost factors. The evaluation will, in general, consider major costs associated with construction, operation, and decommissioning of the proposed CISF during the 40-year license term of the proposed facility evaluated in the EIS.

Chapter 9 will include a summary of environmental consequences, including a comparison of environmental impacts, unavoidable adverse environmental impacts, irreversible and irretrievable commitments of resources, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and the NRC's conclusions and recommendations.

Chapters 10 and 11 will list preparers of the EIS and the distribution list of agencies and organizations that received a copy of the EIS, respectively. Chapter 12 will include references used in the EIS, and Chapter 13 will be a document index. The EIS will also include a number of technical appendices to support the conclusions in the main body of the report and information about correspondence with other agencies.

A.9 Issues Outside the Scope of the Holtec CISF EIS

The Holtec CISF EIS will evaluate the environmental impacts of construction, operation, and decommissioning of a consolidated interim storage facility for SNF. Certain topics will not be addressed in the EIS, because they are not within the scope of the environmental review. As noted previously, responses to comments on these topics discuss why these topics are outside the scope of the Holtec CISF EIS. These topics include (but are not limited to)

- consideration of noncommercial SNF (e.g., defense waste, foreign wastes)
- concerns about nuclear power and alternatives to nuclear power
- consideration of environmental impacts of constructing and operating reprocessing facilities for commercial SNF
- concerns associated with the Yucca Mountain licensing proceeding and national progress in developing a repository
- legacy issues from prior nuclear activities not in the vicinity of the proposed project
- site-specific issues at other facilities

Some scoping comments suggested that the NRC should require the implementation of HOSS or HELMS as an alternative to the proposed action. These alternatives are not being analyzed in detail, because they do not meet the purpose and need of the proposed action (construction and operation of a CISF).

A.10 Consultation Requirements and Cooperating Agencies

The NRC recognizes there are specific government-to-government consultation responsibilities regarding interactions with federally recognized Tribal governments because of their status as sovereign nations. As such, the NRC offers federally recognized tribes the opportunity for government-to-government consultation consistent with the principles in its Tribal Policy Statement, which was issued on January 9, 2017 (82 FR 2402). The Tribal Policy Statement promotes effective government-to-government interactions with Indian and Alaska Native Tribes, and encourages and facilitates Tribal involvement in the areas over which the NRC has jurisdiction. To date, the NRC staff has conducted outreach to all federally-recognized Indian tribes located in southeast New Mexico that may possess potential religious, spiritual, and cultural interest and ties to the proposed CISF project area. Eleven tribes were contacted in total: the Apache Tribe of Oklahoma, the Comanche Nation, the Hopi Tribe, the Jicarilla Apache Nation, the Kiowa Tribe of Oklahoma, the Mescalero Apache Tribe, the Navajo Nation, the Pawnee Nation of Oklahoma, the Pueblo of Isleta, the Pueblo of Tesuque, and the Yslata del Sur Pueblo. The EIS will include an appendix that contains correspondence related to NRC's outreach with Indian tribes. The NRC encourages interested Indian tribes to participate throughout the Holtec CISF environmental review. The NRC will continue outreach efforts with Indian tribes throughout the course of this environmental review, as appropriate.

The NRC has identified the BLM as a cooperating agency for the Holtec CISF environmental review. Per section A.3 of this report, the transfer of SNF to and from the main rail line to the proposed CISF would occur using a rail spur or intermodal facility utilizing heavy haul trucks. Both options would occur on BLM land and require BLM permitting. The Memorandum of Understanding (MOU) between the NRC and BLM can be found using ADAMS (Accession No. ML18248A133). The NRC has also received a request from New Mexico Environment Department to be a cooperating agency. The request is currently being evaluated.

A.11 Future Opportunities for Public Participation

In the upcoming year, the NRC expects to issue for public comment an EIS. The comment period on the EIS offers the next opportunity for interested Federal, State, and local government agencies; Tribal governments; local organizations; advocacy groups; environmental organizations; and members of the public to comment on the NRC's Holtec CISF environmental review. The NRC staff will consider comments received on the EIS in the preparation of the final EIS. Comments received on the EIS and responses to those comments (noting any edits and changes to the EIS as a result of comments), will be published with the final EIS.

B Summary of Comments Received During the Public Scoping Period

B.1 Comments Concerning NEPA Process

B.1.1 NEPA Process – Scoping Process

The NRC staff received comments about the scoping process for the proposed Holtec CISF. Commenters stated that the NRC cannot approve Holtec's application, because it will be impossible to fully and adequately address all concerns raised during the scoping process or that the NRC does not have all the answers to the comments raised during the scoping process. Another commenter stated that a large percentage of the comments given by the public at the scoping meetings are irrelevant to the issue and should be discarded. The commenter stated further that the NRC should identify a list of relevant issues for the scoping meetings and disallow any comments that fall outside the list and that relevant comments that are biased (i.e., for or against the proposed project) or driven by political motivations should be rejected. A commenter stated that independent stakeholders and experts do not get equal time for comment and rebuttal at scoping meetings when compared to industry insiders and project investors. Another commenter stated that it is essential that scoping credibly evaluate health and environmental risks.

Response: The NRC staff strives to conduct its regulatory responsibilities, including the scoping process, in an open and transparent manner, consistent with the NRC Approach to Open Government (https://www.nrc.gov/public-involve/open.html). The NRC requirements for scoping are found at 10 CFR 51.26-51.29 and are further explained in NUREG–1748, Section 4.2.3. The objectives of the scoping process include (i) defining the scope of the proposed action that is to be the subject of the EIS; (ii) determining the scope of the EIS and identifying alternatives and significant issues to be analyzed in depth; and (iii) identifying, and eliminating from detailed study, issues that are peripheral or are not significant. To this end, the NRC strives to give equal time to all participants in the scoping process to present their comments and views at public meetings. In accordance with these outcomes of scoping, the NRC has developed and published this scoping summary report to define issues that are within and outside the scope of the EIS. Next, in accordance with the determinations and conclusions reached during the scoping process, the NRC will develop an EIS for public comment that will evaluate the potential environmental impacts of the CISF.

Comments: (28-25-1) (28-5-2) (32-24-2) (32-27-6) (59-1) (323-2) (393-3-17)

B.1.2 NEPA Process – Process and Requirements

The NRC staff received comments concerning NEPA requirements and the NEPA process for the evaluation of the proposed CISF. Commenters requested that the environmental review required by NEPA result in a full and rigorous evaluation of the proposed CISF application. Several commenters expressed concerns with the proposed CISF license application and the NEPA process and that the environmental review should thoroughly evaluate the proposed technology for SNF storage, as it relates to the suitability of the proposed CISF. Some commenters stated that the EIS should have a thorough discussion of alternatives, mitigation measures, inspection processes, and environmental consequences, as required by NEPA. Other commenters noted important environmental issues and resource areas to analyze in detail, including: water, air, wildlife, historical and cultural resources, economic costs, agriculture, tourism, and dairy farming. One commenter urged the NRC to be cognizant of moral, ethical, and environmental justice issues. Another commenter urged the NRC to operate

from a nuclear safety culture that emphasizes safety over competing goals to ensure protection of people and the environment. Another commenter stated that an independent third party should analyze the feasibility of the proposed CISF.

Response: The EIS will be prepared in accordance with the NRC's applicable NEPA-implementing regulations in 10 CFR Part 51 and associated the NRC guidance in NUREG–1748. NEPA mandates that Federal agencies carefully consider the environmental impacts of major actions prior to making decisions that significantly affect the environment. The EIS will present a detailed and thorough description of each affected resource for the evaluation of potential impacts to the environment. Environmental resources that will be evaluated for potential impacts will include land use, transportation, geology and soils, surface and groundwater, threatened and endangered species, air quality, socioeconomics, historic and cultural resources, and public and occupational health. In addition, environmental justice issues and economic, technical, and other benefits and costs of the proposed action will be considered in the EIS. The EIS will also present a detailed and thorough description of the No-Action alternative and mitigation measures that will be implemented to avoid or minimize adverse impacts.

Comments: (26-4) (28-21-2) (29-13-5) (29-19-8) (30-14-2) (31-58-7) (32-12-2) (32-34-3) (32-11-5) (33-5-1) (33-69-2) (33-8-5) (33-66-6) (91-12-1) (91-94-1) (108-7) (158-7) (172-2) (173-15) (173-4) (173-9) (198-1) (221-2) (222-2) (231-6) (285-3) (335-1) (360-1) (368-17)

B.1.3 NEPA Process – Inadequate Information and/or Analysis in the License Application

The NRC staff received comments that expressed concern that the license application has missing, misleading, inaccurate, and inadequate information and analyses. Commenters stated that the ER contains inadequate and incomplete information and analyses, with regard to the following issues and resource areas: (i) site characterization; (ii) onsite utilities and infrastructure; (iii) analyses incorporated by reference; and (iv) regional economic effects.

A commenter stated that the evaluation of risk in the ER is inadequate, because it concentrates on only an 8-km [5-mi] radius around the site. Another commenter pointed out that the NRC issued its first requests for additional information (RAIs) to Holtec and inquired about the NRC's estimate of the number of RAIs they anticipate issuing. One commenter pointed out that the ER falsely states that Private Fuel Storage (PFS) was not licensed by the NRC. Some commenters stated that, in addition to past data described in Holtec's application, up-to-date independent sources of information should be used in the NEPA analysis.

Response: In developing the EIS for the proposed CISF, the NRC staff will review and evaluate information and analyses provided in the applicant's license application, ER, and supplemental documentation. In addition, the NRC staff will independently collect and review additional information related to the proposed CISF project and its environs. If the NRC staff determines that it needs additional information from the applicant to conduct its environmental analyses, RAIs will be prepared and submitted to the applicant to solicit the information. As needed, the NRC staff will request an updated and revised ER and SAR, and these revised documents will be made publicly available.

Comments: (28-17-1) (28-2-1) (28-3-1) (28-2-2) (28-12-6) (28-4-9) (29-17-1) (29-33-4) (29-38-4) (29-1-7) (30-18-6) (31-12-1) (31-12-15) (31-51-5) (31-22-9) (32-24-3) (33-1-7) (36-6) (89-2)

(98-1-6) (102-1) (144-2-12) (144-2-15) (151-13) (173-3) (223-4) (244-2) (310-1) (359-1-11) (359-2-5) (393-3-15) (394-1-2) (394-2-8)

B.1.4 NEPA Process – Lack of Transparency (Redacted Information, Closed Meetings)

The NRC staff received comments about the lack of transparency in the NEPA process for the proposed CISF. Commenters expressed concerns about copyright or redacted information in the license application documents (i.e., the ER and SAR). Other commenters expressed concerns about meetings between the NRC and the applicant that are closed to the public.

Response: The NRC protects sensitive unclassified non-safeguards information (SUNSI) related to programs for the physical protection and safeguarding of nuclear materials or facilities, to ensure that such information is protected against unauthorized disclosure. The requirements for exempting SUNSI information from public disclosure are specified in 10 CFR 2.390. Some information may be withheld under Section 304 of the National Historic Preservation Act (NHPA). Information regarding the location and character of potentially eligible historic properties is withheld to protect those resources. Appendix C of the application contains a cultural resource report and is withheld from public disclosure under NHPA, Section 304.

Regarding the copyright statement that is on the cover of the ER, the NRC does not require that copyright statements be removed by applicants prior to transmitting documents to the NRC. However, in accordance with 10 CFR 2.390(e), the NRC may copy and distribute documents submitted to the NRC for consideration in a licensing proceeding, including Holtec's ER, as necessary, to carry out the NRC's licensing responsibilities. In turn, members of the public may, in a manner consistent with "fair use," use and quote these documents as necessary to participate in the NRC's licensing proceeding.

As discussed in the NRC's Management Directive 3.5, the NRC may hold closed meetings at its discretion, when appropriate. Whether or not a meeting should be open for public attendance depends primarily on the subject matter to be discussed and not on who attends. In general, meetings between the NRC staff and outside persons will be public meetings unless the staff determines that the subject matter to be discussed

- is specifically authorized by an Executive Order to be kept secret in the interests of national defense or foreign policy (classified information) or specifically exempted from public disclosure by statute
- contains trade secrets and commercial or financial information (proprietary information)
- contains safeguards information
- is of a personal nature, where such disclosure would constitute a clearly unwarranted invasion of personal privacy
- is related to a planned, ongoing, or completed investigation or contains information for law enforcement purposes
- could result in the inappropriate disclosure and dissemination of preliminary, unverified information
- is a general information exchange, having no direct, substantive connection to a specific NRC regulatory decision or action

- indicates that the administrative burden associated with public attendance at the meeting could interfere with the NRC staff's execution of its safety and regulatory responsibilities, such as when the meeting is an integral part of the execution of the NRC inspection program.

The policy applies solely to NRC staff-sponsored and -conducted meetings and not to meetings conducted by external organizations. It does not apply to the Commission or offices that report directly to the Commission. It also does not apply to meetings between the NRC staff and representatives of State governments. In addition, the policy does not apply to meetings involving enforcement matters or settlement conferences.

Comments: (3-5) (28-24-1) (28-8-14) (28-24-2) (33-29-10) (33-45-4) (102-9) (186-10) (199-2) (213-1) (255-1) (285-2) (340-1) (358-10) (363-12) (363-5) (364-13) (368-18) (368-21) (377-9) (378-1-17) (393-1-8)

B.1.5 NEPA Process – New Mexico State Government Review

The NRC staff received comments on input from the New Mexico State legislature. These comments noted that members of the New Mexico State legislature have requested that the licensing process be delayed until more studies concerning critical issues are available. Commenters stated that the Chairman of the New Mexico interim committee overseeing nuclear issues and other legislators have written the Governor of New Mexico and the NRC requesting a delay in the NEPA process until more studies are available on the potential impacts of the proposed CISF. The commenters stated that the NRC response to the request was that they were going forward with the review process. One commenter noted that the full legislature needs time to reevaluate Holtec's proposal in the 2019 legislative session. The commenter stated that the NRC's role should be to protect the citizenry and allow appropriate due process and implied that for the NRC to ignore review by New Mexico State Government would be criminal.

Response: The NRC strives to conduct its regulatory responsibilities in an open and transparent manner, consistent with the NRC Approach to Open Government (https://www.nrc.gov/public-involve/open.html), which includes receiving input from stakeholders, including governing bodies and other agencies. The NRC's NEPA-implementing regulations encourage Federal, State, and local agencies to provide comments during NRC's scoping process. The conclusion of the scoping process does not limit other meaningful opportunities for the NRC to benefit from the involvement of the New Mexico State legislature. Both the legislature and the public will have additional opportunities to participate in the NRC's environmental review process when the draft EIS is published for public comment. In response to the requests made by the State of New Mexico and other parties, the NRC extended the scoping period until July 30, 2018, to allow for additional time to review the license application documents. However, the NRC declined to extend the scoping period until the close of the legislative session, because the corresponding delay in the licensing review would not be commensurate with timely regulatory decision-making process. Additional comments on public participation can be found in Section B.2 [NEPA Process: Public Participation].

Comments: (33-1-2)

B.1.6 NEPA Process – Other Agency Permits

The NRC staff received comments that pointed out that other permits and authorizations would be needed for the proposed CISF from agencies other than NRC. One commenter noted that construction of a railroad spur to deliver SNF to the proposed CISF would cross BLM land and require a right-of-way authorization. The commenter wanted to know if BLM would have to approve the right-of-way authorization before the NRC license is issued. Another commenter pointed out that State permits would have to be obtained (e.g., an air quality permit from the State of New Mexico) in addition to the NRC license.

Response: The EIS will identify and describe other Federal, State, and local permits, licenses, approvals, and other entitlements that must be obtained in connection with the proposed CISF. The EIS will include (i) determination of the status of authorizations (e.g., permits and approvals); (ii) identification of environmental concerns; and (iii) evaluation of potential administrative problems that could delay or prevent agency authorization. Additionally, BLM is a cooperating agency on the EIS and plans to use information and analyses in the EIS to fulfill requirements related to the permit for railroad spur construction on BLM land.

Comments: (28-2-6) (31-23-7)

B.2 Comments Concerning NEPA Process: Public Participation

B.2.1 NEPA Process: Public Participation – Collaboration with TRMTC

As part of its comments, the Tribal Radioactive Materials Transportation Committee (TRMTC) extended an invitation for the NRC staff to meet with TRMTC staff to discuss TRMTC's concerns.

Response: The NRC staff appreciates the invitation to meet with TRMTC. The NRC staff is committed to open communication and collaboration with Tribal governments and representative groups affected by the proposed project. As a result of this invitation, the NRC staff attended TRMTC's January and June meetings to discuss the proposed action.

Comments: (344-6)

B.2.2 NEPA Process: Public Participation – Concerns Regarding Misinformation at Public Scoping Meetings

Some commenters criticized comments that were made at public meetings by other meeting participants. Some commenters were critical of statements in opposition to the proposed project or about the nuclear industry. One commenter provided an article that described the NRC's Albuquerque public scoping meeting, which was critical of the demeanor of commenters and the concerns raised by those in opposition to the project. Other commenters were critical of information that was provided by Holtec or the nuclear industry and wanted to know if NRC would let misinformation stand.

Response: As part of its commitment to an open, transparent, and participatory public process, the NRC holds public meetings where oral comments can be made on the record. The NRC does not restrict the content of comments during public meetings. Instead, the NRC listens to and records the comments, evaluates the comments, and provides responses, either in the form of a scoping summary report (for scoping comments) or draft EIS comment response report (in

the final EIS, after the draft EIS has been published for comment.) This allows the NRC staff time to fully consider all input received.

Comments: (75-1) (191-1) (341-2-1) (341-6-1) (349-11) (354-1) (365-1-16)

B.2.3 NEPA Process: Public Participation – Logistics of the Public Scoping Meetings

Several comments discussed the NRC's public meeting process or made recommendations about how the meetings should be conducted. These included the location of the meetings, the type of facilities rented for the meetings, the accommodations within the facilities (such as room temperature and lighting), the length of time that participants were allowed to speak, and the order of speakers. One commenter indicated that some people were afraid to speak at the meetings, and other commenters suggested that concerns about deportation or lack of citizenship may have discouraged participation.

Response: The NRC staff holds public scoping meetings to elicit comments from the public. The NRC staff has specific procedures for maintaining a safe atmosphere in which the public can provide comments and the agency can respectfully listen and receive those comments. Recognizing that opinions among participants may be very strong and can vary widely, the NRC staff strives to maintain order in meetings (e.g., minimize disruptions) while allowing freedom of expression. The NRC staff acknowledges some of the difficulties experienced with room temperature, room size, sound systems, and other logistics at some of the public meetings held during this scoping process. The NRC staff strongly encourages members of the public to pre-register for public meetings, when possible, to help ensure that adequate room space is available and that enough time is provided for all participants to speak.

The NRC staff process is designed to allow all of those who wish to speak that opportunity by allotting approximately equal speaking time to each speaker. Nonetheless, if individuals have additional comments beyond what the allotted time allows, supplementary comments could be submitted via electronic or U.S. postal mail. The NRC staff will take public comments regarding its meeting processes under advisement and make adjustments for future meetings, as practicable.

Comments: (29-15-1) (29-16-1) (29-40-1) (29-15-2) (29-15-4) (30-24-5) (31-53-1) (31-58-15) (31-52-2) (31-53-2) (31-58-2) (31-52-5) (31-57-5) (32-4-2) (33-45-1) (33-64-2) (47-1) (98-1-12) (120-2) (158-13) (173-18) (339-2-16) (361-3-2) (361-3-7)

B.2.4 NEPA Process: Public Participation – Requests for More Public Meetings

The NRC staff received many comments requesting additional public scoping meetings, suggesting locations for additional public scoping meetings, or requesting that the NRC receive comments at the Roswell Open House. Many of the comments requested public meetings along transportation routes and revisions to the NRC's meeting format or accessibility.

Response: In an April 6, 2018, *Federal Register* Notice (83 FR 14897), the NRC announced that it would hold four public meetings and/or open houses as part of its scoping process for the environmental review of the Holtec license application. These meetings included (i) a webinar-based meeting held in Rockville, MD, on April 25, 2018; (ii) an open-house meeting in Roswell, NM, on April 30, 2018; (iii) a public scoping meeting in Hobbs, NM, on May 1, 2018; and (iv) a public scoping meeting in Carlsbad, NM, on May 3, 2018. In preparation for these

meetings, the NRC staff issued a press release and made information related to the license application review available to communities local to the proposed project and to tribes within the vicinity of the proposed project, as well as on the NRC's website, such that the information was accessible nationwide. Subsequently, the NRC staff determined that it would be appropriate to also include a public comment portion of the open-house meeting in Roswell and extended that meeting accordingly. Based on comments requesting additional meetings, the NRC staff then held two more scoping meetings, one in Gallup, NM, on May 21, 2018, and one in Albuquerque, NM, on May 22, 2018 (83 FR 22714).

The NRC is committed to ensuring an open and transparent process that allows for ample public participation. Operating within resource limitations, the NRC staff chose the locations of the public meetings to be as accessible as possible to communities local to the project and to State representatives and Tribal communities in the northern portion of the state. In addition to the five New Mexico-based meetings, the NRC staff held a webinar meeting that was accessible to participants located throughout the country, including along transportation routes. Furthermore, scoping comments were accepted through a variety of means (email, letter, regulations.gov, and at public meetings) to provide several avenues through which members of the public in any location could provide information to NRC staff. The NRC staff will also provide an additional public comment period and public meetings on the draft EIS when it is published and will announce that public comment period with a *Federal Register* Notice and by other means. The NRC staff believes all these activities have provided sufficient and appropriate opportunity for the public to provide input to the scoping process.

Some of the comments requesting additional public meetings also requested an extension to the public comment period. These comments are addressed in Section B.2.16 [NEPA Process – Requests to Extend the Public Comment Period].

Although the NRC staff will consider the requests expressed in these comments while determining location and number of public meetings for the draft EIS, these comments will not be addressed further in the EIS.

Comments: (3-2) (3-3) (4-2) (4-4) (28-13-1) (28-14-1) (28-10-2) (28-14-2) (28-20-3) (28-10-4) (28-19-4) (28-19-5) (28-20-5) (28-19-7) (29-18-1) (29-2-1) (29-38-10) (29-2-2) (29-5-2) (29-24-4) (29-15-6) (30-38-1) (30-22-3) (30-20-4) (31-30-1) (31-52-12) (31-60-2) (31-30-3) (31-51-3) (31-58-3) (31-52-4) (31-25-5) (31-53-5) (31-53-6) (31-30-7) (31-52-7) (32-30-1) (32-30-2) (32-3-3) (33-40-1) (33-66-1) (33-51-3) (33-53-3) (33-49-4) (33-18-6) (34-10-3) (45-6) (56-5) (91-3-1) (99-1) (99-4) (103-10) (120-1) (121-1) (128-22) (130-1) (134-2) (136-1) (137-1) (139-1) (160-1) (173-1) (211-2) (223-15) (342-3) (343-1-24) (353-2) (356-2) (357-2) (368-22) (377-4) (393-3-11)

B.2.5 NEPA Process: Public Participation – Consent-Based Siting

The NRC staff received many comments about consent-based siting and whether the Holtec licensing decision should or will be decided based on consent. Several of the commenters stated lack of local community consent or objected to assertions that the local community does consent. Many comments requested that the decision be democratic or brought to a vote. Some comments referenced the Blue Ribbon Commission report that recommended consent-based siting.

Response: The NRC's licensing framework is not a consent-based process; therefore, consent-based siting and requests for such are beyond the scope of the EIS. The Atomic

Energy Act of 1954 requires that the NRC establish criteria for the licensing of nuclear facilities, including spent nuclear material storage facilities. Absent Congressional direction to do so, the NRC may not deny a license application for failure to conduct consent-based siting. Although the NRC licensing process offers multiple opportunities for public involvement, including an opportunity for public comment on the EIS scoping process and the draft EIS, for the reasons stated above, this process does not include provisions for local consent prior to NRC granting a license.

The Blue Ribbon Commission report, published in 2012 through the Secretary of Energy, recommended a consent-based siting approach for new facilities for the management and disposal of nuclear waste. The U.S. Department of Energy (DOE) was tasked to implement the recommendations in the report. However, because the proposed CISF would be licensed by the NRC, and the NRC process for licensing is not consent-based, neither the assertions of consent by Holtec in its license application nor the statements of consent or non-consent in the comments will be evaluated further in the EIS.

Comments: (29-21-1) (30-40-1) (30-36-2) (30-14-7) (31-1-1) (31-52-11) (31-52-3) (31-55-3) (32-1-4) (32-27-4) (33-58-2) (33-65-3) (33-39-4) (33-53-4) (33-59-4) (33-26-5) (33-66-5) (33-58-6) (33-16-8) (71-1) (98-1-2) (152-1-12) (158-8) (222-5) (234-6) (313-18) (339-2-19) (339-1-2) (381-1-10) (393-1-3)

B.2.6 NEPA Process: Public Participation – Issues with Regulations.Gov

The NRC staff received several comments stating that there were technical difficulties using regulations.gov, with some commenters requesting that the NRC record their comments through other means, based on those difficulties.

Response: The NRC staff verified that the regulations.gov site was operating during the entire scoping period and that a helpdesk telephone number was available on the front page of the website if users had difficulty using the site. The NRC staff provides multiple means through which commenters can provide input, including through mail, email, and in person at public meetings.

Comments: (120-3) (120-4) (120-6) (120-7) (120-8) (120-9) (348-1-1)

B.2.7 NEPA Process: Public Participation – Lack of Public Participation in Site Visits

Several commenters expressed frustration that they were not invited or were prohibited from attending the NRC's site visit at the Holtec facility. Others referred to closed meetings with government officials in which they, as members of the public, were not allowed to participate.

Response: During the NRC staff's visit to the proposed Holtec site, several members of the public came to the site visit and requested to accompany the staff. Consistent with NRC Management Directive 3.5, these individuals were not permitted to attend the site visit. The NRC Management Directive describes different types of meetings that are typically closed to the public. The Directive states that, "NRC staff and management from regional and headquarters offices visit a facility for various purposes, including but not limited to tours to enhance familiarity with the facility or operational events, discussion of plant issues and informal assessments of licensee performance, and monitoring or assessing the performance of NRC subordinates." The individuals were not permitted to attend the site visit, because the site visit was on private property and the applicant is responsible for the safety of all individuals attending the site visit.

Site visits are not typically open to the public, because pre-decisional information is discussed at a site visit. A site visit report was completed for this activity and is available in the NRC's ADAMS document management system (ML18164A217). Concerns about meetings closed to the public are discussed in this report in Section B.1.4 [NEPA Process – Lack of Transparency (Redacted Information, Closed Meetings)].

Comments: (31-56-1) (31-60-1) (31-58-14) (31-56-2) (31-57-2) (339-2-15) (361-3-1) (361-3-6)

B.2.8 NEPA Process: Public Participation – Accessibility and Request for Increased Distribution of NRC Information

The NRC staff received comments stating that information about the Holtec license application or about the NRC's public meetings was difficult to access or inadequate. One commenter requested summaries of the proposed project. Some commenters stated that the NRC or Holtec should make information more available, increase distribution of the information, and provide more time for review of the information, because not enough people participate in the process or knew about the public meetings. One commenter provided information about the lack of attendance of public representatives at public meetings.

Response: The NRC staff strives to conduct its regulatory activities in an open and transparent manner and to make information as accessible as possible. For this scoping process, the NRC staff released *Federal Register* Notices and press releases; posted information to the NRC website, Facebook, and Twitter; and sent copies of materials to libraries closest to the proposed CISF site. Ads were placed with local radio stations and newspapers to notify the public of the meetings. The information available on the NRC's website includes records of pre-licensing interactions between the NRC and the applicant; the license application; and materials that the NRC used in its public meetings, including summaries of the project and how to comment on the scope of the EIS.

The NRC directly engages with stakeholders regarding its regulatory review process during the environmental review process. All stakeholders, including government representatives, Tribal members, and members of the public, are encouraged to attend and participate in the environmental scoping process.

Comments: (17-1) (28-20-7) (29-9-3) (29-9-4) (29-9-6) (29-15-8) (30-14-1) (31-51-1) (31-37-8) (31-51-9) (32-31-1) (32-30-5) (32-4-5) (32-3-9) (33-45-2) (33-52-2) (33-59-3) (33-54-4) (33-18-8) (66-2) (103-7) (115-6) (158-14) (242-2) (243-4) (309-1) (313-13) (313-4) (341-4-1) (372-3)

B.2.9 NEPA Process: Public Participation - NRC Responsiveness to Comments and Concerns about Lost Comments

Several commenters inquired about how the NRC will consider comments provided during the scoping process. Some of the commenters stated that decisions had already been made, and some expressed concern that comments would be lost.

Response: The NRC staff conducts the scoping process to elicit information from various stakeholders, including members of the public, regarding what should be included in the EIS. Whether comments are received at the public scoping meetings, through email, regulations.gov, or U.S. mail, each submittal is tracked through the NRC's ADAMS system. All comments are carefully considered.

At this time, no licensing decisions have been reached. Based on the NRC staff's evaluation of the license application materials, supporting documentation, independent assessments, and input received during the scoping process, the NRC staff will issue a draft EIS with its preliminary conclusions regarding the potential environmental impacts of the proposed project. Stakeholders (including members of the public) will be afforded an opportunity to comment on the draft EIS prior to publication of a final EIS. The culmination of the safety review, environmental review, and adjudicatory process, if one is established, will be a determination by the NRC on whether to grant the license to Holtec to construct and operate the proposed CISF.

Comments: (30-13-1) (31-52-8) (32-13-4) (33-21-1) (33-69-1) (33-9-2) (33-45-3) (33-27-7)

B.2.10 NEPA Process: Public Participation – Request for NRC to Hold Public Safety Meetings

One commenter requested that the NRC hold public meetings on the safety review.

Response: During the safety review process, the NRC staff holds meetings with the applicant to discuss the review of the application. The results of the staff's safety review are available to the public, and many of these meetings are open to the public. Information about public meetings related to this project are posted on the NRC's website at https://www.nrc.gov/waste/spent-fuel-storage/cis/hi/public-meetings.html. The NRC staff publishes the results of its safety review in a publicly available Safety Evaluation Report (SER).

Comments: (28-16-1)

B.2.11 NEPA Process: Public Participation – Open House Posters

One commenter provided observations about the posters that the NRC used as visual aids during the open house portion of the public scoping meetings. The commenter noted lack of technical specificity on some posters and commented on the impressions that some of the illustrations made.

Response: The NRC staff will consider the comments and the feedback on the posters used at the public meetings in development of future materials. While the staff tries to make these materials as accurate as possible, they are intended to be illustrative and generic in nature, and therefore may not include full technical detail or specifications.

Comments: (98-1-11) (98-1-7) (98-1-9)

B.2.12 NEPA Process: Public Participation – Request for Comment Submission by Email

The NRC staff received a comment requesting that an email address be established for the project.

Response: In response to this specific request, the NRC provided an email address during the scoping period as one means by which to submit comments.

Comments: (30-13-2)

B.2.13 NEPA Process: Public Participation – Requests for Foreign Language Translations

The NRC staff received several comments requesting that project information be made available in Spanish, Navajo, and other Native languages.

Response: Regarding the use of Spanish and other languages during the environmental review process, the NRC does not require applicants to provide license application documents in languages other than English but does implement the NRC's Limited English Proficiency Plan for activities associated with review of the Holtec application. For example, fluent Spanish-speaking NRC staff opened all of the NRC's public scoping meetings for the proposed Holtec project by stating, in Spanish, that although the meetings are conducted in English, requests to translate into Spanish were welcomed and would be honored. The NRC staff did not limit the public from providing comments in other languages. Two fluent, Spanish-speaking NRC staff members were present at each of the scoping meetings and were pointed out to the audience at the beginning of each meeting. These staff members were also identified as Spanish speakers on their name tags. The NRC public meeting notices were issued in English and in Spanish in local newspapers. At each scoping meeting, the NRC staff provided presentation slides, a fact sheet about the project, and information about how to comment on the project in Spanish. Those materials are available on the NRC website at this link: https://www.nrc.gov/waste/spent-fuel-storage/cis/hi/public-meetings.html. Although the NRC attempted to provide translated materials in Diné for the Gallup and Albuquerque public meetings, the NRC staff acknowledges that there were errors in the translation. The scope of the EIS, with respect to environmental justice concerns, is addressed in Section B.19 [Environmental Justice] of this report. More information about public participation is discussed in Section B.2 [NEPA Process, Public Participation] of this report.

Comments: (29-18-4) (29-20-7) (32-25-1) (32-4-1) (32-29-2) (32-30-3) (33-18-7) (313-19) (339-2-20) (343-1-25) (343-2-1) (343-2-7)

B.2.14 NEPA Process: Public Participation – Timing of NRC Application Acceptance and Review

Two commenters stated that the NRC accepted the license application prematurely and that as a result, scoping is premature.

Response: The NRC staff conducted a thorough acceptance review of the Holtec license application. The process included several meetings with the applicant that were open to the public and several sets of Requests for Supplemental Information (RSIs), issued by the NRC and responded to by the applicant, are also publicly available. The culmination of this review was the NRC's decision to docket the application for detailed safety and environmental reviews.

Comments: (343-1-22) (359-2-1)

B.2.15 NEPA Process: Public Participation – Support for NRC Efforts

Several comments expressed appreciation or support for the NRC's public participation and outreach efforts related to the scoping process, including meeting materials. One commenter also expressed appreciation for NEPA.

Response: The NRC staff acknowledges the comments supporting the public participation opportunities. The NRC staff strives to conduct effective, open, and transparent public engagement.

Comments: (30-34-1) (30-29-3) (31-43-1) (31-26-4) (33-10-1) (33-8-1) (34-3-1) (173-2)

B.2.16 NEPA Process – Requests to Extend the Public Comment Period

The NRC staff received several comments requesting an extension to the public comment period for scoping. Some commenters noted that additional time was needed because of problems with the regulations.gov website, because of environmental justice concerns, or to provide information to tribes and communities along transportation routes.

Response: In the March 30, 2018 *Federal Register* Notice announcing the NRC's intent to prepare an Environmental Impact Statement, conduct scoping, and request public comment (83 FR 13802), the NRC provided for a 60-day public comment period, ending May 29, 2018. In response to requests, the NRC subsequently extended the scoping comment deadline for an additional 60 days until July 30, 2018. Given that the NRC's NEPA implementing guidelines in NUREG–1748 recommend a minimum 45-day scoping comment period, the NRC determined that 120 days constituted ample time for comments to be prepared and submitted to the NRC. The NRC made the information available to communities local to the proposed project and to tribes within the vicinity of the proposed project, as well as on the NRC's website such that the information was accessible nationwide. Comments were accepted through a variety of means (e.g., email, letter, regulations.gov, and at public meetings) to provide several avenues through which members of the public in any location could provide information to the NRC. In addition, the NRC will provide an additional public comment period on the draft EIS when it is published and will announce that public comment period with a *Federal Register* Notice and by other means.

Some of the comments requesting an extension to the public comment period also requested additional public meetings. These comments are addressed in Section B.2 [NEPA Process – Public Participation].

Comments: (3-1) (15-1) (28-8-13) (29-1-6) (30-21-3) (31-58-12) (31-58-13) (31-51-2) (31-53-4) (33-45-10) (33-27-2) (33-26-3) (33-66-3) (33-43-4) (33-27-6) (33-29-6) (33-45-7) (33-66-7) (101-1) (120-5) (125-1) (173-17) (242-10) (244-1) (313-2) (350-13) (356-3) (372-2) (372-7) (372-8) (378-3-13) (381-3-7)

B.3 Comments Concerning NEPA Process: Section 106

B.3.1 NEPA Process: Section 106 – Comments on Tribal Lands

The NRC staff received comments concerning Indian Tribal land in New Mexico. One commenter stated that the proposed CISF is located on land stolen from the Mescalero Apache and the Comanche. Another commenter stated that the public meeting was being held on occupied homelands of the Sandia and Pueblo people. Other commenters stated that the land was taken and that treaties were broken.

Response: The NRC is aware that land ownership disputes related to past treaties and laws exist between Indian Tribes and the U.S. Government. In its role as a regulatory agency, the NRC lacks the authority to resolve these issues. As required by 36 CFR Part 800, the NRC staff

will consult with affected Indian Tribes to determine whether the proposed Federal action will have an impact on historic and cultural properties.

Related responses within this report that contain additional detail about the NRC's consultation process with tribes under Section 106 of the NHPA are located in Section B.3 [NEPA Process, Consultation Under NHPA Section 106], and related comments on the NRC position regarding environmental justice can be found in Section B.19 [Environmental Justice].

Comments: (30-40-7) (32-2-5) (33-14-1) (33-33-3) (33-14-6)

B.3.2 NEPA Process: Section 106 – Consultation under NHPA Section 106

The NRC staff received many comments regarding the consultation that will or should occur with Indian Tribes. Many of these commenters encouraged NRC to follow applicable Executive Orders and Federal regulations, and to conduct government-to-government consultations with Tribes. Commenters also suggested that correspondence between NRC and the Navajo Nation EPA was inappropriately limited.

Response: Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," reaffirmed the Federal Government's commitment to a government-to-government relationship with Indian Tribes, and directed Federal agencies to establish procedures to consult and collaborate with Tribal governments when new agency regulations would have Tribal implications. The Order excludes "independent regulatory agencies, as defined in 44 U.S.C § 3502 (5)" from the requirements of the Order. However, according to Section 8, "Independent regulatory agencies are encouraged to comply with the provisions of this order." Although the NRC, as an independent regulatory agency, is explicitly exempt from the Order, the Commission remains committed to its spirit. In 2017, the NRC issued a Tribal Policy Statement (82 FR 2402), which establishes principles to be followed by the NRC in its government-to-government interactions with American Indian and Alaska Native Tribes, and to encourage and facilitate Tribal involvement in the areas over which the Commission has jurisdiction.

The NRC staff will initiate discussions with potentially affected Tribes that possess potential religious, spiritual, and cultural interest and ties to the proposed CISF project area when complying with the National Historic Preservation Act (NHPA) Section 106 regulatory requirements during the EIS process for this project. The NRC staff will consult with the New Mexico State Historic Preservation Office (SHPO) to determine the need for cultural resources investigations (including archaeological and architectural surveys) to identify cultural resources within the area of potential effects (APE) prior to any onsite ground-disturbing activities, to determine whether any identified cultural resources are eligible for inclusion in the National Register of Historic Places (NRHP), to evaluate the potential impacts on cultural resources and/or historic properties, and to determine the effect of the proposed project pursuant to Section 106 of the NHPA. As part of this consultation, the applicant would be expected to put measures in place to protect discoveries in the event that cultural resources are found during construction or operation of the proposed CISF. The EIS will describe the consultation activities conducted for the proposed project, and the NRC staff will make available public documents related to consultation activities. The Historic and Cultural Resources Section of the environmental impacts assessment chapter will describe the potential impacts and mitigations to any identified historic and cultural resources.

Comments: (28-9-1) (28-9-3) (29-4-1) (30-40-2) (30-40-4) (32-29-3) (32-4-4) (32-15-7) (32-3-8) (33-41-3) (344-2) (344-4) (344-8) (378-3-12)

B.3.3 NEPA Process: Section 106 – Trust Responsibility and Rights of Indigenous People

The NRC staff received comments stating that the NRC must address the Trust Responsibility of the U.S. Government through the treaties signed with the indigenous nations of America in the EIS. Some commenters noted that under the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples are entitled to have prior and informed consent on administrative and legislative matters that could negatively affect indigenous communities, lands, territories, and resources. One commenter requested that NRC hold additional meetings for Navajo residents that reside along potential transportation routes.

Response: The NRC has developed a Tribal Policy Statement (82 FR 2402), which sets forth principles to be followed by the NRC staff in its government-to-government interactions with American Indian and Alaska Native Tribes. The statement recognizes the Federal Trust Relationship with Indian Tribes. As an independent regulatory agency that doesn't hold in trust Tribal lands or assets or provide services to tribes, the NRC fulfills its trust responsibilities by implementing the principles of the Tribal Policy Statement, providing protection under its implementing regulations, and recognizing additional obligations consistent with other applicable treaties and statutory authorities. As stated in response to other comments in this scoping report, the NRC will conduct government-to-government consultation with potentially affected Indian Tribes. The EIS will provide a summary of all coordination and consultations with tribes, the State Historic Preservation Officer/Tribal Historic Preservation Officer, and any other party, and will fulfill the NRC's obligations under the NHPA of 1966, as amended.

Related responses within this report that contain additional detail about NRC's consultation process with tribes under Section 106 of the NHPA are located in Section B.3 [NEPA Process, Consultation Under NHPA Section 106]. Related responses that contain additional detail about requesting additional public meetings are addressed in Section B.2 [NEPA Process, Public Participation].

Comments: (30-40-3) (30-40-6) (30-40-8) (32-2-1) (32-17-4) (32-4-8) (32-4-9) (33-41-5) (152-1-13) (242-9) (344-7)

B.4 Comments Concerning the Proposed Action

B.4.1 Proposed Action – Details of the Proposed Action

The NRC staff received several comments regarding the details of the proposed action. Commenters requested additional detail on the number of canisters included in the application, description of the proposed site, type of fuel stored, proposed transportation casks, any potential license conditions, and the license term of the proposed CISF. A commenter stated that packaging at the generation site and transportation to the proposed CISF should be included in the EIS. A commenter stated that Holtec promoted use of WIPP (the Waste Isolation Pilot Plant) for storing SNF.

Response: The proposed action is the NRC's authorization to Holtec to construct and operate a CISF for SNF, which provides an option for interim storage of SNF until a permanent repository is available. The EIS will evaluate the impacts of the proposed action to store 500

canisters of SNF for the 40-year license term of the proposed CISF. Because the capacity of individual canisters can vary, the 500 canisters proposed in the Holtec license application have the potential to hold up to 8,680 MTUs [9,568 tons]. Therefore, the analysis in the EIS will consider up to 8,680 MTUs [9,568 tons] for Phase 1.

Within the license application, the applicant did not propose to transfer the SNF to the nearby WIPP facility, because the WIPP facility is not licensed to accept commercial high-level waste (including SNF). This topic is, therefore, outside the scope of this EIS and will not be considered further.

Additional discussion regarding the scope of the EIS, with respect to the timeframe of the analysis, can be found in Section B.6.3 [Assumptions: Timeframe of the Proposed Action]. For additional information on the scope of the Transportation analysis that would be included in the EIS, see Section B.10 [Transportation].

Comments: (28-7-3) (28-7-6) (29-17-10) (30-11-3) (30-27-7) (31-37-2) (32-12-10) (32-12-6) (33-5-5) (33-5-8) (158-5) (173-6) (173-8) (343-1-13) (364-17) (391-4)

B.4.2 Proposed Action – Volume of Waste Stored at the Proposed CISF

The NRC staff received several comments regarding the volume of SNF that would be transported and stored at the proposed CISF. Commenters stated that there is a discrepancy in the SNF volume to be stored as part of the proposed action, as stated in the ER and subsequent clarifications by the applicant and the NRC staff. Furthermore, the commenters requested that the ER be updated to reflect changes to the volume of SNF. Some commenters noted that due to the larger proposed volume of SNF that could be stored at the proposed CISF when compared to Yucca Mountain there would also be increased transportation risks.

Response: The Holtec license application is for authorization for the initial phase (Phase 1) of the proposed project to store up to 8,680 MTUs [9,568 tons] in 500 canisters for a license period of 40 years (Holtec, 2019c).

The ER and SAR were revised by the applicant in response to the NRC staff's RAIs clarifying the volume (i.e., MTU) of SNF included in the proposed action. The EIS will describe the total volume of SNF, consistent with the revised ER and SAR.

Comments related to the transport of SNF are in Section B.10 [Transportation].

Comments: (5-4) (28-9-2) (28-19-6) (29-17-9) (30-22-1) (30-22-4) (30-32-4) (31-22-8) (32-28-4) (99-2) (129-1) (144-2-11) (223-10) (339-1-13) (339-1-15) (345-6) (348-2-5) (361-1-11) (361-1-19) (391-10) (393-3-10)

B.4.3 Proposed Action – De Facto Disposal at the Proposed CISF

The NRC staff received many comments expressing concern that the proposed CISF would not be an interim storage facility but would instead become a *de facto* disposal site. Commenters expressed concern about the maintenance of canisters and casks over the timeframe of the proposed project, stating that the timeframe would be indefinite. Other commenters stated that the facility would become a *de facto* storage site because there was no intention to move the SNF twice (i.e., once from the generation site and once to the final repository). Some commenters stated concern that licensing the proposed CISF would reduce the need for and

likelihood of construction of a permanent repository, or that because there is currently no final permanent repository available, that this interim facility would be a *de facto* disposal site. Some commenters were concerned that the interim proposed CISF would not be built to the same standards as a permanent repository, should the proposed CISF become a *de facto* storage site.

Response: The proposed action is to construct and operate a CISF for SNF, providing an option for storage of the SNF before a repository is available. The EIS will evaluate the impacts of the proposed action for the license term of the proposed facility, which is 40 years. If the first license is approved, the licensee will have the option to apply for a 40-year license renewal under 10 CFR 72.42. However, the environmental analysis assumes that fuel will be transported away from the CISF and that decommissioning of the CISF would occur following license termination at the end of the initial 40-year license period. In accordance with 10 CFR §§ 51.23(b), 51.80(b)(1), and 51.97(a), with respect to analysis of potential environmental impacts of storage beyond the license term of the facility, the impact determinations in the Continued Storage Generic Environmental Impact Statement (GEIS), NUREG–2157, shall be deemed incorporated into the EIS for the proposed CISF. As explained in the Continued Storage GEIS, consistent with current national policy, disposal in a permanent repository is feasible (see Appendix B of the GEIS). Therefore, evaluation of impacts of SNF disposal or of indefinite storage at the proposed CISF are outside the scope of this EIS. Additional discussion regarding the scope of the EIS, with respect to safety of canisters and casks and transportation, can be found in Section B.27 [Safety] and Section B.10 [Transportation].

Comments: (3-6) (4-5) (4-6) (5-1) (5-6) (5-8) (14-10) (15-9) (23-3) (24-2) (27-1) (28-7-1) (28-4-2) (28-4-3) (28-10-8) (28-7-9) (29-3-1) (29-6-10) (29-38-3) (29-14-6) (29-20-6) (29-18-8) (30-12-3) (30-31-4) (30-22-6) (30-22-7) (30-24-7) (31-41-2) (31-44-2) (31-32-3) (31-37-5) (31-12-7) (31-12-8) (32-8-9) (33-46-3) (33-67-3) (33-18-5) (34-5-3) (37-1-21) (37-1-3) (38-1) (39-4) (68-1) (82-1) (88-4) (92-2) (95-3) (96-22) (102-6) (110-3) (111-1) (115-4) (128-11) (128-17) (128-4) (128-6) (146-3) (151-8) (152-1-11) (152-4-6) (155-2) (156-2) (165-9) (166-3) (182-1) (184-6) (185-10) (186-6) (187-6) (204-6) (206-4) (210-2) (211-1) (223-3) (231-8) (237-6) (237-7) (245-2) (255-9) (257-2) (260-2) (261-1) (284-1) (304-1) (311-3) (339-1-12) (339-1-16) (339-1-21) (339-1-3) (340-8) (342-8) (343-1-11) (347-2) (349-6) (351-2) (354-3) (357-1) (359-1-14) (359-1-18) (361-1-10) (361-1-13) (361-1-14) (361-2-9) (365-1-12) (368-4) (368-5) (377-5) (378-1-2) (378-1-7) (381-1-2) (381-1-7) (387-1) (387-9) (391-1) (393-1-16) (393-1-18) (393-1-2) (393-1-6) (393-1-7) (394-1-3) (394-1-5) (394-2-6) (394-1-9)

B.5 Comments Concerning the Purpose and Need for the Proposed Action

B.5.1 Purpose and Need – NRC's Continued Storage GEIS and the Proposed CISF

The NRC staff received one comment stating that the ER's purpose and need statement regarding the safety of the proposed CISF compared to the continued storage of SNF at reactors or Independent Spent Fuel Storage Installations (ISFSIs) contradicts the NRC's Continued Storage GEIS.

Response: The NRC regulations in 10 CFR Part 51, Appendix A, require an EIS to include a description of the purpose of, and a discussion of the need for, a proposed action. The NRC staff guidance regarding the preparation of the purpose and need analysis in the applicant's ER and the NRC staff's EIS states that the applicant and the NRC staff treatment of this subject should explain "why the proposed action is needed," going on to indicate that the discussions

should describe the underlying need for the proposed action and "should not be written merely as a justification of the proposed action, nor to alter the choice of alternatives." In short, an applicant should describe what will be accomplished as a result of the proposed action.

The applicant's ER states that the proposed CISF would provide temporary storage of SNF for decommissioned shutdown sites to return the land to greenfield status, reducing costs related to surveillance, maintenance, emergency preparedness, and physical security at current ISFSIs, and alleviating the need for constructing new ISFSIs. Safe storage at the proposed CISF is only one component of the applicant's stated purpose and need.

Furthermore, the EIS will compare the impacts of the proposed CISF with the No-Action alternative but will not provide a determination regarding which option is "safer." All of the NRC-licensed sites, both at-reactor ISFSIs and CISFs, are required to comply with the NRC's safety, security, and environmental regulations. Similarly, the Continued Storage GEIS (NUREG–2157) did not perform any qualitative analysis of the safety benefits of at-reactor versus away-from-reactor consolidated storage, nor did it endorse any particular storage method. Rather, the Continued Storage GEIS analyzed the environmental effects of the continued storage of SNF at both at-reactor and away-from-reactor ISFSIs.

Comments: (151-5)

B.5.2 Purpose and Need – Defining the Purpose and Need for the Proposed CISF

The NRC staff received comments about the purpose and need of the CISF to provide additional capacity for SNF currently stored in spent-fuel pools or to relieve storage concerns at individual sites. Additional comments stated that SNF stored at orphaned locations, geologically active regions, as well as those near waterways, should be moved somewhere else until a repository becomes available. Commenters expressed differing opinions on whether the purpose and need should address the need for long-term storage of SNF. Several commenters stated that construction of a CISF would not solve the issue of SNF disposal. One commenter noted that the basis for the purpose and need as stated in the applicant's ER was not supported.

Response: Absent findings in its safety review or NEPA analysis that the proposed facility does not meet regulatory requirements, the NRC has no role in the planning decisions of private entities. An EIS discusses the purpose and need for the proposed action to establish reasonable alternatives, in addition to the proposed action, that can satisfy the underlying need. Evaluations of the locations at which SNF is currently stored to determine the order of shipments is beyond the scope of this EIS.

Comments: (30-44-3) (30-5-4) (30-44-5) (30-11-6) (31-48-1) (31-7-1) (31-9-1) (31-2-2) (31-20-2) (31-3-2) (31-5-2) (31-41-3) (31-4-8) (32-24-1) (32-8-4) (33-24-1) (34-5-4) (108-3) (151-14)

B.6 Comments Concerning Assumptions

B.6.1 Assumptions – Assumptions Regarding NRC's Continued Storage GEIS

The NRC staff received comments regarding the applicability of the assumptions in the Continued Storage GEIS to the proposed CISF.The commenters' specific concerns include: an inclusion of a NEPA analysis of severe-accident mitigation, addressing the arrival of damaged casks, and lack of a DTS.

Response: The NRC's Continued Storage GEIS (NUREG–2157) is applicable only for the period of time after the license term of a facility. As described in Chapter 5 of the GEIS, a site-specific review is conducted for the construction and operation of an away-from-reactor storage facility for the period of its license term. Thus, for the proposed 40-year license term for the Holtec CISF, the NRC staff's safety review will address (i) credible accidents and associated mitigations, and (ii) the potential for damaged canisters and casks in transport. If the NRC staff's safety review determines that these scenarios are credible, information from this review will inform the analysis in the EIS, as appropriate. For this EIS, the Continued Storage GEIS is incorporated into the EIS by the regulation at 10 CFR 51.23(b), only for the timeframe beyond the initial 40-year license. Regarding a DTS, the applicant has not proposed construction or operation of a DTS in its license application, and one is not anticipated to be needed during the 40-year license. Therefore, discussion of a DTS is outside the scope of this EIS.

Comments: (14-9) (37-2-8) (255-3)

B.6.2 Assumptions – Loss of Institutional Controls at the Proposed CISF

The NRC staff received comments that questioned the reasonableness of effective institutional controls that would continue in the long-term timeframe. Commenters were concerned specifically with the maintenance, repair, and replacement of casks, should institutional controls fail. Some commenters referenced the discussion in the DOE's Yucca Mountain EIS with respect to loss of institutional controls. Another commenter suggested that the proposed CISF would become a *de facto* permanent storage site and therefore the EIS must consider the loss of institutional controls.

Response: The timeframe of analysis for this proposed action is 40 years, over which timeframe institutional controls can be reasonably assumed to remain in place. At the end of the 40-year license timeframe, the licensee would have the option to renew the license, at which time a full environmental and safety review would be conducted. For periods of time beyond the license term of the facility, the Continued Storage GEIS (NUREG–2157) applies. The Continued Storage GEIS addressed the stability of institutional controls over the long-term and indefinite timeframes and discussed the potential impacts of a loss of institutional controls. Thus, the NRC has concluded that it is reasonable to assume that licensees will remain responsible for the SNF stored on their sites and that institutional controls and, specifically, continued oversight by the NRC, will remain in place for the duration of the licensing timeframe and any subsequent licensing timeframes.

Regarding DOE's Yucca Mountain EIS (DOE, 2008), the DOE included an analysis for the loss of institutional controls for storage facilities under the No-Action alternative. The NRC notes that DOE's proposed action in that instance was the construction of a repository and that, as a result, analysis of the No-Action alternative—not constructing a repository—was required by NEPA, despite it not being considered a reasonably likely scenario. Permanent disposal of spent fuel is a DOE responsibility, and DOE's analysis was designed to evaluate the environmental impacts of not meeting that responsibility. DOE evaluated the storage of the total volume of HLW (i.e., 70,000 MTU) that would be disposed at the repository and, as a means of evaluating what would happen if it took no action, it considered the consequences of a simultaneous loss of institutional controls at 72 commercial and 5 DOE storage sites. While the DOE analysis may have sufficed for DOE's Yucca Mountain EIS and those associated scenarios, the NRC does not believe that the passive scenario assumed as part of the DOE's No-Action alternative provides a meaningful method of analyzing the consequences of storage over the proposed 40-year license timeframe in this EIS.

Additional comments on the scope of the timeframe for the proposed action can be found in Section B.6.3 [Assumptions-Timeframe of the Proposed Action].

Comments: (14-1) (14-3) (14-8) (31-21-1) (31-21-3) (34-9-6) (114-1) (348-1-13) (364-11) (366-3) (376-10) (393-2-14)

B.6.3 Assumptions – Timeframe of the Proposed Action

The NRC staff received comments regarding the timeframe of the analysis for the proposed action. Several commenters were concerned about the potential for leaking and damaged casks over the course of the 40-year license term and also over longer-term timeframes. One commenter was also concerned with an increased risk associated with transportation at the end of license term. One commenter stated that the timeframe associated with certificates of compliance for the canisters would be less than the timeframe of the proposed action. Commenters requested that the NRC evaluate the safety and environmental impacts of the proposed CISF over the potential total license timeframe (i.e., 120 years), while others stated that proposed activities should be evaluated for a longer period of time than just the license life. A commenter requested that the NRC inform the public of the risks associated with SNF storage beyond license life and suggested collaboration with national labs for both the analysis and public outreach.

Response: The EIS will evaluate the potential environmental impacts for the 40-year initial license timeframe associated with the proposed action. The NRC safety analysis will evaluate the potential for credible scenarios that would result in radiological release and determine criteria for the return of damaged casks, as well as the potential for recertification of canisters, as needed.

The NRC strives to be open and transparent with its analyses and evaluations of its license applications. As such, materials are made publicly available at locations within a reasonable distance for any proposed facility and can also be found using the NRC publicly available Agency-Wide Documents Access and Management System (ADAMS) at http://www.nrc.gov/redinfg-rm/adams.html.

Comments: (25-2) (28-1-1) (28-8-15) (28-7-2) (28-8-3) (29-5-1) (29-4-2) (29-1-3) (31-34-3) (31-37-4) (31-40-4) (32-8-10) (32-12-11) (33-29-11) (33-7-12) (33-67-2) (33-9-3) (33-7-5) (144-1-6) (162-13) (350-10) (358-4) (364-5) (366-4) (376-8) (391-6)

B.6.4 Assumptions – Legal Framework of the Proposed CISF

The NRC staff received numerous comments regarding the legal framework of the proposed action. Commenters questioned the ownership (i.e., title) of the fuel, the legality of licensing an interim storage facility without a final repository, the legality of a private entity transporting fuel, and the financial and legal liability of a CISF. Some commenters questioned NRC authority to review the application and issue a license. Another commenter stated that NRC has already issued similar licenses under 10 CFR Part 72. One commenter stated that the government, rather than a private company, should administer all nuclear handling to ensure long-term protection of public health and the environment.

Response: The NRC has previously licensed a consolidated spent fuel storage installation, and NRC regulations continue to allow for licensing private away-from-reactor interim spent fuel installations under 10 CFR Part 72. The NRC allows licensed private transportation of spent

fuel. For more information on the NRC's regulation of spent fuel transportation, see https://www.nrc.gov/waste/spent-fuel-transp.html. Issues relating to title to spent fuel are primarily outside the scope of this EIS because who holds title will likely not influence the environmental impacts of the proposed action. The comment that the government rather than a private company should administer nuclear handling is a matter of policy and is outside the scope of this EIS.

Comments: (3-4) (18-7) (28-4-1) (28-7-13) (28-17-4) (29-2-10) (29-17-8) (30-23-2) (30-5-6) (31-34-2) (31-12-3) (31-37-3) (31-51-4) (31-30-6) (31-40-7) (32-18-1) (32-8-3) (32-19-6) (33-2-1) (33-29-1) (34-9-2) (34-9-3) (36-7) (39-5) (41-4) (48-5) (96-18) (102-10) (124-4) (130-2) (137-2) (142-2) (142-3) (165-1) (199-4) (202-2) (245-1) (248-4) (254-2) (255-7) (285-1) (345-5) (355-5) (359-1-2) (363-2) (376-7) (378-1-12) (381-1-9) (393-1-15) (393-1-5) (394-1-10) (394-1-12)

B.7 Comments Concerning Alternatives

B.7.1 Alternatives – Other

The NRC staff received several comments, which contained suggestions for alternatives to consolidated storage of spent fuel (the proposed action) to be analyzed in the EIS. The comments included the use of lasers, onsite vitrification, solar and lunar disposal, and reprocessing, as suggested methods for disposal or treatment of SNF.

Response: For the purpose of the NRC environmental review of the proposed action, only alternatives that are considered reasonable or feasible and that would meet the purpose and need will be analyzed in the EIS. The NRC finds the suggested alternatives to be innovative but does not deem them to be reasonable or feasible. Additional comments related to alternatives that are out of scope are in Section B.31 [Out of Scope]. For information on the scope of the proposed action see Section B.4 [Proposed Action]. Additional comments on alternatives can be found in a separate response within this section of the report.

Comments: (32-33-5) (33-3-1) (33-32-1) (33-34-3) (33-16-7) (96-21) (113-3) (169-1) (169-2) (169-3) (169-4) (251-1) (264-1) (268-1) (349-19) (354-4) (368-3)

B.7.2 Alternatives – Proposed Site Location

The NRC staff received comments about the use of alternative sites for the proposed project and for long-term or permanent storage of the SNF. Commenters suggested storing SNF at the previously licensed Private Fuel Storage CISF, existing licensed and operating ISFSIs, secured military bases, or WIPP, or leaving the SNF where it was generated and is currently stored. Several commenters recommended consolidating fuel in areas close to the reactors to minimize transport. Some commenters requested additional analyses of the safety, security, and potential hardening of existing storage methods for continued onsite storage. One commenter also requested that the total number of canisters, volume of waste, or licensing timeframe be varied. Some commenters stated that the NEPA process for the proposed action limits the available alternatives. A commenter requested that the No-Action alternative include an evaluation of a scenario in which the Continued Storage Rule would not apply. Many of these comments included assertions that the waste should be kept where it was generated because the communities had already made decisions to host the reactors and benefit from the electricity and jobs. A few comments also requested shutting down nuclear power plants (cease making waste) and cessation of the use of nuclear weapons.

Response: The NRC will evaluate the potential environmental impacts of the construction, operation, and decommissioning of the proposed CISF. In the EIS, the NRC's No-Action alternative will evaluate the potential impacts of not constructing or operating the proposed CISF and leaving the SNF onsite at current locations as a baseline for comparison against the potential environmental impacts of constructing and operating a CISF. Comments related to a repository can be found in Section B.31.26 [Out of Scope – Repository] and HOSS/HELM in Section B.7.3 [Alternatives – HOSS/HELM] of this report. The scope of the EIS, with respect to safety and transportation, is discussed in Sections B.27 and B.10, [Safety and Transportation Safety and Accidents], respectively. Comments regarding cessation of nuclear power and nuclear weapons can be found in Section B.31.15 [Out of Scope].

Comments: (1-1) (1-2) (3-8) (7-2) (16-2) (17-1) (18-2) (18-5) (20-3) (21-2) (24-3) (28-2-3) (28-2-4) (29-24-1) (29-33-1) (29-6-11) (29-17-3) (29-24-3) (29-1-5) (29-2-6) (29-2-7) (29-20-8) (29-35-8) (30-19-2) (30-25-4) (30-27-4) (30-9-4) (30-21-5) (30-39-5) (30-47-5) (30-30-7) (31-34-1) (31-12-16) (31-32-2) (31-12-4) (31-12-5) (31-47-5) (31-12-6) (32-16-3) (32-25-7) (32-8-8) (32-15-9) (33-6-1) (33-7-10) (33-17-2) (33-60-2) (33-25-3) (33-36-3) (33-49-3) (33-52-4) (33-67-4) (33-16-6) (33-19-6) (33-43-7) (33-29-8) (33-22-9) (34-4-11) (34-1-2) (34-4-4) (41-5) (43-1) (45-1) (48-3) (56-6) (56-7) (91-12-2) (94-8) (96-19) (98-2-10) (98-2-12) (98-2-13) (98-2-8) (105-1) (118-2) (124-2) (128-23) (130-7) (151-15) (151-2) (151-9) (152-4-1) (152-4-13) (152-1-18) (152-1-9) (155-5) (156-3) (162-11) (162-5) (173-5) (186-2) (193-2) (198-6) (206-2) (215-4) (222-6) (231-2) (231-5) (237-10) (240-2) (246-2) (250-1) (250-3) (258-2) (267-1) (270-1) (272-2) (278-1) (290-1) (297-1) (311-1) (316-2) (319-2) (321-1) (325-1) (339-2-18) (343-1-12) (343-2-6) (349-18) (349-8) (351-4) (352-1) (355-2) (357-4) (358-6) (361-3-4) (361-3-9) (366-5) (368-11) (368-14) (376-11) (377-2) (378-3-10) (378-2-2) (378-2-3) (378-2-4) (378-1-6) (378-3-7) (381-2-1) (381-3-3) (381-3-5) (386-1) (393-2-3) (393-1-4) (394-2-3)

B.7.3 Alternatives – HOSS and HELMS

Several comments were received recommending that the NRC either consider HOSS or HELMS as an alternative to the proposed action, or conduct studies comparing the relative safety of HOSS and HELMS to the proposed action. Some of these comments also requested that a repository should be evaluated instead, or that a repository is not feasible. As part of their request for hardened storage, one commenter stated that storing spent fuel rods at WIPP is not safe. Some commenters also requested that the EIS evaluate costs and safety associated with moving the SNF compared to on-site storage.

Response: The NRC's safety and environmental review is limited to an evaluation of the proposed CISF as described in Holtec's license application. The NRC's No-Action alternative evaluates the potential impacts of leaving the SNF at current storage locations as a baseline for comparison against the potential environmental impacts of constructing and operating a proposed CISF. HOSS and HELMS concepts are not being analyzed in detail, because they do not meet the purpose and need of the proposed action (construction and operation of a CISF). Furthermore, this licensing action for a new facility does not propose or impose safety requirements for the storage of spent fuel at existing sites; therefore, assessing the impacts of HOSS and HELMS concepts at other sites will not be analyzed in this site-specific licensing process.

Comments related to a repository can be found in Section B.31.26 [Out of Scope – Repository] of this report. The license application that the NRC is reviewing does not include storage of SNF at WIPP, and such storage is not within the scope of this review. The scope of the EIS with

respect to costs and transportation safety is discussed in Sections B.21 [Cost Benefit] and B.10 [Transportation: Safety/Accidents], respectively.

Comments: (3-7) (14-2) (20-2) (28-1-3) (30-37-4) (30-31-5) (30-20-8) (31-48-6) (32-8-5) (32-8-7) (37-2-2) (53-2) (76-3) (88-2) (126-2) (144-2-17) (148-1) (151-3) (175-1) (176-1) (185-9) (218-5) (342-5) (350-3) (355-3) (364-18) (378-2-1) (393-2-15) (393-2-2) (394-2-4)

B.8 Comments Concerning Land Use

B.8.1 Land Use

The NRC staff received comments that expressed concern about potential land use impacts from the proposed CISF, including economic and aesthetic effects and consequences from potential accidents or attacks that would affect the viability of the land for other uses. Commenters expressed concerns about irreversible commitments of land use and the potential conflicts with natural areas, tourism, energy and mineral mining, onsite utilities, agriculture, and recreational activities in the area. A commenter raised questions about the existing activities at the proposed site. Other commenters expressed their support for the location of the proposed site.

Response: The EIS will include a description of land use within the proposed project boundary and the surrounding area. The impact assessment in the EIS will consider impacts of construction, operation, and decommissioning of the proposed CISF on land use in the area, as well as a discussion of appropriate mitigation measures. This assessment will include a discussion of energy and mineral mining surrounding the site and any limitations on mining at the site. However, because the NRC does not have authority over non-nuclear private business ventures, specific business interests of companies will not be discussed in the EIS. Cumulative impacts on land use and visual and scenic impacts will also be addressed in the EIS. The scope of the EIS with respect to accidents and attacks is discussed in this report in Sections B.27 [Safety] and B.31.29 [Security/Terrorism], respectively.

Comments: (3-14) (29-20-3) (30-3-4) (30-21-6) (31-43-3) (31-15-4) (31-17-8) (56-4) (59-6) (100-3) (103-4) (104-2) (152-2-12) (152-1-19) (189-1) (261-2) (345-1) (357-10) (369-1) (378-2-17) (381-2-13) (389-2)

B.9 Comments Concerning Transportation of Spent Nuclear Fuel: Transportation Infrastructure

B.9.1 Transportation Infrastructure – Access to Rail

The NRC staff received comments requesting clarification on how reactors without rail access would ship SNF to the proposed CISF.

Response: The EIS will describe all the potential transportation modes that could be used to transport SNF from reactors to the proposed CISF. The EIS will consider the potential impacts of using modes other than rail (such as truck or barge) to ship the SNF from reactors without rail access.

Comments: (3-10) (376-5)

B.9.2 Transportation Infrastructure – Condition of Transportation Infrastructure

The NRC staff received comments expressing safety concerns about the current condition of the transportation infrastructure, including rail lines, highways, and bridges. Commenters were concerned about applicable roles and responsibilities, regulations, and oversight, to ensure the safety of using the existing transportation infrastructure to ship SNF. Some commenters were concerned about the weight of shipments, the class of track that would be used and where the funding would come from to upgrade rail lines, and whether there were contingencies if upgrades were not made by private railroads. Commenters suggested that the track-inspection protocols should be described. Some commenters requested additional information about notification of population centers along routes prior to shipment. One commenter was concerned about the influence of changing climate and increased intensity of flooding on infrastructure. Concerns were expressed about infrastructure-related derailments; the effects of oil boom traffic on congestion, infrastructure, and accidents; and the general level of preparedness of rail workers for SNF shipments. Other commenters were concerned about road improvements that might be needed to move SNF from reactor sites without rail access. One suggested a need for dosimeters to be placed along tracks to measure dose rates. General concerns about routing, security, and emergency response planning were also expressed.

Response: The EIS will describe the expected physical parameters of SNF shipments (including weights, capacities, packaging) and describe applicable regulations and the roles and responsibilities for identifying and reviewing transportation routes and ensuring the infrastructure along transportation routes is acceptable for the safe transportation of SNF. The draft EIS will also describe applicable preparations and planning of Federal, State, and local governments and by the railroad industry, which includes considerations of equipment, infrastructure, training, and funding. However, an evaluation of upgrades to existing infrastructure at or near specific reactor sites will not be evaluated in the EIS. The accident rates considered in the transportation impact analysis in the EIS will implicitly account for the range of factors that lead to accidents, including the effect of infrastructure. Local transportation conditions and challenges, including the existing levels of traffic and the additional traffic from the proposed project, will also be considered. The comments included a number of related issues that are addressed elsewhere in this report: comments regarding transportation accidents are described in Section B.10.5 [Transportation Safety/Accidents - Transportation Accidents]; comments about transportation routing are described in Section B.10.7 [Transportation Safety/Accidents bin - Transportation Routes]; security and safeguards for transportation is described in Section B.31.29 [Security and Terrorism bin]; and emergency response planning is described in Section B.28 [Emergency Management].

Comments: (26-1) (28-9-12) (28-5-3) (28-12-5) (28-4-7) (28-8-9) (29-17-11) (29-20-2) (29-14-5) (29-29-5) (29-19-6) (29-38-8) (30-27-1) (30-34-2) (30-38-2) (30-23-6) (31-37-1) (31-61-1) (31-22-3) (31-17-4) (31-30-4) (31-4-4) (32-4-7) (33-14-3) (33-2-3) (33-34-6) (33-34-9) (34-7-1) (39-6) (45-5) (102-2) (123-13) (123-7) (130-12) (130-8) (166-1) (183-2) (185-1) (185-11) (185-3) (185-4) (204-2) (222-3) (223-11) (223-5) (223-8) (223-9) (234-9) (255-13) (276-11) (313-14) (332-2) (339-1-19) (343-1-2) (359-1-8) (361-2-1) (364-9) (367-1) (367-3) (367-8) (368-23) (370-3) (370-9) (376-1) (378-2-9) (381-2-6) (386-6) (389-5) (393-3-12) (394-1-14)

B.9.3 Transportation Infrastructure – Heavy Haul Truck Option

The NRC staff received comments requesting additional details and impact analyses of the proposed option to use heavy haul trucks to transport SNF from the rail terminus to the proposed CISF, in the event a rail spur is not constructed, that would link the CISF directly to

the rail terminus. A commenter suggested there could be impacts to local traffic from large numbers of slow-moving, wide-load trucks carrying canisters to the proposed project site. One commenter suggested that the information about the intermodal transfer equipment, the roads that would be used, and the load-bearing requirements of the roads be added to the EIS. Additional concerns were expressed about the security that would be applied to these operations.

Response: The applicant has decided not to pursue the previously proposed option to use heavy haul trucks to transport SNF from the rail terminus to the proposed CISF. Therefore, the EIS will not be evaluating the environmental impacts of this option. Comments about security are described in Section B.31.29 [Security and Terrorism].

Comments: (340-11) (345-10)

B.9.4 Transportation Infrastructure – Proposed Access Road and Rail Spur

The NRC staff received a comment about the proposed construction of an access road and rail spur at the proposed CISF project. The commenter requested a description of the quality of construction for the access road and rail spur. The source of funding, engineering specifications for load-bearing capabilities, and ownership was also requested.

Response: The EIS will describe the general characteristics of proposed construction of both the rail spur and access road and evaluate the environmental impacts of both construction activities. However, the EIS will not analyze or include the engineering specifications of the roads, because that level of detail is not required for an assessment of potential environmental impacts.

Comments: (345-7)

B.10 Comments Concerning Transportation of Spent Nuclear Fuel: Safety/Accidents

B.10.1 Transportation: Safety/Accidents – Potential External Contamination on Transportation Packages

The NRC staff received comments expressing concerns about the potential for undetected external contamination to exist on SNF casks that are proposed to be shipped to or from the CISF.

Response: The EIS transportation impact analysis will describe the applicable requirements and operational practices that address the potential for external contamination on a transportation cask that is being prepared for shipment. Comments expressing similar concerns about external contamination on casks are described in Section B.27 [Safety].

Comments: (29-28-5)

B.10.2 Transportation: Safety/Accidents – Transportation Safety

The NRC staff received comments expressing general concerns about the proposed SNF transportation from sites to the CISF and from the CISF to a repository. Concerns focused on a variety of topics, including routing and the proximity of people and towns; accidents and the potential for release of radioactive materials; the viability of casks and canisters; the logic of

conducting national SNF transportation two times prior to final disposal; public and worker risk; the potential for health effects, including cancer; the viability of the rail infrastructure; and various policy recommendations about the physical protection requirements for SNF transport, the scheduling order of SNF shipments, rail route safety, rail track, grade crossings, bridges, and switches, and rail shipment inspections.

Response: The EIS will include an analysis of transportation impacts. Comments about the potential for health effects are described in Section B.23 [Radiological Health]. The remaining topics addressed by the general transportation safety concerns overlapped with the more detailed sets of comments included within this section [Transportation Safety/Accidents]. Addressing policy recommendations is outside the scope of the EIS.

Comments: (3-18) (6-2) (23-4) (28-23-1) (28-6-1) (28-1-2) (28-6-2) (28-24-3) (28-1-4) (28-8-8) (29-26-2) (29-29-2) (29-38-2) (29-28-3) (29-29-4) (29-2-8) (30-19-1) (30-23-1) (30-7-1) (30-3-2) (30-41-2) (30-19-3) (30-2-5) (30-30-5) (30-32-5) (30-44-7) (30-30-8) (30-32-9) (31-54-1) (31-4-2) (31-61-2) (31-1-4) (31-41-4) (31-22-6) (31-54-6) (31-54-8) (32-29-1) (32-29-4) (32-25-6) (33-16-1) (33-28-1) (33-7-1) (33-41-2) (33-18-4) (33-19-5) (34-1-1) (34-4-13) (37-1-1) (37-1-8) (68-5) (91-39-1) (91-7-1) (91-74-1) (96-3) (98-2-15) (98-2-7) (110-4) (111-2) (121-2) (126-1) (158-10) (166-6) (185-13) (202-3) (202-4) (203-1) (215-1) (218-3) (221-3) (234-5) (248-2) (275-1) (285-4) (301-1) (310-2) (339-1-1) (351-3) (353-1) (355-10) (359-2-4) (364-16) (370-2) (381-1-4) (384-1)

B.10.3 Transportation: Safety/Accidents – Incident-Free Transportation Impacts

The NRC staff received comments recommending that incident-free radiation exposure from the proposed SNF shipments be included in the transportation impact analysis. Commenters expressed concerns about members of the public that could be exposed under normal incident-free conditions of transportation, including people who live and work near rail lines and roads including pregnant women and children and people near stops. Other commenters mentioned hospitals and schools that are located near rail lines. Several commenters suggested it would be like getting an additional x-ray, although one commenter mentioned they would have to stand very close to a package for some time to receive that level of exposure. A few commenters suggested the EIS should consider including legal weight truck, heavy haul truck, and barge transport in the impact analysis. Other commenters expressed concerns about rail worker exposures, including engineers and inspectors. Others noted some local roads follow the rail lines, so local traffic could be an exposure pathway.

Response: The transportation impact analysis in the EIS will consider incident-free doses to workers and members of the public from SNF shipments to and from the proposed CISF. These analyses will consider how the mode of transport would affect the incident-free doses and would consider exposures to members of the public that live or work near transportation routes, rail workers such as crew and inspectors, and the additive effect of the number of shipments on dose estimates. Other comments about the number of shipments are described in this Section B.10 [Transportation Safety/Accidents]. Comments about radiation health hazards are described in Section B.23 [Radiological Health].

Comments: (28-3-10) (28-3-11) (28-19-3) (28-20-6) (28-3-9) (29-2-4) (29-28-4) (30-25-2) (30 32-2) (30-30-4) (30-20-5) (32-30-4) (33-2-4) (33-27-5) (33-47-6) (35-1) (35-3) (35-4) (35-5) (41-3) (56-3) (119-1) (140-1) (173-10) (202-11) (255-6) (276-9) (339-1-4) (343-1-23) (348-1-17) (361-1-2) (378-2-14) (378-1-8) (381-2-10)

B.10.4 Transportation: Safety/Accidents – Quantity of SNF Proposed to be Shipped

The NRC staff received comments requesting the EIS clearly describe the amount of SNF that is proposed to be shipped to the CISF. Commenters reacted to differing estimates of the metric tons of SNF that would be shipped, as described in the license application. Several commenters compared Holtec's proposed mass of SNF to the Yucca Mountain repository proposal and noted that it was larger.

Response: The EIS will describe the maximum amount of material that is proposed to be shipped, including the number of SNF canisters and expected number of SNF shipments. The applicant is proposing to ship and store up to a total of 10,000 canisters of SNF, which includes all expansion phases, representing approximately 100,000 MTU [110,240 tons]. The MTU per canister is variable, depending on the specific canister and SNF characteristics. The maximum number of rail shipments would be 10,000. For Phase 1 of the proposed CISF, the applicant is proposing to ship and store 500 canisters containing 8,680 MTU [9,568 tons].

Comments: (4-1) (30-22-2) (30-22-5) (31-12-10) (32-25-3) (76-2) (99-3) (202-8)

B.10.5 Transportation: Safety/Accidents – Transportation Accidents

The NRC staff received comments expressing concerns about the potential for SNF transportation accidents and associated consequences. Many commenters expressed general concerns about SNF transportation accidents, while others focused on accident causes, rates of occurrence, scenarios, and consequences. Potential causes of accidents described by commenters included the weight of shipments; transportation of flammable materials, such as crude oil; road crossings; the large number of proposed shipments; terrorism; track condition; and sinkholes. Issues of concern regarding accident rates included the local reported train derailments and discussions about national accident rates. Consequences of accidents were a primary concern with most commenters assuming radioactive material would be released. Some commenters were concerned with the costs of cleanup from accidents involving a release. Others were concerned about the possibility of a barge accident. Some expressed concerns with potential locations of accidents noting bodies of water or where residences or businesses are located.

Response: The EIS will consider the potential radiological and nonradiological impacts of transportation of proposed SNF shipments under incident-free and accident conditions, based on available information. The radiological impact analysis under accident conditions will evaluate SNF shipments in NRC certified transportation casks and consider variables, such as the number of shipments, cask inventory, routing, accident rates, accident severity, cask response to accidents by severity, and radiological risk estimates. The nonradiological accident impact analysis will consider estimates of potential traffic fatalities from SNF shipments. Comments about terrorism are described in Section B.31.29 [Security and Terrorism].

Comments: (19-3) (20-5) (25-1) (28-18-1) (28-5-1) (28-12-3) (28-7-4) (28-3-5) (29-11-1) (29-23-1) (29-28-1) (29-7-2) (29-22-3) (29-29-3) (29-38-5) (29-17-7) (29-6-7) (29-2-9) (30-17-3) (30-37-3) (30-21-4) (30-23-5) (31-39-3) (31-40-3) (31-61-3) (31-58-4) (31-51-6) (31-9-6) (31-4-7) (31-30-8) (31-34-8) (31-54-9) (32-14-1) (32-36-1) (32-22-2) (32-31-2) (32-11-3) (32-15-3) (32-3-7) (33-38-1) (33-51-1) (33-10-3) (33-14-4) (34-6-1) (34-4-3) (37-1-4) (37-1-6) (37-1-7) (39-7) (48-2) (51-2) (58-1) (59-9) (72-1) (88-6) (91-40-1) (97-2) (98-2-18) (103-3) (115-2) (123-4) (128-14) (138-3) (146-2) (151-6) (152-2-9) (155-1) (157-3) (159-2) (161-3) (170-1) (178-1) (183-3) (187-3) (200-2) (202-7) (206-3) (207-3) (211-3) (212-2) (224-2) (231-7) (237-4)

(246-1) (255-11) (255-14) (259-1) (272-1) (276-3) (334-1) (339-2-1) (339-1-18) (339-2-2) (345-11) (345-9) (350-1) (350-4) (351-1) (358-17) (361-1-18) (361-2-2) (361-2-3) (366-2) (366-8) (376-3) (378-1-7) (381-1-5) (393-3-14) (394-1-15)

B.10.6 Transportation: Safety/Accidents – Transportation Regulations and Oversight Responsibilities

The NRC staff received comments about regulations and oversight responsibilities regarding the transportation of SNF. Some commenters requested the EIS clarify the Federal regulatory oversight responsibilities for the transportation of SNF. This included clarifying who is responsible for inspecting and maintaining track and rail equipment, worker protection, and halting shipments during adverse conditions. Others provided comments about existing regulations, including cask certification and inspection, alignment of dry storage and transportation regulations, and cask dose limits. Some commenters suggested NRC should have authority to inspect railroad tracks, maintain rail engines, and take action in cases where the railroad is underperforming. Another requested information about capabilities to transfer a canister from one cask to another during an emergency.

Response: The EIS will include an analysis of the impacts of transportation locally and will analyze the impacts of transportation along representative routes from on-site storage facilities to the proposed Holtec CISF. However, a comprehensive description of the regulatory framework for transportation and the recommendation that NRC should have authority to regulate railroads are outside the scope of the EIS. Comments about rail infrastructure are described in Section B.9 [Transportation Infrastructure]. Comments about emergency response are described in Section B.28 [Emergency Management].

Comments: (30-27-2) (102-7) (185-16) (185-5) (185-6) (205-3) (223-12) (223-6) (243-2) (243-3) (367-4) (367-5) (367-6) (368-12) (370-4) (393-2-7)

B.10.7 Transportation: Safety/Accidents – Transportation Routes

The NRC staff received comments about routes for proposed SNF shipments from reactors to the proposed CISF and from the proposed CISF to a future repository. Commenters requested the routes and modes of transportation for SNF shipments be specified. Other commenters expressed concerns that the routes were not specified, thereby making it difficult to provide comments on the proposed transportation. Some commenters suggested NRC action on the proposal should be delayed until routes are specified, while others recommended that an analysis of potential routes should be conducted in the EIS. Commenters provided examples of local government resolutions that had been passed to oppose transportation through specific cities. Some commenters were concerned about accidents and emergency response preparedness and response capabilities along the routes. Others were concerned about terrorism affecting areas along routes. Another commenter had concerns with the Holtec ER transportation impact analysis not addressing all routes.

Response: The specific modes of transportation and routes for proposed SNF shipments will likely not be determined until well after a licensing decision has been made. However, the EIS will consider representative transportation routes in evaluating the potential radiological impacts to workers and the public from transportation of SNF to and from the proposed CISF. The EIS will also specify the applicable modes of transportation that are included in the transportation impact analyses. Comments about emergency response are described in

Section B.28 [Emergency Management]. Comments about transportation accidents are described in this Section B.10 [Transportation Safety/Accidents].

Comments: (3-9) (4-10) (4-3) (18-1) (28-10-1) (28-19-1) (28-21-1) (28-17-3) (28-6-3) (28-4-6) (28-9-7) (29-38-6) (30-31-1) (30-30-10) (30-45-2) (32-24-8) (33-63-1) (33-27-3) (33-27-4) (33-58-5) (33-45-6) (123-12) (152-2-10) (186-11) (202-1) (202-5) (202-6) (234-8) (248-5) (256-1) (276-5) (342-2) (357-11) (357-5) (376-2) (376-4) (377-3) (378-2-7) (378-2-8) (381-2-4) (381-2-5) (387-3) (393-3-13) (393-3-9)

B.10.8 Transportation: Safety/Accidents – Transportation to a Repository After Storage

The NRC staff received comments recommending the EIS include the impacts of transportation from reactor sites to the CISF and then from the CISF to a repository. Commenters noted that the proposal would involve transportation of the SNF two times instead of once, if the fuel were shipped from reactors directly to a repository, thereby increasing the environmental impacts of transportation. Some commenters were concerned about the structural viability of the SNF for transportation after 40 years of storage. Other commenters suggested the EIS consider the additional transportation impacts associated with returning SNF shipments that were rejected at the proposed CISF. Others suggested the increase in transportation risks associated with the additional transportation would also increase the risk of accidents and terrorist attacks.

Response: The EIS will address the potential radiological and non-radiological impacts from transportation of SNF from the reactor sites to the proposed CISF and from the proposed CISF to a repository. Comments about aging management of canistered SNF are described in Section B.27 [Safety]. Comments about transportation accidents are described in this Section B.10 [Transportation Safety/Accidents]. Comments about security and terrorism are described in Section B.31.29 [Security and Terrorism].

Comments: (4-7) (15-2) (28-7-12) (28-19-2) (28-8-4) (28-7-8) (29-6-8) (30-12-1) (30-31-3) (31-47-4) (31-9-7) (37-1-2) (115-1) (123-5) (123-6) (144-1-12) (152-1-10) (234-2) (245-3) (245-4) (266-1) (276-7) (347-3) (350-9) (354-5)

B.11 Comments Concerning Water Resources

B.11.1 Water Resources – Comments from U.S. Environmental Protection Agency (EPA)

The NRC staff received comments from the EPA concerning water resources. The EPA recommended that the EIS describe the original (natural) drainage patterns in the proposed CISF area, as well as the potential impacts to drainage patterns of the area, and identify whether any areas are within a 50- or 100-year floodplain. EPA also pointed out that, in accordance with the Safe Drinking Water Act, the EIS should describe groundwater conditions, assess potential impacts to groundwater quality and quantity, and identify mitigation measures to reduce adverse impacts to groundwater quality. EPA recommended that the EIS discuss potential Federal requirements and permitting to ensure protection of water resources at the proposed CISF.

Response: The EIS will describe surface water and groundwater conditions at the proposed CISF and assess the potential impacts to surface water and groundwater, including quality and quantity, from construction, operation, and decommissioning. Facility design as it relates to the

100-year floodplain will be evaluated in the NRC's SER and relevant information will be incorporated into the EIS. The EIS will also address stormwater discharge and Federal CWA permitting requirements and associated mitigation measures designed to protect surface waters and groundwater, if applicable.

Comments: (150-1) (150-2) (150-3) (150-4) (150-5)

B.11.2 Water Resources – Flooding

One commenter expressed concerns about the potential impacts of flooding. The commenter was concerned about the impacts of a large rainfall event(s) on nearby playa lakes (Laguna Gatuna and Laguna Plata) and at what rainfall threshold there would be no freeboard left in the playa lakes and whether potentially radioactive contaminated water will drain into the Pecos River.

Response: The EIS will assess the potential impacts to water resources, including playas and the Pecos River, from the proposed action. The potential for flooding to the proposed CISF will be addressed in the NRC SER and the potential environmental impacts of surface water drainage will be evaluated in the EIS. As appropriate, the assessment will include an analysis of mitigation measures to address potential adverse impacts.

Comments: (144-2-4)

B.11.3 Water Resources – General Concerns

One commenter stated that the proposed CISF site is 56 km [35 mi] from population centers and is protected by 610 m [2,000 ft] of salt and therefore would have no impacts on water resources. Another commenter pointed out that there is no danger to water, because the SNF is a solid covered in cladding. Other commenters expressed concerns about potential impacts to water resources. One commenter stated that the environmental assessment violates siting conditions favorable for SNF storage (isolated from population areas and water resources). Another commenter stated that the proposed CISF would put 87 percent of New Mexico's water in jeopardy. Another commenter expressed concerns about the vulnerability of water resources, such as the High Plains Aquifer (Ogallala Aquifer), to contamination from canister and cask leakage and also stated that waste disposal, flooding, and water supply issues should be examined.

Response: The EIS will assess the potential impacts to water resources from construction, operation, and decommissioning of the proposed CISF. As appropriate, the assessment will include an analysis of mitigation measures to address potential adverse impacts. Additional comments concerning the Ogallala Aquifer, flooding, water supply and contamination, and waste disposal are addressed in Sections B.12.2 [Groundwater Resources - Ogallala Aquifer], B.11.2 [Water Resources – Flooding], B.11.4 [Water Resources - Water Supply and Contamination], and B.2.4 [Waste Management], respectively.

Comments: (29-27-1) (30-3-5) (32-28-2) (33-24-6) (198-2)

B.11.4 Water Resources – Water Supply and Contamination Concerns

The NRC staff received comments about the impacts of the proposed CISF on water supply. Commenters pointed out that the proposed CISF is in an area of scarce water supply, and an

analysis of the impacts to water supply is important. Many comments stated that the area needs clean water for drinking, irrigation, livestock watering, and other agricultural purposes. Commenters expressed concerns about risks to water supplies, specifically radioactive contamination. Some commenters pointed out that no potable groundwater is found at the proposed CISF and that shallow groundwater in the area has been influenced by brine discharges from potash refining and oil and gas production. Some commenters were concerned about the potential impacts to surface water and groundwater along rail transportation routes. Other commenters were concerned about the impacts of radioactive contamination from the proposed CISF on the Pecos River Compact and the Rio Grande River Compact, which ensure water delivery from the Pecos and Rio Grande rivers to Texas and Mexico.

Response: The EIS will assess the potential impacts of the proposed CISF on water supply and water quality. The potential for area water supplies to be impacted during construction, operation, and decommissioning of the proposed CISF will be addressed and evaluated in the EIS. As appropriate, the assessment will include (i) a discussion of the Pecos River Compact or Rio Grande River Compact, and (ii) an analysis of mitigation measures to address potential adverse impacts. Additional comments concerning transportation safety and accidents are addressed in Sections B.10.2 [Transportation Safety] and Section B.10.5 [Transportation Accidents].

Comments: (28-9-13) (29-34-2) (29-26-3) (29-27-6) (30-17-4) (30-47-4) (30-47-6) (31-2-4) (33-4-2) (68-2) (80-2) (91-35-1) (91-57-1) (91-59-1) (91-60-1) (91-63-1) (91-64-1) (91-71-1) (91-72-1) (91-76-1) (91-80-1) (91-96-1) (93-1-3) (96-7) (98-2-1) (98-1-22) (173-11) (210-3) (238-1) (345-2) (368-15) (378-2-19) (381-2-15)

B.12 Comments Concerning Groundwater Concerns (Aquifers)

B.12.1 Groundwater – Contamination Concerns

The NRC staff received comments about the characterization of and potential contamination of groundwater and aquifers from the proposed project. Commenters expressed concerns about deterioration and/or breakage of canisters and containers and the leakage of radioactive materials into area aquifers and groundwater. One commenter was particularly concerned about the Dockum and Rustler Formation aquifers. Other commenters expressed concerns about radioactive material spills and accidents and the impact on groundwater. Commenters were specifically concerned about contamination of groundwater used for public, domestic, and agricultural uses. Commenters requested that the EIS adequately examine the impact to groundwater and aquifers from a release of radioactive material at the proposed CISF during both normal operations and in the event of a disaster. Commenters also stated that the area is surrounded by aquifers and that a better understanding (including complete mapping) of groundwater in the area of the proposed CISF is needed. Some commenters stated that the near surface water table at the proposed CISF is about 11 to 15 m [35 to 50 ft] below ground surface and close to the proposed SNF storage containers, which would be emplaced about 6 m [20 ft] below grade. Other commenters expressed concerns that water in nearby playa lakes is connected (i.e., drains) to underground aquifers, which poses a threat to groundwater if radioactive materials escape the proposed CISF and reach the playa lakes.

Response: The EIS will include a description and characterization of the surface and groundwater resources in the vicinity of the proposed CISF and will assess the potential impacts of the proposed action on area aquifers and groundwater. An analysis of any credible accidents will be addressed in the NRC SER and potential environmental impacts of these events will be

evaluated in the EIS. As appropriate, the EIS will include an analysis of mitigation measures to address potential adverse impacts. Additional comments concerning playa lakes are addressed in Section B.13.1 [Surface Water Resources – Playa Lakes]. Information on the scope of the Transportation, Safety, and Accident analyses that will be included in the EIS can be found in Sections B.2.10, B.27, and B.26, respectively.

Comments: (12-2) (18-4) (25-4) (28-9-6) (29-8-1) (29-6-2) (29-8-2) (29-37-3) (29-40-3) (29-27-4) (29-8-4) (29-27-5) (29-8-5) (29-6-6) (31-13-1) (31-17-1) (31-22-14) (33-22-7) (43-3) (56-2) (86-1) (91-66-1) (91-12-5) (98-1-13) (98-1-20) (98-1-8) (128-18) (128-21) (130-3) (130-5) (138-1) (151-10) (204-5) (205-2) (220-1) (248-8) (341-5-2) (359-1-7) (361-2-11) (364-10) (391-8) (391-9) (394-2-1)

B.12.2 Groundwater – The Ogallala Aquifer

The NRC staff received comments about the characterization of and potential contamination of the Ogallala Aquifer. One commenter stated that it is a misconception that the proposed CISF site is over the Ogallala Aquifer. Other commenters noted that contamination of the Ogallala Aquifer could result from leaks, accidents, and earthquakes impacting the proposed CISF. Commenters stated that aquifers under and adjacent to the proposed CISF could be in direct communication with the Ogallala Aquifer and that more studies should be conducted to determine its actual location.

Response: The EIS will assess the potential impacts of the proposed CISF on groundwater resources, including the Ogallala Aquifer. The EIS will address and evaluate the potential for transportation, handling, and consolidated interim storage of SNF to impact the Ogallala Aquifer during construction, operation, and decommissioning of the proposed CISF. The potential for credible accidents will be addressed in the NRC SER and potential environmental impacts of such accidents will be evaluated in the EIS. As appropriate, the assessment will include an analysis of mitigation measures to address potential adverse impacts. Additional comments concerning contamination of area aquifers and groundwater are addressed in Section B.12.1 [Groundwater Resources – Contamination Concerns], and additional comments concerning earthquakes are addressed in Sections B.14.1 [Geology and Soil Resources – General Comments] and B.14.2 [Geology and Soil Resources – Induced Seismicity]. Information on the scope of the Transportation, Safety, and Accident analyses that will be included in the EIS can be found in Sections B.10, B.27, and B.26, respectively.

Comments: (14-5) (28-23-3) (28-6-9) (30-25-6) (31-22-10) (31-55-2) (31-26-6) (33-45-5) (98-1-17) (350-5)

B.13 Comments Concerning Water Resources: Surface Water

B.13.1 Surface Water – Playa Lakes

The NRC staff received comments concerning playa lakes on or near the proposed CISF site. Commenters expressed concerns about statements in the license application that (i) there is no external drainage within the two onsite playa lakes, (ii) water losses in the playa lakes are only by evaporation, and (iii) runoff does not drain to the Pecos River 42 km [26 mi] to the west. Some commenters stated that playa lakes on or near the proposed CISF site transport water directly to the water table and aquifers. Commenters also stated that there is little discussion about the quantity of water that goes into Laguna Gatuna and other playas and how much and

where water drains away from the playa. Other commenters expressed concerns about the impacts to playa lakes from the proposed CISF, in terms of ecology, biodiversity, and geology.

Response: The EIS will assess the potential impacts to surface waters from the proposed CISF. The potential environmental impacts to playa lakes from construction, operation, and decommissioning of the proposed CISF will be addressed and evaluated. The EIS will also address and evaluate the potential for the proposed CISF to impact playa lake hydrology. As appropriate, the assessment will include an analysis of mitigation measures to address potential adverse impacts.

Comments: (28-23-5) (29-27-3) (31-22-11) (31-23-4) (98-1-19) (130-4) (391-7)

B.13.2 Surface Water – Wetlands

The NRC staff received comments concerning the occurrence of wetlands at the proposed CISF site. One commenter disagreed with the statement in the ER that there are no sensitive or unique aquatic or riparian habitats or wetlands at the proposed project location. The commenter pointed out that the ER uses a Federal jurisdictional wetland definition but does not discuss a 1997 New Mexico Environmental Department (NMED) document that included playa lakes as wetlands.

Response: The EIS will assess the potential impacts to wetlands from the proposed CISF. The EIS will identify potential wetlands based on Federal criteria and address and evaluate the potential for wetlands to be impacted by construction, operation, and decommissioning of the proposed CISF. The NRC staff will review the document recommended in these comments and, if appropriate, will include it in the EIS analysis. As appropriate, the assessment will include an analysis of mitigation measures to address potential adverse impacts. Additional comments concerning impacts to playa lakes are addressed in Section B.13.1 [Surface Water – Playa Lakes].

Comments: (29-27-2) (98-1-18)

B.14 Comments Concerning Geology and Soils Resources

B.14.1 Geology and Soils – General Comments

The NRC staff received several comments about geological and soil conditions at the site and in the area of the proposed CISF. Some commenters stated that geological and soil conditions make the proposed CISF site suitable for SNF storage. Reasons cited by these commenters included (i) the stable geologic environment; (ii) low seismic activity; (iii) the presence of thick, impermeable underlying salt formations; (iv) no interaction of near-surface formations with underlying oil and gas formations; and (v) contractual withdrawal of the proposed site from potash and oil and gas activities. Other commenters stated that geological and soil conditions make the proposed CISF site unsuitable for storing SNF. Reasons cited by these commenters included (i) the porous and permeable sediments and sedimentary rocks; (ii) the karst terrain (i.e., cave development in underlying limestone and evaporite formations); (iii) unstable geology due to seismic activity or subsidence; and (iv) alkaline soils that may impact the performance of the CISF materials. Commenters stated that the geologic evaluation in the ER is based on old data and reports and suggested that more recent seismic data be gathered or collected to evaluate the potential for earthquakes and subsidence in nearby areas.

Response: The EIS will assess the potential impacts to geology and soils of the proposed CISF, including consideration of local geologic structure, site stratigraphy, characteristics of the soils, and any other significant geological and soil conditions. The potential for earthquakes or any other major ground motion considerations resulting from natural geologic phenomena (e.g., faulting and volcanism) will be addressed in the NRC SER, and information will be incorporated in the EIS only as appropriate to evaluate the environmental impacts of construction, operation, and decommissioning of the proposed CISF. Some commenters recommended specific references for the NRC staff to consider as part of their evaluation. The NRC will review the recommended references and incorporate information from them if found to be appropriate for the analysis. Related comments concerning induced seismicity (i.e., earthquakes resulting from oil and gas exploration and development activities) are addressed in Section B.14.2 [Geology and Soil Resources – Induced Seismicity] and comments concerning sinkholes and subsidence in the area of the proposed CISF are addressed in Section B.14.3 [Geology and Soil Resources – Sinkholes and Subsidence]. As appropriate, the environmental analysis will include an analysis of mitigation measures to address potential adverse conditions.

Comments: (18-3) (28-11-1) (29-6-3) (29-35-5) (29-9-5) (29-13-6) (29-35-6) (30-1-2) (30-5-2) (30-2-3) (30-3-3) (30-5-3) (30-24-6) (31-15-3) (31-20-3) (31-23-3) (32-12-9) (33-18-3) (33-67-5) (81-1) (85-1) (92-3) (93-1-2) (94-5) (95-2) (110-7) (123-15) (134-3) (144-1-18) (144-1-9) (152-2-15) (152-2-17) (162-10) (162-3) (164-1) (207-4) (221-5) (343-1-7) (345-12) (357-3) (358-11) (361-1-15)

B.14.2 Geology and Soils – Induced Seismicity

The NRC staff received comments about induced seismicity in the area of the proposed CISF caused by oil and gas exploration and development activities. Commenters were concerned about earthquakes and tremors caused by (i) horizontal drilling techniques and hydraulic fracturing (fracking); (ii) injection of wastewater and saltwater into disposal wells; and (iii) extraction of brine and water from wells. Commenters pointed out that fracking in the Permian Basin has increased greatly and continues to grow, potentially increasing the risk of seismic activity at the proposed CISF. Commenters suggested that additional studies and analyses be conducted to evaluate the seismic hazard over the license term of the proposed CISF. One commenter stated that there is no credible seismic risk in the area from drilling (fracking), because target oil and gas formations are deep underground and the release of pressure from fracking is driven horizontally along bedding plains or is absorbed by bedding plains in overlying salt formations.

Response: Potential seismic impacts, including induced seismicity, at the site will be considered in the NRC SER, including the potential for oil and gas exploration and development activities to induce earthquakes or any other major ground motion. Information from the NRC will be included in the EIS only as appropriate to evaluate the environmental impacts of construction, operation, and decommissioning of the proposed CISF. Additionally, the assessment will include an analysis of mitigation measures to address potential adverse impacts.

Comments: (3-16) (29-41-2) (29-9-2) (31-32-1) (31-23-2) (31-43-2) (31-17-3) (31-50-6) (32-18-2) (32-24-7) (33-29-3) (41-6) (42-3) (71-2) (87-1) (93-7-2) (130-15) (144-2-2) (151-11) (155-3) (165-8) (179-1) (198-4) (234-11) (252-1) (343-1-6) (345-13) (345-15) (358-9) (378-3-1) (381-2-16) (389-3) (390-1) (393-2-17) (394-1-18)

B.14.3 Geology and Soils – Sinkholes and Subsidence

The NRC staff received several comments that expressed concerns about subsidence and sinkholes in the area of the proposed CISF. Some commenters pointed out that the proposed CISF is located in a limestone and evaporite (salt rock) terrain characterized by karst development (caves and sinkholes) that is unstable and not suitable for SNF storage. Other commenters mentioned sinkholes of anthropogenic (man-made) origin (e.g., solution mining of salt beds) that have developed in the area of the proposed CISF (e.g., in the city of Carlsbad, New Mexico). Other commenters noted recent studies employing satellite imagery that have identified subsidence in areas of southeastern New Mexico and west Texas resulting from extractive industry activities, such as potash mining and oil and gas production. One commenter further requested that the oil and gas industry be consulted regarding the site geology and the impacts to groundwater as a result of the industry, and that these impacts should be considered and analyzed in the EIS.

Response: The EIS will include a description of the geology in the area, including any karst features. The potential for sinkholes and subsidence will be addressed in the NRC SER. Information from the NRC SER regarding these phenomena will be included in the EIS only as appropriate to evaluate the environmental impacts of construction, operation, and decommissioning of the proposed CISF. The assessment will include an analysis of mitigation measures to address potential adverse impacts. The NRC will review the references recommended in these comments and, if appropriate, will include them in the EIS analysis. Related comments regarding the scope of the groundwater analysis can be found in Section B.12.2 [Groundwater – The Ogallala Aquifer] of this report.

Comments: (28-4-8) (28-6-8) (29-10-1) (29-14-3) (29-7-3) (29-6-5) (30-31-2) (30-9-2) (30-34-3) (30-12-4) (30-38-4) (30-25-5) (30-25-9) (31-22-2) (31-22-4) (33-54-1) (33-22-10) (67-2) (71-3) (98-1-10) (98-1-16) (98-2-3) (98-2-4) (98-2-5) (104-3) (123-11) (130-14) (152-1-21) (184-5) (216-1) (234-7) (255-4) (276-1) (276-2) (340-10) (343-1-5) (359-1-6) (363-10) (363-9) (378-2-18) (381-2-14) (394-1-17)

B.15 Comments Concerning Ecology

B.15.1 Ecology – Comments from EPA

The EPA provided comments and recommendations regarding the NRC staff's evaluation of potential impacts to ecological resources from the proposed CISF. The EPA recommendations included that the EIS (i) identify potential impacts to habitat within and downstream of the proposed CISF project area and identify potential compensatory mitigation lands or available lands for compensatory habitat mitigation; (ii) address the potential impact of construction, installation, and maintenance activities (e.g., deep trenching, grading, filling, and fencing) on habitat; (iii) identify species or critical habitat potentially affected by each alternative and possible practicable mitigation; and (iv) incorporate mitigation, monitoring, and reporting measures that result from consultation with the U.S. Fish and Wildlife Service (FWS).

Response: The EIS will describe the affected environment at the proposed CISF. The EIS will identify all candidate and listed threatened and endangered species and designated critical habitat within the project area. The EIS will also include a discussion of potential impacts to habitats, including areas that could be affected by surface water runoff and potential impacts of construction, installation, and maintenance activities. The NRC will, in accordance with the Endangered Species Act (ESA), consult with the FWS and analyze the potential impacts to

federally listed species in a biological assessment, if required. The NRC staff will also coordinate with other Federal and State natural resource agencies to identify appropriate mitigation measures to minimize impacts on habitats. As a result of this interagency coordination, the EIS will include a discussion of mitigation and monitoring measures for the proposed CISF project. The EIS will include an analysis of radiological, physiochemical, and ecological environmental monitoring measures.

Comments: (150-6) (150-7) (150-8) (150-9)

B.15.2 Ecology – Comments from New Mexico Department of Game and Fish (NMDGF)

The NMDGF provided comments and recommendations regarding the NRC staff's evaluation of potential impacts to ecological resources from the proposed CISF. The NMDGF commented on the suitability of Lesser prairie-chicken and dunes sagebrush lizard habitat in the vicinity of the proposed CISF and stated that the potential impacts to these species from the proposed CISF should be addressed in the EIS. NMDGF recommended that more thorough biological surveys of wildlife species be conducted within the proposed project area than those surveys provided as part the license application. NMDGF also commented on the playas in the vicinity of the proposed project area and requested additional information regarding the location of Laguna Plata, in relation to the proposed project footprint. NMDGF recommended that the NRC require appropriate remediation and restoration actions for Laguna Gatuna and Laguna Plata, as part of the permitting process. NMDGF stated that the EIS should include a discussion of potential impacts to wildlife that could occur during the construction phase of the proposed project and address potential trapping hazards to wildlife from open trenches and steep-sided pits.

Response: The NRC staff welcomes NMDGF recommendations on mitigation measures that could limit ecological impacts from the proposed CISF. The EIS will describe the affected ecological environment at the proposed CISF, based on information provided by the applicant and obtained through independent research. The EIS will identify all candidate and listed threatened and endangered species and designated critical habitat within the proposed project area, including State-listed species. The EIS will also include a discussion of potential impacts to wildlife that could occur during all stages (construction, operation, and decommissioning) of the proposed CISF project, including potential trapping hazards to wildlife from open trenches and steep-sided pits.

Laguna Gatuna and Laguna Plata are both located on BLM-managed land. The NRC has an MOU with BLM to be a cooperating agency for the proposed action and will work with BLM to obtain additional information about the playas, as they relate to the proposed CISF project. The NRC staff will conduct an independent analysis of potential effects the proposed project may have on these features. As appropriate, the EIS will discuss mitigation measures identified during the environmental review. The NRC staff will review the recommendations NMDGF has made with respect to this licensing action and, as practicable, carry forward those recommendations in the EIS. The NRC staff will remain in contact with NMDGF staff during the environmental review process.

Comments: (383-1)

B.15.3 Ecology – General Comments

The NRC staff received comments regarding the ecosystems found in the proposed CISF project area. Some commenters expressed concerns regarding the ecology of Laguna Plata,

and specifically mule deer, cougar, spotted skunk, and black bear. Other commenters expressed concern regarding potential radiation impacts and contaminated surface and groundwater affecting plants and wildlife. Commenters also expressed concern about added impacts the proposed project would impose on wildlife in an already harsh desert environment. A few commenters suggested that the proposed CISF project would be located in an area with little wildlife and that the proposed project would not adversely affect threatened or endangered species that occur in Lea County.

Response: The EIS will evaluate the potential impacts to ecological resources from the proposed action. The NRC staff will consider factors such as the disturbance or removal of vegetation, changes in surface water and groundwater quantity and quality, habitat loss or alteration, displacement of wildlife, and mortality due to encounters with vehicles or heavy equipment. Relationships between surface water and regional aquifers and groundwater will be evaluated as part of the Water Resources sections of the EIS. The EIS will provide a discussion of the potential effects of radiological doses to biota as appropriate.

Comments: (28-23-4) (28-14-6) (29-37-2) (31-52-15) (32-30-8) (54-2) (91-43-1) (96-4) (109-3) (135-1) (152-3-8) (158-11) (158-4) (165-7)

B.15.4 Ecology – Species of Concern

A few commenters requested a detailed analysis of specific plants and animals that could potentially be impacted by the proposed CISF project. Commenters referenced bats and lizards in general, and specifically the dunes sagebrush lizard, the Lesser prairie-chicken, and gypsum wild-buckwheat. Some commenters requested that NRC conduct independent ecological surveys for the proposed project and recommended a full analysis of biological impacts of radiation to these species.

Response: The EIS will include an assessment of potential impacts to species of concern from the proposed action. To determine the species that may potentially occur within the proposed CISF project area or that could be potentially impacted by the proposed action, the NRC staff will review the application; conduct an independent literature review; and consult with the FWS, BLM, NMDGF, and NMED. The EIS will discuss all candidate and listed threatened and endangered species and designated critical habitat within the proposed CISF project area and those species and habitat that could potentially be affected by the proposed action. The EIS will discuss applicable laws, such as the ESA. The NRC will, in accordance with the ESA, consult with the FWS and analyze the potential impacts to federally listed species in a biological assessment, if required. The EIS will reference and incorporate, as appropriate, recommendations made by other agencies and document additional potential mitigation measures that could reduce potential impacts to ecological resources from the proposed action and No-Action alternative. Independent NRC-conducted ecological surveys and full assessments of radiological impacts on particular species are beyond the scope of the EIS. However, the EIS will provide a discussion on the potential effects of radiological doses to biota.

Comments: (31-35-1) (31-17-2) (31-55-4) (31-55-5) (31-55-6) (103-5) (144-2-16) (151-12) (190-4) (198-5) (255-16) (363-7) (393-3-7)

B.16 Comments Concerning Meteorology and Air Quality

B.16.1 Meteorology and Air Quality – Baseline Air Quality

The NRC staff received comments concerning the existing nonradiological air quality near the proposed project site. Specific topics identified by commenters included general air quality, fugitive dust, and methane. Commenters also expressed concerns about the existing radiological air quality, as well as groundwater quality issues.

Response: The EIS will include a characterization of the existing or baseline nonradiological air quality in the affected environment section. The potential impacts to air quality from the proposed CISF will be compared to the baseline. The EIS will also include a cumulative impacts analysis of air quality. The scope of the EIS, with respect to radiological air quality and groundwater quality issues, are discussed in this report in Sections B.23 [Radiological Health] and B.12 [General Concerns – Groundwater and Aquifers], respectively.

Comments: (32-25-5) (33-22-6) (204-4)

B.16.2 Meteorology and Air Quality – EPA Recommendations for the EIS

The EPA recommended that the EIS include the following topics: (i) baseline ambient air conditions that address both criteria and non-criteria pollutants, as well as National Ambient Air Quality Standards (NAAQS) attainment status in the area; (ii) quantified emission estimates that account for the lifespan of the project; address the various project stages (e.g., construction, operation), as well as transportation-related activities; and that specify emissions from mobile, stationary, and fugitive sources; (iii) potential air quality impacts from the proposed CISF project, as well as a cumulative impact analyses; and iv) mitigation, to include a draft construction emissions mitigation plan that would be adopted into the NRC Record of Decision.

Response: The EIS will characterize the existing air quality conditions, including both criteria and non-criteria pollutants, as well as NAAQS attainment status in the area and characterize project air emissions. As appropriate, the project air emissions characterization will consider estimated emission levels, the lifespan of the proposed project, transportation-related activities, the project stages and activities, and the types of emission sources. The EIS will also analyze the potential air quality impacts from the proposed CISF, as well as the cumulative impacts. The EIS will identify and discuss relevant, reasonable mitigation measures that could reduce or avoid impacts.

Comments: (150-10) (150-11) (150-12)

B.16.3 Meteorology and Air Quality – Impact of Severe Weather Events

The NRC staff received two comments that asserted that hurricanes and tornadoes are nonissues at the proposed CISF site and that the CISF will have negligible impact on air quality.

Response: The EIS will assess the potential impacts to air quality from the proposed CISF. The potential effects of natural phenomena hazards, such as hurricanes and tornadoes, on the proposed CISF will be addressed in the NRC's SER. Information from the SER regarding these phenomena will be included in the EIS only as appropriate to evaluate the environmental impacts of construction, operation, and decommissioning of the proposed CISF.

Comments: (96-5) (109-4)

B.16.4 Meteorology and Air Quality – Natural Phenomena and Environmental Conditions

The NRC staff received comments concerning possible impacts to dry cask storage from natural phenomena; severe weather events; and the local environmental conditions, including temperature extremes. One commenter stated that the dry cask storage system did not allow for drainage and questioned the potential impacts from torrential rains and flash flooding. One commenter questioned the information presented in the ER (e.g., appropriate maximum rainfall event levels, the potential impact of hurricanes at the proposed site, and the characterization of the temperature onsite) and expressed that climate change could influence the characterization presented in the ER.

Response: As appropriate, the NRC's safety evaluation will consider the potential impacts of natural phenomena hazards, severe weather events, and environmental conditions on dry cask fuel storage at the proposed Holtec CISF. The safety performance and robustness of the cask storage system are addressed in the NRC's SER. Information from the SER regarding these phenomena and cask performance will be included in the EIS only as appropriate to evaluate the environmental impacts of construction, operation, and decommissioning of the proposed CISF. Additional information about the scope of the EIS concerning specific natural phenomena, severe weather, and environmental conditions are located in other sections of this report {e.g., Section B.27 [Safety], Section B.26 [Accidents], Section B.17 [Climate Change], Sections B.14 and B.11.2 [Seismicity, Sinkholes and Subsidence, and Floods], respectively}.

Comments: (30-25-8) (144-2-14) (144-2-3) (152-1-20) (165-6) (168-5)

B.17 Comments Concerning Climate Change

B.17.1 Climate Change – Overlapping Impacts and Impacts on the Proposed Action

The NRC staff received comments concerning impacts from climate change. Some commenters stated that the ER did not address climate change. Other commenters requested that the EIS analyze the environmental impacts of climate change on dry cask storage and components, including the impact of weather events that may be linked to climate change. Commenters identified specific natural phenomena and weather events within the context of climate change that they are concerned about, including drought, precipitation levels, ambient air temperatures, soil moisture levels, wildfires, floods, tornadoes, earthquakes, and volcanos. One commenter suggested a report as an information source for climate change. Commenters stated that the impacts of climate change need to be analyzed at the proposed CISF, as well as along the national transportation route.

Response: As appropriate, the EIS will analyze the contribution of the proposed CISF to climate change and will consider overlapping impacts of the proposed CISF and climate change. As required by regulation, the NRC safety evaluation will consider the effects of credible natural hazards and phenomena, including severe weather events, on the design and operation of the proposed CISF. The regulations require the applicant to consider external natural events, estimate the frequency and severity of these, and discuss the records or historical data used to determine them. The NRC will review these evaluations to confirm that the proposed CISF facility adequately protects against these natural events. The NRC has the statutory authority to revise the conditions of issued licenses and/or revise requirements, as

necessary, to maintain adequate protection. Information from the SER regarding this topic will be included in the EIS only as appropriate to evaluate the environmental impacts of construction, operation, and decommissioning of the proposed CISF. The scope of the EIS with respect to seismicity is discussed in Section B.14.2 [Geology-Seismicity]. The scope of transportation infrastructure upgrades is described in Section B.9 [Transportation Infrastructure]. The scope of the cost-benefit analysis is discussed in Section B.21 [Cost Benefit]. Comments concerning safety issues about compliance with cask and canister certifications area addressed in Section B.27 [Safety].

Comments: (28-12-1) (29-17-2) (30-14-3) (30-20-7) (31-50-7) (33-30-1) (33-30-2) (33-43-3) (33-34-7) (88-11) (91-56-1) (139-2) (185-2) (258-4) (342-9) (345-3) (367-2) (378-3-3) (381-2-18)

B.17.2 Climate Change - Contribution of the Proposed CISF to Climate Change

The NRC staff received comments concerning the contribution of the proposed action to climate change. The commenters identified greenhouse gas emissions and heat released into the environment (i.e., heat emitted from the dry casks as they cool in the ambient air) and requested consideration of these factors in the EIS. Commenters requested that greenhouse gas emissions be quantified for all materials and facilities associated with the nuclear fuel cycle. Another commenter questioned whether the proposed CISF would comply with the Paris Agreement and stated that a worldwide EIS must be conducted to assess the global contribution of U.S. nuclear facilities. One commenter identified the issue of radiological gaseous emissions from SNF storage.

Response: The EIS will include a discussion regarding the contribution of the proposed CISF to climate change. That discussion will also consider mitigation measures to reduce the contribution of the proposed CISF to climate change. Because the scope of this EIS is limited to the proposed CISF facility, the contribution of greenhouse gases from other nuclear facilities in the United States is considered out of scope and will not be analyzed in this EIS. Other comments concerning the scope of climate change impacts and gaseous radiological emissions are located in Section B.17 [Climate Change] and Section B.23 [Radiological Health], respectively.

Comments: (29-37-5) (33-34-10) (152-3-17) (152-1-6) (368-13) (368-20)

B.18 Comments Concerning Socioeconomics

B.18.1 Socioeconomics – Jobs

A few commenters requested that the EIS state the number of jobs that would be created by the proposed CISF project and specifically how many would be available to people who reside in the local community. Some commenters supported the variety of jobs that the proposed project would create, while other commenters expressed concern that the number of estimated jobs the proposed project would create would not be worth the risk of storing SNF in their community. One commenter also questioned the job requirements, and a few commenters requested that local residents, including low-income and minority individuals, be trained to work at the proposed CISF.

Response: Socioeconomic impacts, such as labor and income associated with the construction, operation, and decommissioning of the proposed CISF and availability of workforce in the region, will be described and analyzed in the EIS. In particular, the EIS will

consider the potential socioeconomic impacts from the potential direct and induced jobs created. However, specific hiring decisions (e.g., locations for employee recruitment, salaries, and benefits) are outside of the jurisdiction of the NRC and outside of the scope of the EIS.

Comments: (3-15) (27-3) (28-10-6) (29-32-2) (29-23-3) (29-16-7) (29-34-7) (30-8-2) (30-10-4) (30-11-4) (30-4-4) (30-10-5) (30-10-6) (31-52-14) (31-14-2) (31-15-5) (31-34-7) (32-12-13) (32-12-7) (33-31-2) (33-35-2) (33-22-4) (33-56-5) (33-5-6) (45-7) (58-3) (68-10) (72-4) (110-2) (184-2) (189-3) (204-1) (208-2) (221-4) (222-4) (276-12) (357-6) (361-2-5) (393-2-16)

B.18.2 Socioeconomics – Impact on Other Industries

Several commenters expressed concern that the proposed CISF project would jeopardize other important industries in southeastern New Mexico, including oil and gas, dairy and livestock products, fruit and nut farms, tourism, retirement communities, and entertainment. Some commenters stated that the risks associated with the proposed project are not worth the potential impacts on other jobs and industries in the region. A few commenters requested that the NRC evaluate the possible economic impacts on other industries, based on negative public opinion regarding the proposed project, as well as economic impacts on other industries from potential accidents at the proposed project site and along transportation routes.

Response: The EIS will include an explanation of development of the socioeconomic region of influence (i.e., where the most socioeconomic changes are expected to occur from the proposed CISF) and a discussion of the major industries and employers within the socioeconomic region of influence. The EIS will also provide an analysis of potential socioeconomic impacts that could occur from the proposed CISF with respect to taxes, employment, housing, and public services. The EIS will analyze reasonably foreseeable events as part of the cumulative impacts analysis as well as credible accidents, as determined by the NRC safety evaluation. However, an analysis of impacts on other industries as perceived by members of the public is speculative and outside the scope of this EIS. Further discussion on the scope of the accidents analysis is provided in Section B.26 [Accidents] of this report. In addition, the EIS will include a cost-benefit analysis, as explained in Section B.21 [Cost Benefit] of this report.

Comments: (20-6) (28-10-5) (28-3-6) (28-3-7) (29-26-1) (29-23-2) (29-25-2) (29-17-4) (29-26-4) (29-16-6) (30-21-7) (31-49-4) (31-37-7) (33-39-2) (33-57-2) (33-54-3) (33-7-8) (34-11-1) (45-2) (68-3) (88-10) (89-3) (92-5) (93-2-2) (103-1) (103-4) (115-5) (130-13) (152-2-11) (152-1-14) (152-1-17) (162-2) (162-9) (187-4) (234-12) (313-11) (338-2) (339-2-12) (342-7) (343-1-4) (357-13) (357-7) (359-1-10) (359-1-4) (361-2-18) (378-3-8) (393-3-2)

B.18.3 Socioeconomics – Positive Economic Development

The NRC staff received several comments in support of the proposed project for its potential to provide the region with economic development opportunities that would stabilize economic fluctuations in the oil and gas industry. Some commenters stated that the tax revenues generated from the proposed project would be beneficial to the region. A few commenters stated that the local community and workforce is capable of supporting the project because of other nuclear facilities in the state.

Response: The EIS will analyze the potential socioeconomic impacts that could result from the construction and operation of the proposed CISF, including effects on employment, housing, tax structure, and community services within the region of influence. The scope of the

socioeconomic analysis is further explained in responses to other comments in Section B.2.19 [Socioeconomics], of this report. The EIS will also include a cost benefit analysis of the proposed project; however, the NRC staff does not base its licensing decisions solely on the economic benefits or costs of a proposed project.

Comments: (29-12-1) (29-13-1) (30-4-2) (30-29-4) (30-6-4) (30-1-7) (30-5-9) (31-16-2) (31-36-2) (31-26-3) (31-9-9) (32-12-8) (74-2) (100-4) (108-5) (109-6) (157-4) (341-1-2) (341-2-2)

B.18.4 Socioeconomics – Scope of Socioeconomic Analysis

The NRC staff received comments expressing general concerns about socioeconomic-related issues. Some commenters stated there are several concerns that do not justify the potential economic benefits, if any, from the proposed CISF. Commenters recommended that the EIS analyze the economic consequences to businesses in the region. One commenter stated that the distribution of costs and benefits to members of the community is unclear.

Response: The scope of the socioeconomic analysis in the EIS includes the potential impacts of the proposed CISF, in light of the population distribution and demographics, employment and major industries in the area, housing availability and affordability, local tax revenue structure, and local services. The EIS will describe how the region of influence is determined. The EIS will also include a cost-benefit analysis. See Section B.21 [Cost Benefit] of this report for more information on the scope of the cost-benefit analysis.

The EIS will analyze reasonably foreseeable events as part of the cumulative impacts analysis that may result in potential socioeconomic impacts within the socioeconomic region of influence, such as development of other proposed projects. However, a detailed analysis of how public perception could potentially influence other industries in southeastern New Mexico and along transportation routes is speculative and outside the scope of this EIS.

Comments: (29-11-5) (29-6-9) (30-43-3) (30-23-7) (30-10-8) (31-49-2) (32-11-6) (33-16-2) (46-3) (69-1) (132-1) (173-12) (173-14) (204-3) (257-5) (274-2) (313-16) (342-6) (346-5) (358-7) (378-1-14) (381-1-12) (381-1-8)

B.18.5 Socioeconomics – Taxes and Property Values

The NRC staff received comments about whether, if constructed, the proposed CISF would positively or negatively affect property values in the vicinity of the proposed Holtec CISF, and that the proposed CISF would also affect local institutions (such as schools) based on the expected tax revenue generation from the proposed project. One commenter stated that property owners within 100 miles of the proposed CISF should be compensated for the sale of their property.

Response: The EIS will consider tax revenues that would be generated from the proposed CISF in the socioeconomic and cost-benefit sections of the EIS. However, positive or negative impacts on property values are too speculative to project and evaluate in detail and are outside the scope of the EIS.

Comments: (29-11-3) (30-10-10) (30-10-7) (44-2) (46-2) (59-5) (68-8) (96-24) (98-1-4) (123-16)

B.19 Comments Concerning Environmental Justice

B.19.1 Environmental Justice – Communities Along Transportation Routes

The NRC staff received comments that requested the EIS include an analysis of potential impacts on communities along transportation routes used for the shipment of SNF to the proposed CISF. Some commenters asserted that the transportation of SNF is an environmental justice concern. Many commenters stated that the transportation of SNF would disproportionately burden low-income communities and minority populations, including indigenous communities already impacted by past uranium activities in New Mexico. As part of these comments, some commenters also requested translations of the EIS and NRC-provided materials.

Response: The EIS will include an environmental justice analysis encompassing the vicinity of the proposed project, both in terms of community characteristics and potential impacts. However, an environmental justice analysis of the potential effects along every possible transportation route associated with this proposed CISF is outside the scope of this EIS. The scope of the environmental justice analysis is provided in other comment responses in this section of the scoping report. Information about requests for translation of project documents is in Section B.2 [NEPA Process: Public Participation] of this document.

Comments: (189-4) (192-1) (202-9) (237-3) (237-8) (242-8) (339-2-14) (343-2-4) (348-1-15) (357-12) (361-2-19) (378-1-13) (378-3-6) (381-1-11) (381-3-2)

B.19.2 Environmental Justice – General Concerns

Many commenters expressed that the proposed project is a form of environmental injustice. Some commenters stated that the project is specifically targeting low-income and minority communities. Several commenters noted that the proposed project would disproportionately impact New Mexico communities. Others characterize the proposed project as environmental racism. A number of commenters stated that it is unjust to locate a nuclear facility in New Mexico, because the State has large Hispanic and American Indian populations that have suffered from past nuclear facilities and contaminated sites. Many commenters expressed the concern that the proposed project would cause disproportionate and adverse health effects during the CISF operations and during transportation of SNF to the proposed CISF, and particularly through Tribal lands. Several documents were provided by commenters for NRC to review and consider.

Response: The EIS will include an analysis of environmental justice encompassing the vicinity of the proposed CISF, consistent with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” and the NRC’s final policy statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions (69 FR 52040).

The environmental justice section in the EIS will include a description of NRC’s methodology for evaluating environmental justice issues and a description of communities within the 80-km [50-mi] radius of influence (ROI) of the proposed CISF. The EIS will also state the NRC’s determination of whether the proposed action would result in a disproportionately high and adverse human health and environmental affects upon low-income or minority populations. Cumulative environmental justice effects will also be addressed in the EIS. The EIS and NRC’s safety evaluation will include an analysis of public and occupational health and safety to

determine potential radiological and non-radiological impacts on workers and the public from operating the proposed CISF and to ensure compliance with NRC regulations. However, an environmental justice analysis of the potential effects along every possible transportation route associated with this proposed CISF is outside the scope of this EIS.

Comments: (6-3) (15-6) (16-1) (19-1) (25-3) (28-20-1) (28-3-12) (28-23-2) (28-14-3) (28-14-4) (29-1-1) (29-18-3) (29-1-4) (30-41-1) (30-44-1) (30-25-10) (30-18-2) (30-37-2) (30-18-4) (30-23-4) (30-24-4) (31-52-1) (31-44-4) (31-57-4) (31-23-5) (31-4-5) (31-50-5) (31-13-6) (31-4-6) (32-26-1) (32-35-1) (32-30-10) (32-19-2) (32-21-2) (32-16-4) (32-32-4) (32-27-7) (33-13-1) (33-36-1) (33-43-1) (33-52-1) (33-53-1) (33-22-12) (33-62-2) (33-63-2) (33-16-3) (33-20-3) (33-44-3) (33-56-4) (33-66-4) (33-54-5) (33-10-7) (33-22-8) (33-42-8) (33-47-9) (37-1-10) (37-1-13) (37-1-17) (88-12) (88-14) (91-17-1) (91-25-1) (91-28-1) (91-48-1) (91-78-1) (91-90-1) (94-11) (94-9) (103-9) (110-6) (136-2) (138-2) (144-1-10) (152-4-7) (165-3) (184-3) (186-3) (190-2) (192-3) (194-1) (199-3) (218-2) (237-1) (237-11) (237-5) (241-3) (313-10) (317-2) (319-1) (339-1-11) (339-2-13) (343-1-18) (343-2-2) (343-2-5) (346-2) (346-4) (347-6) (348-2-1) (348-1-19) (348-1-2) (348-1-3) (348-2-3) (348-2-6) (350-6) (361-1-9) (366-7) (371-3) (372-10) (377-10) (378-1-5) (378-1-8) (382-2) (393-3-1) (393-2-18) (394-1-11) (394-2-7) (394-1-8)

B.19.3 Environmental Justice – EPA Scoping Comments on Environmental Justice

The EPA provided scoping comments and recommendations for the proposed CISF project related to environmental justice. The EPA noted that Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), and the Interagency Memorandum of Understanding on Environmental Justice (August 4, 2011), apply to Federal reviews, such as the NRC's EIS. EPA recommended that the EIS include an evaluation of environmental justice populations within at least a 5-mile radius of the proposed project boundaries and also recommended that NRC foster public participation by these populations if they exist. EPA's Promising Practice Report was recommended to supplement the applicable requirements for considering and analyzing environmental justice populations for the proposed project.

Response: The NRC is an independent regulatory agency under the definition provided in 44 U.S.C. §3502(5) and is excluded from the mandates of Executive Order 12898. However, the NRC, in exercising its regulatory authority, acts in a manner consistent with the fundamental precepts expressed in the Order by adopting practices to ensure potential environmental justice impacts are evaluated in NRC environmental reviews. The NRC environmental justice analysis practices are described the NRC's final policy statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions (69 FR 52040).

The EIS will include a description of NRC's methodology on evaluating environmental justice issues and a description of communities within the 80-km [50-mi] ROI. The EIS will also present the NRC's determination on whether the proposed action would result in disproportionately high and adverse human health and environmental impacts upon low-income or minority populations. Cumulative environmental justice impacts will also be addressed in the EIS.

NRC is familiar with EPA's 2016 "Promising Practices for EJ Methodologies in NEPA Reviews" report and will consider the recommendations provided in the EPA report, as appropriate. Another section of this scoping summary report, Section B.2 [NEPA Process: Public Participation], provides additional information on NRC's public participation process.

Comments: (150-16) (150-17)

B.20 Comments Concerning Historic and Cultural Resources

B.20.1 Historic and Cultural Resources – Transportation Routes That Could Affect Historic and Cultural Resources

The NRC staff received comments stating that the EIS should evaluate potential effects on culturally important sites, areas, or resources along transportation routes. Commenters expressed concerns regarding Tribal laws with respect to transport and the potential impacts resulting from transportation of SNF through Tribal lands or areas with sensitive historic and cultural resources. Commenters stated that NRC and DOE should hold public meetings involving tribal communities and consult with indigenous nations along proposed transportation routes.

Response: The specific transportation routes that could be used to move SNF to the proposed Holtec CISF have not been determined; however, potential impacts on historic and cultural resources would be minimized by use of existing rail routes. Refurbishments of rail lines would likely require minimal ground disturbance, or may require review by an appropriate governing body if more significant infrastructure projects are required. Thus, the NRC will not conduct a discrete analysis of impacts to historic or cultural sites along existing transportation routes from the transportation of SNF to the proposed CISF. The use of widely accepted analytical tools, latest reasonably available information, and cautious but reasonable assumptions if there are uncertainties, offer the most appropriate means to arrive at conservative estimates of transportation-related impacts on historic and cultural resources. Related comments concerning transportation accidents are addressed in another section of this scoping summary report, Section B.10 [Transportation of Spent Nuclear Fuel: Safety/Accidents]. In addition, through the Tribal Advance Notification program (77 FR 34194), Indian Tribes that choose to receive advance notification of shipments of irradiated reactor fuel and certain nuclear wastes passing across their reservation are informed by the licensees in advance.

The proposed Holtec CISF EIS will include a discussion of government-to-government consultations and an appendix containing correspondence related to the NRC's outreach with Indian Tribes. The NRC will continue outreach efforts with Indian Tribes throughout the course of this review. Additionally, the scope of the EIS will include a detailed analysis of potential impacts on historic and cultural resources that may be present within the defined area of potential effects (APE), which is described in a separate comment response in this section of the scoping report [Section B.20, Historic and Cultural Resources].

Regarding the comments stating that DOE did not hold public meetings with tribes, the DOE conducts separate activities to evaluate the transportation of SNF that are not required as part of NRC's regulatory framework and are outside the scope of the EIS.

Comments: (28-9-10) (28-9-11) (28-9-4) (28-9-5) (28-9-8) (28-9-9) (30-40-5) (32-30-11) (32-3-5) (32-30-6) (32-30-7) (242-1) (344-1) (344-3) (344-5) (378-1-7) (381-1-6)

B.20.2 Historic and Cultural Resources – Comments from EPA

The EPA provided scoping comments and recommendations for the proposed project related to consultation and coordination with Indian Tribal Governments and addressing cultural and historic resources that could potentially be affected by the proposed project. The EPA recommended that the EIS describe the process and outcome of government-to-government consultation between the NRC and Tribal governments within the project area, issues that are

raised (if any), and how those issues are addressed in the selection among alternatives. The EPA also recommended that the EIS address the existence of cultural and historic resources, including Indian sacred sites and traditional cultural properties in the proposed CISF project area and address compliance with Section 106 of the NHPA and Executive Order 13007. The EPA stated that the EIS should discuss how NRC will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. The EPA also stated that the EIS should provide a summary of all coordination and consultations with Tribes, the State Historic Preservation Officer/Tribal Historic Preservation Officer, and any other party; and identify all listed or eligible sites under the NHPA, as well as the development of a Cultural Resource Management Plan for the area, as appropriate.

Response: Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," reaffirmed the Federal Government's commitment to a government-to-government relationship with Indian Tribes, and directed Federal agencies to establish procedures to consult and collaborate with Tribal governments when new agency regulations would have Tribal implications. The Order excludes "independent regulatory agencies, as defined in 44 U.S.C § 3502 (5)" from the requirements of the Order. Although the NRC, as an independent regulatory agency, is explicitly exempt from the Order, the Commission remains committed to its spirit. In 2017, the NRC issued a Tribal Policy Statement (82 FR 2402), which establishes principles to be followed by the NRC government-to-government interactions with American Indian and Alaska Native Tribes, and encourages and facilitates Tribal involvement in the areas over which the Commission has jurisdiction.

The NRC staff will initiate discussions with potentially affected tribes that possess potential religious, spiritual, and cultural interest and ties to the proposed CISF project area when complying with the NHPA Section 106 regulatory requirements during the NEPA process for this project. NRC will consult with the New Mexico SHPO to determine the need for cultural resources investigations (including archaeological and architectural surveys) to identify cultural resources within the APE prior to any onsite ground-disturbing activities, to determine whether any identified cultural resources are eligible for inclusion in the NRHP, to evaluate the potential impacts on cultural resources and/or historic properties, and to determine the effect of the proposed project pursuant to Section 106 of the NHPA. As part of this consultation, the applicant would be expected to put measures in place to protect discoveries, in the event cultural resources are found during building or operation of the proposed CISF. The EIS will describe the consultation activities conducted for the proposed project. The Historic and Cultural Resources section of the environmental impacts assessment chapter in the EIS will describe the potential impacts and mitigations to any identified historic and cultural resources.

Should sites defined in Executive Order 13007, "Indian Sacred Sites," be identified during the Section 106 process, the NRC will provide a discussion of these resources and any associated impacts and mitigations in the historic and cultural sections of the EIS.

Comments: (150-18) (150-19)

B.20.3 Historic and Cultural Resources – Treatment of Historic Properties, Cultural Resources, and Sacred Sites

The NRC staff received comments that expressed concern regarding the treatment of historical and cultural resources as the result of the proposed action.

Response: The EIS will include a characterization of cultural and historic properties in Chapter 3, Affected Environment; an assessment of potential impacts to the cultural and historic properties in Chapter 4, Impact Analysis; and an assessment of potential cumulative impacts in Chapter 5, Cumulative Impacts. As part of this analysis, NRC will consult with Indian Tribes under Section 106 of the NHPA to determine the existence of and potential impacts to cultural resources within the APE. Additional comments related to consultation with Indian Tribes is located in Section B.23 [NEPA Process – Section 106]

Comments: (28-9-15) (29-23-6) (32-17-2) (32-25-4) (32-25-9) (91-83-1) (96-6) (109-5) (190-5) (345-16) (363-8)

B.21 Comments Concerning Cost Considerations

B.21.1 Cost Considerations – Ability to Pay for Accidents

The NRC staff received comments concerning the ability of utilities, rail companies, Holtec, and the Federal Government to pay for accidents at the proposed CISF and along the SNF transportation route. While commenting on the ability to pay, commenters raised the following additional issues: liability for accidents, transfer of SNF title, and *de facto* disposal.

Response: In conjunction with the safety analysis documented in the NRC's SER, the EIS will analyze potential environmental impacts from credible radiological accidents at the proposed CISF. The title of the SNF is likely outside of the scope of the EIS, since who holds the title will likely not alter the environmental impacts. Transportation of SNF is covered under the Price-Anderson Act.

For responses to concerns about *de facto* disposal, see [Section B.4.3] Proposed Action – De Facto Disposal.

Comments: (30-43-4) (185-8) (339-2-10) (367-7)

B.21.2 Cost Considerations – Shifting the Responsibility for Storing SNF

The NRC staff received comments concerning the shift in responsibility (e.g., title, costs, liability, risk) for storing SNF that is associated with the proposed CISF. Commenters stated that nuclear power utilities are seeking to shift the responsibility for storing SNF primarily to the Federal Government while Holtec and Eddy Lea Energy Alliance (ELEA) profit from it. Some commenters characterized the proposed CISF as a public subsidy. Other commenters stated the proposed CISF would expedite this shift in responsibility by decades (i.e., prior to the availability of a geologic repository). Commenters stated that this shift in responsibilities must be clearly outlined and analyzed in the EIS. While commenting on this shift in responsibility, commenters also raised the following issues: liability for accidents, who pays for various activities and events, who has title of the SNF, *de facto* disposal, a private company operating the CISF, and alternatives.

Response: As previously discussed, the liability for accidents is covered by the Price-Anderson Act. These comments raise issues that are likely outside the scope of the EIS, since the issues raised will likely not alter the environmental impacts of the proposed project.

Comments: (23-6) (33-37-1) (36-1) (36-3) (36-4) (36-8) (36-9) (127-1) (142-1) (378-1-19) (381-1-17) (393-1-11) (393-1-17) (393-1-9)

B.21.3 Cost Considerations – Liability for Accidents

The NRC staff received comments about liability for accidents. Liability issues raised by commenters included the following: who was liable for accidents at the CISF as well as along the SNF transportation route, how will people or industries be indemnified or reimbursed, will reimbursement be for full market value, what about losses or devaluation associated with the stigma of an accident. One commenter stated the liability is far less for keeping the SNF at the generation sites instead of transporting it to a CISF. Commenters also raised the following issues about insurance for Holtec, the SNF transportation companies, and the cask manufacturers: who is the insurer; what kind of insurance is it; who pays for it (funding source); how much insurance is carried and is it enough; how long does the coverage last; and assurances the insurance company won't go bankrupt. While commenting on liability for accidents, commenters raised other issues. One commenter stated the liability (i.e., risk) for keeping the SNF at the generation sites is far less than transporting it to an SNF. Other additional issues raised included the following: ability to pay, estimating costs, environmental and health impacts, long-term stewardship, Holtec bankruptcy, *de facto* storage, private company operating a CISF, radiological health, and public subsidies.

Response: As previously discussed, the liability for accidents is covered by the Price-Anderson Act. These comments primarily raise issues that are outside the scope of the EIS. For responses to comments concerning the environmental impacts of accidents, see Section B.26 [Accidents]. For responses to comments concerning radiological health impacts, see Section B.23 [Radiological Health].

Comments: (26-3) (28-7-14) (29-2-12) (29-37-4) (29-23-5) (29-26-5) (30-35-6) (30-35-8) (30-35-9) (31-25-1) (31-17-5) (31-17-7) (32-22-3) (33-37-2) (33-11-3) (34-9-1) (34-9-5) (88-7) (103-6) (152-3-20) (152-2-3) (355-11) (364-12) (381-1-15) (387-8) (393-1-12)

B.21.4 Cost Considerations – Ownership of Title of the SNF

The NRC staff received comments concerning who has title to the SNF. One commenter stated that the EIS must identify who has title and liability for the SNF at each stage (e.g., placing the SNF into canisters at the generation plant, SNF transportation, and storage at the CISF). Another commenter stated the EIS must evaluate the proposed project with and without SNF title transfer to the DOE. While commenting on who has title to the SNF, commenters identified additional issues, which included who pays for the proposed CISF and why not use the Private Fuel Storage CISF in Utah.

Response: The issue of who has title to and liability for SNF is likely outside the scope of the EIS.

Comments: (36-5) (173-7) (387-6)

B.21.5 Cost Considerations – Estimating Costs

The NRC staff received comments regarding estimating the costs of and payment for storing SNF or costs of and responsibility for cleanup in the event of an accident. Some commenters requested additional details about the cost of constructing and operating the proposed CISF, who would be responsible for paying, and how any money would be distributed. Other commenters suggested topics that should be addressed in the EIS such as the cost for storing SNF at generation sites, the cost for packing and transporting the SNF, the costs of the CISF

stages (i.e., construction, operation, decommissioning), comparing the SNF transportation costs of the proposed CISF and the No-Action alternative, and the costs for accidents or sabotage at the proposed CISF. One commenter stated that the ER analyses did not address the option of transferring SNF to the nearest operating reactor site rather than the CISF. Another commenter stated that the EIS should analyze the cumulative or comprehensive costs for storing SNF. Additional topics raised include financial assurance, who pays for the routine activities, and characterizing the proposed CISF as a public subsidy.

Response: The EIS will include a cost-benefit analysis comparing the major costs and benefits associated with the proposed CISF in relation to the No-Action alternative. Costs not directly associated with the proposed action or alternatives (e.g., costs for building and constructing storage facilities other than the proposed Holtec CISF) are beyond the scope of this EIS. Additionally, costs associated with alternatives not evaluated in detail will not be considered in the EIS. Comments related to financial assurance are addressed in Section B.31.6 [Out of Scope – Financial Assurance].

Comments: (29-35-2) (29-17-5) (30-1-4) (31-12-17) (31-47-6) (33-24-2) (33-7-9) (36-2) (37-2-6) (59-4) (59-8) (102-3) (102-8) (119-3) (128-24) (151-7) (187-5) (189-2) (339-2-3) (355-4) (355-9) (381-1-14) (393-1-13) (394-1-16)

B.21.6 Cost Considerations – General Comments

The NRC staff received comments about general cost and benefits of the proposed CISF. Some commenters stated that the financial benefits experienced by some are outweighed by the costs, such as negative impacts to public health and the environment. A commenter stated that moving the SNF from the generation site to the proposed CISF decouples the nuclear power costs from the benefits which means that communities are less likely to seek energy alternatives. One commenter requested additional discussion of the Blue Ribbon Commission's recommendations. Some commenters objected to the use of taxpayer money to move SNF to an interim facility. While providing general comments on the CISF, one commenter stated that storage of SNF at a CISF is safer than storage at the generation site.

Response: As appropriate, the EIS will include a discussion of the costs and benefits of the proposed action (i.e., Phase 1) as well as a comparison of the proposed action and No-Action alternative. As described in scoping report Section A3, expansion of the Holtec proposed project (i.e., Phases 2 and 19) is not part of the proposed action. However, the NRC staff considered these expansion phases in its description of the affected environment and impact determination where appropriate when the environmental impacts of the potential future expansion were able to be determined, so as to conduct a bounded analysis for the proposed CISF project. Scoping report Section A3 also states that while the proposed action does not include specific license for transportation or radioactive material or approval of specific transportation routes, the EIS will include a discussion of the impacts of transportation for representative shipments to and from the proposed facility. Since the EIS will describe the impacts to potential future expansion as well as the SNF transportation to and from the proposed CISF, the EIS cost benefit chapter will also consider these two topics. The Blue Ribbon Commission's recommendation related to cost and benefit are beyond the scope of the EIS. Comments related to the socioeconomics of the area and proposed action are in Section B.18 [Socioeconomics], Section B.30 [General Support], and Section B.7 [Alternatives].

Comments: (56-8) (67-6) (123-9) (144-2-10) (158-2) (231-3) (254-3) (393-2-8)

B.21.7 Cost Considerations – Presence of a Second CISF

The NRC staff received comments concerning a second CISF. One commenter questioned the economic viability of the proposed Holtec CISF, since another CISF is currently also proposed. Other commenters supported the proposed Holtec CISF in New Mexico over the proposed ISP CISF in Texas because of the economic benefits of building a CISF in New Mexico.

Response: The proposed action is the construction, operation, and decomissioning of a single proposed CISF facility. The potential presence of a second CISF will be considered in the cumulative impacts evaluation and cost benefit chapter of the EIS. Although a second application for a CISF is currently before the Commission, no licensing decisions have yet been made.

Comments: (15-4) (30-10-9) (190-6)

B.21.8 Cost Considerations – Private Company Operating the Proposed CISF

The NRC staff received comments about a private company operating the proposed CISF. Commenters expressed concerns that a private company would focus on profits, at the expense of other factors such as safety, public health, and the environment. One commenter expressed a concern that if Holtec went bankrupt or was not held liable then, canister safety would be compromised.

Response: The EIS will assess the potential environmental impacts of construction, operation, and decommissioning of the proposed CISF. The operators of the proposed CISF must abide by all applicable NRC regulations (including requirements for casks and canisters certified by the NRC for SNF transport and storage), as well as any applicable State or local regulations. Comments on the safety of canisters and casks can be found in Section B.27 [Safety].

Comments: (29-2-13) (30-41-5) (33-43-8) (33-16-9) (276-4)

B.21.9 Cost Considerations – Financial Responsibility for Facilities and Activities

The NRC staff received comments concerning responsibility for costs of the facilities, routine activities, transportation, and storage. Specific topics identified included the SNF transportation campaign, the construction of the proposed CISF, and emergency planning at the proposed CISF and along the SNF transportation route. Additional topics included title of the SNF, liability for accidents, bankruptcy, and financial assurance.

Response: The EIS will include a high-level comparison of the costs and benefits of the proposed CISF compared with the No-Action alternative. Some of the identified topics, such as costs of the construction, operation, and decommissioning of the facility, and spent fuel transportation will be discussed, as appropriate. Because the routes for transportation have not yet been established, the need for (and hypothetical cost of) infrastructure upgrades is speculative and beyond the scope of the EIS. The other issues raised are outside the scope of the EIS.

Comments: (18-8) (20-7) (25-5) (28-17-5) (29-16-3) (91-95-1) (115-3) (123-17) (234-13) (343-1-3) (393-1-14)

B.22 Comments Concerning Nonradiological Health

B.22.1 Nonradiological Health

The NRC staff received comments regarding nonradiological health impacts associated with the proposed action. One commenter discussed their research regarding the existing potential for disease in livestock and humans from exposure to nonradiological (chemical) environmental constituents. Other commenters were interested in evaluating the nonradiological health hazards of the chemical constituents in SNF (e.g., lead).

Response: The EIS will include an assessment of potentially adverse nonradiological effects on human health that result from chronic and acute exposures to hazardous chemicals and from physical safety hazards that might occur during construction, operation, or decommissioning of the proposed CISF. Potential impacts associated with the implementation of the proposed action will be assessed under normal operation and credible accident scenarios. These analyses will consider the potential impacts to workers and the public and take into account applicable regulations and available information about baseline health conditions.

Comments: (29-25-7) (30-43-1) (153-1) (359-1-3)

B.23 Comments Concerning Radiological Health

B.23.1 Radiological Health - Age-Dependent Effects of Radiation -

The NRC staff received a comment from the EPA referring to Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks, April 23, 1997) that directs Federal agencies to identify and assess environmental health and safety risks that may disproportionately affect children, and shall ensure that its policies, programs, activities, and standards address these risks. The EPA recommended the EIS address the potential for disproportionate adverse impacts to children related to the proposed action. Another commenter expressed a similar request to evaluate impacts on vulnerable population groups, based on age and gender.

Response: The EIS will address potential public and occupational radiation doses and associated health effects for proposed storage and transportation activities. Radiation doses will be compared with applicable NRC regulatory limits. The NRC's regulatory limits for radiological protection are set to protect workers and the public from the harmful health effects of radiation on humans. These radiation standards reflect extensive scientific study by national and international standard-setting organizations and incorporate conservative assumptions and models to account for differences in gender and age so as to ensure that workers and all members of the public are adequately protected from radiation. Comments about cancer risk are described in Section B.23.2 [Radiological Health - Cancer Risk]. Comments about transportation safety and analysis are described in Section B.10 [Transportation Safety/Accidents].

Comments: (150-20) (348-1-16)

B.23.2 Radiological Health – Cancer Risk

The NRC staff received comments expressing concerns about radiation exposure and cancer risk. One commenter was concerned about cancer risks from low-dose radiation, such as when

a transportation shipment of SNF passes through a community. Some had personal stories about getting cancer themselves or knowing family members or others with cancer. Another wanted the NRC impact analysis to address cancer risks in real people, including women and children instead of using technical terms like collective dose.

Response: The EIS will address potential public and occupational radiation doses and associated health effects for the proposed storage and transportation activities. This may include estimates of individual and collective doses and cancer risks where appropriate. The NRC dose limits incorporate conservative assumptions and are considered protective of adults, children, men, and women. Related comments are described in Section B.23.9 [Radiological Health – Radiological Impact Analysis Approach].

Comments: (17-3) (30-21-1) (30-21-2) (30-17-5) (31-25-3) (33-29-2) (35-2) (91-10-1) (91-65-1) (91-73-1) (91-81-1) (91-86-1) (238-2)

B.23.3 Radiological Health – Characteristics of the Material That Would Be Stored

The NRC staff received comments requesting the EIS take into account the characteristics of the material that would be stored, including the waste form, the maximum and median canister inventory, the dose rate from storage systems, and the long half-life.

Response: The EIS will consider the characteristics of the material that would be stored at the proposed CISF and other forms of low-level radioactive waste that would be generated by the facility, and how these materials would potentially impact the environment. This includes but is not limited to the waste form, canister inventory, dose rate, and long half-life of the material.

Comments: (15-7) (28-2-5) (30-32-6) (31-21-2) (31-14-5) (31-12-9) (33-24-5)

B.23.4 Radiological Health – General Concerns

The NRC staff received comments that expressed general concerns about radiological health and safety. Concerns were expressed generally about health, safety, environment, hazards, contamination, transport and exposure pathways, decay/ingrowth, long half-lives of radionuclides in SNF, potential contamination of dairies and farms, ranching, impacts on livelihoods, downwinders from nuclear fallout, repeating nuclear problems of the past, cancer, and birth defects. Concerns were expressed about increases in renal cancers in the area, and for child safety and risks to the unborn close to rail tracks. One commenter noted the dose at the boundary of the proposed project would be similar to the dose from an airline flight. Concerns were expressed about placing additional health burden on poor citizens that can't afford healthcare. Another commenter was concerned about radiation worker safety and workers impacted by accidents. One commenter wanted to know the dose rate from a single package. Another commenter discussed the use of animals as sentinels for various environmental impacts, noting complex exposure pathways to released radionuclides.

Response: The EIS will consider the potential radiological health and safety impacts to workers and the public from the proposed project. Under normal operating conditions, dry cask storage does not release radioactive materials into the environment; therefore, the radiological impact analyses applicable to normal operations will evaluate radiation dose estimates to workers and the public from the direct radiation typically emitted from the canisters and shielded casks. The potential impacts of credible accidents will be considered in the EIS. If credible accidents involving a release of radioactive material are identified, then any exposure pathways

that significantly contribute to dose estimates would be considered along with the potentially affected area and related environmental impacts. The specific exposure pathways addressed would depend on the circumstances of the accident scenario analyzed, which will be determined during the NRC staff's licensing review. The general concerns raised by commenters overlap with more detailed comments about radiological health and safety that are described in the remainder of responses in this Section B.23 [Radiological Health] and are therefore not repeated here.

The NRC will also conduct, in parallel with the EIS, a detailed safety review that will evaluate compliance with all applicable NRC safety regulations and document the results of that review in a SER. The NRC will consider the impacts identified in the EIS and the regulatory compliance determinations in the SER in making a decision whether to grant a license to Holtec for the proposed CISF. Comments about transportation safety and accidents are described in Section B.10 [Transportation Safety/Accidents bin].

Comments: (29-34-1) (29-37-1) (29-38-1) (29-18-2) (29-25-3) (29-31-3) (29-33-3) (29-35-4) -- 16-1) (32-13-2) (32-16-2) (33-54-2) (33-59-2) (34-11-3) (67-4) (91-30-1) (91-36-1) (91-41-1) (91-50-1) (91-61-1) (91-77-1) (91-56-2) (94-6) (152-3-1) (152-3-13) (152-3-3) (152-3-9) (155-4) (187-2) (200-3) (280-1) (302-1) (366-9)

B.23.5 Radiological Health – Health Characteristics of the Region

The NRC staff received several comments that provided information about the existing health characteristics of the region surrounding the proposed CISF or at locations commenters believed would be affected by the proposed project. Commenters described their understanding and provided information about health characteristics of the region regarding specific ailments such as cancer, birth defects, lung disease, and kidney disease. Some commenters suggested the rates of cancer were elevated in southern New Mexico. Commenters also described a variety of environmental conditions within the State of New Mexico, including the impacts of the legacy of uranium mining on the Navajo Nation and the environment. Other commenters referred generally to environmental contamination, including uranium, radon, lead, arsenic, and heavy metals. Some commenters provided suggestions for data sources for the NRC to consider in developing the EIS. One commenter recommended consulting a Centers for Disease Control and Prevention database of disease and environmental hazards. Another commenter recommended the NRC consult a cancer map in developing the EIS. Other commenters referred to health studies of the region, including a University of New Mexico Navajo Cohort Study, and a 2017 Tularusa health-impact assessment. One commenter mentioned there was insufficient health data to fully understand the health characteristics of the region. Another commenter requested the Centers for Disease Control or the National Institutes of Health should conduct a comprehensive public health-impact assessment. Other commenters were concerned about the cumulative health effects of nearby facilities or activities, including the Waste Control Specialists waste disposal site, the Urenco uranium enrichment facility, oil and gas extraction activities, along with the proposed action. Another commenter noted that although the region has been characterized as remote and low population density, the roads typically are busy and represent a large population that could be exposed to radiation from the proposed facility and activities.

Response: The EIS will include a description of the affected environment that will describe the general health conditions in the areas surrounding the proposed CISF site. This description will consider available information sources, such as public health summaries and related statistics provided by State and Federal health agencies. This may also include published local

or regional health studies, if applicable to the ROI of the proposed CISF project. The NRC staff will consider the applicability of the suggested studies to the radiological health analysis in the EIS. Because the EIS will be based on available information to characterize the baseline health conditions applicable to evaluating the proposed action, no new original public health research or detailed public health assessment studies will be conducted for the EIS. In describing the characteristics of the affected environment, the EIS will summarize nearby nuclear, industrial, and resource extraction activities, as well as known contaminated sites that exist within the ROI of the proposed action and consider the potential for cumulative effects from these activities, as applicable.

Comments: (29-35-1) (29-1-2) (29-20-4) (29-33-5) (30-39-2) (30-46-3) (31-29-1) (31-58-1) (31-29-2) (32-19-1) (32-20-2) (32-32-2) (32-9-2) (32-19-3) (32-2-3) (32-20-3) (32-32-3) (32-16-5) (32-18-5) (32-30-9) (33-33-1) (33-62-1) (33-65-1) (33-47-10) (33-18-2) (33-19-2) (33-22-2) (33-38-2) (33-42-2) (33-56-2) (33-58-4) (33-22-5) (33-42-5) (33-21-6) (33-56-6) (34-4-10) (34-10-4) (39-3) (91-16-1) (91-21-1) (91-68-1) (91-84-1) (91-85-1) (91-9-1) (91-59-2) (94-3) (94-4) (112-1) (152-3-10) (152-2-2) (152-4-3) (207-2) (220-3) (235-1) (341-2-4) (348-2-12) (348-2-8) (348-2-9) (366-1) (378-1-4) (381-1-3)

B.23.6 Radiological Health – Health Effects of Radiation Exposure

The NRC staff received comments related to the health effects of radiation exposure. One commenter recommended against using the terms “safe” and “unsafe” and suggested the terms are not accurate for describing health risks. Another commenter provided extensive discussion about several hypothetical potential causes (including radiation exposure) of a rare human disease linked to livestock disease that they requested the EIS evaluate.

Response: The EIS will be based on available information and established science regarding the potential health effects of radiation exposure. Therefore, the EIS will not involve conducting basic research on the potential health effects of radiation exposure. The impact determinations in the EIS will use a three-level standard of significance for assessing environmental issues based upon the President's Council on Environmental Quality regulations (40 CFR 1508.27); these three impact levels are small, moderate, and large. The NRC considers context and intensity in determining the significance of environmental impacts. For impacts involving risk the NRC considers probability of occurrence and consequence in determining significance. Comments about cancer risk are described separately in this section [Radiological Health].

Comments: (29-25-6) (29-25-8) (31-38-1) (31-29-3) (171-1) (171-2) (171-3) (171-4) (171-5)

B.23.7 Radiological Health – NRC Safety Regulations and Level of Protection

The NRC staff received comments about NRC regulations and the associated level of protection. One commenter was concerned about the safety of the surface dose rate limit on a transportation cask. They also expressed concerns that cask venting would allow releases of gaseous radioactive material under normal operations. Another commenter expressed concerns about the risk of cancer and genetic effects associated with current regulatory limits. Another commenter suggested uncertainties and lack of consensus about radiation exposure limits has led to compromises in setting standards that are unsafe.

Response: Regulations pertaining to radiological exposure and standards are established by following a public rulemaking process, reflect extensive scientific study by national and

international standard-setting organizations, and incorporate conservative assumptions and models. Regulations provide assurance that radiation exposures associated with the possession, use, and transfer of radioactive materials will be maintained well below established levels of concern for health effects. Additionally, in the proposed design for the spent fuel storage system (the HI-STORM UMAX Canister Storage System), no radioactive material is exposed to ambient air or is released from the spent fuel canisters. The HI-STORM UMAX Canister Storage System relies on vents that allow ambient air to flow between the outer surface of the sealed canister while it is stored inside the ventilated vertical module, which dissipates heat from the sealed spent fuel canisters. The radioactive material inside the spent fuel canisters (spent fuel) is never exposed to ambient air. The EIS impact analyses will consider the mitigative effects of compliance, with applicable regulations in those circumstances where compliance with regulations addresses the relevant impacts. Where regulations are cited in the EIS impact determinations, the EIS will provide clear descriptions of how compliance with cited regulations addresses the specific impacts being evaluated. Comments addressing canister and cask safety are described in Section B.27 [Safety]. Comments about transportation safety are described in Section B.10 [Transportation Safety/Accidents].

Comments: (33-40-3) (33-40-5) (33-42-7) (162-6) (393-2-9)

B.23.8 Radiological Health – Radiological Characteristics of the Proposed Site

A commenter recommended that the EIS consider the radiological status of Laguna Gatuna, taking into account past use as a discharge location for oilfield brine between 1969 and 1992. In particular, the commenter was concerned about deposition of naturally occurring radioactive material or technologically-enhanced naturally occurring radioactive material that may contain uranium decay products such as Ra-226 and isotopes of thorium such as Th-232. The commenter suggested intensive soil and groundwater sampling should be conducted to characterize the radiological status of these media relative to background concentrations. Another commenter referred to a recent study about radiation levels in New Mexico.

Response: The description of the affected environment in the EIS will describe background radiological conditions applicable to the location of the proposed project. This can include naturally occurring radioactive material as well as radiological materials resulting from past activities, including resource extraction. However, because the radioactive materials in SNF can be uniquely identified relative to naturally occurring radioactive materials, and there is no prior history of SNF at the proposed CISF location, detailed radiological site characterization of the proposed location is outside the scope of the EIS.

Comments: (33-20-4) (255-10)

B.23.9 Radiological Health – Radiological Impact Analysis Approach

The NRC staff received several comments related to the impact analysis methods that the NRC would use to estimate radiological impacts from normal operations or accidents. A commenter requested the EIS consider the impacts of radioactive material releases from the proposed project on oil or gas, potash, dairy, livestock, and other agricultural activities. Another commenter requested NRC address all potential annual and cumulative radiological emissions by isotope, including gasses and considering bioaccumulation and health effects in dairy cattle, farm animals in concentrated animal feeding operations, wildlife, and humans. Consideration of long-term effects and the potential mechanisms for environmental transport of contamination,

including wildfires, was also suggested. Another commenter suggested a risk assessment for the entire life cycle of SNF and the use of any means to reduce the hazards of SNF. One commenter suggested a more comprehensive analysis of the current distributed storage versus centralized storage, including estimates of the likelihood of releases under each storage scenario, including transportation (citing the NUREG–1864 approach). Some commenters expressed concerns about specific environmental pathways or suggested an exposure pathway analysis (i.e., air, water, food) is needed. Another suggested the distance to population centers considered in CISF impact analyses should include individuals driving on roads near the proposed CISF. Others requested a human health risk assessment that considers the unique natural Indian Tribal diet (including hunting and gathering) and an ecological health risk assessment. One commenter favored quantitative analyses instead of qualitative. Another commenter favored reporting individual radiation doses rather than collective population doses. Some commenters suggested the NRC revise or redefine typical radiological assessment terminology, such as collective dose. Others encouraged the NRC to account for the long half-lives of radionuclides in the waste and the health hazards to future generations, including mutation and cancer. Some commenters called for a specific style of public health assessment similar to the Centers for Disease Control or the National Institutes of Health. Another commenter suggested that the NRC analysis and results be published for public review prior to any further consideration of the proposed project.

Response: The EIS will evaluate potential radiological impacts of normal operations and credible accidents using generally accepted radiological assessment methods that are consistent with applicable NRC practices, regulations, and guidance. The EIS analyses will consider the applicable locations of potentially exposed individuals and routes of exposure to radiation that would contribute significantly to dose estimates. Impact analyses will include both quantitative and qualitative considerations. Radiation dose estimates will typically be reported as individual annual doses consistent with NRC safety standards in 10 CFR Part 20, although collective doses would be used to estimate health effects to populations. The EIS will, as necessary, describe and consider the general health conditions of the affected environment. The EIS will not include detailed assessments of existing health conditions of the region but will rely on available scientific methods and health information.

Under normal operating conditions, dry cask storage does not release radioactive materials into the environment; therefore, the radiological impact analyses applicable to normal operations will evaluate radiation dose estimates to workers and the public from the direct radiation typically emitted from the canisters and shielded casks. The potential impacts of credible accidents will be considered in the EIS. If credible accidents involving a release of radioactive material are identified, then any exposure pathways that significantly contribute to dose estimates would be considered along with the potentially affected area and related environmental impacts. The specific exposure pathways addressed would depend on the circumstances of the accident scenario analyzed, which will be determined during the staff's licensing review.

Evaluation of the entire lifecycle of SNF is beyond the scope of the EIS. The fuel-cycle impacts were previously evaluated during the licensing of the reactors that produced the SNF, and the storage of this SNF at the proposed CISF would not result in additional reactor fuel production, uranium milling, conversion, enrichment, fabrication, or disposal at a geologic repository. The impacts of storage during the period following the license term of a facility are addressed in the Continued Storage GEIS, which will be incorporated by reference into the EIS. Comments about transportation are described in Section B.10 [Transportation Safety/Accidents]. Comments about accidents are described in Section B.26 [Accidents], and comments about alternatives are described in Section B.7 [Alternatives].

Comments: (3-11) (29-25-4) (31-55-1) (31-12-13) (31-29-4) (32-17-3) (32-24-5) (59-10) (91-13-1) (91-12-6) (144-2-13) (271-1) (368-9) (377-7) (393-2-4)

B.23.10 Radiological Health – Radiological Safety of Workers

The NRC staff received comments expressing radiological safety concerns for workers. One commenter was concerned about the quality control of packaging radioactive materials for transportation based on a personal experience with packaging other radioactive materials that did not include SNF. Another commenter was concerned about the proprietary nature of worker exposure data. One commenter expressed concerns about worker safety at nuclear power plants.

Response: The EIS will evaluate the potential health and safety impacts to workers, including consideration of both radiological and nonradiological hazards. This will include consideration of dose estimates for proposed operations and activities, including credible accident scenarios but may also consider historical experience with similar operations. The EIS will also consider available nonradiological safety information related to similar activities or industries (e.g., Occupational Safety and Health Administration reports). Regarding the availability of worker exposure data, under 10 CFR 20.2206, the NRC requires licensees to submit an annual report of the results of individual monitoring carried out by the licensee for each individual for whom monitoring was required by 10 CFR 20.1502 during that year. Annually, the NRC publishes a volume of the results of annual reporting of all licensees in the publicly available NUREG–0713 “Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities 2016” (NRC, 2018).

Reference: NRC. “Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities.” NUREG–0713. Washington DC: Nuclear Regulatory Commission. May 2018. https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0713/v38/.

Comments: (68-6) (152-2-7) (358-15)

B.24 Comments Concerning Waste Management

B.24.1 Waste Management – Comments from EPA

The NRC staff received comments from the EPA regarding the EIS analysis of potential waste management impacts. EPA recommended that the EIS address potential direct, indirect, and cumulative impacts of solid and hazardous waste from construction, maintenance, and operation of the proposed project. They recommended that the EIS identify projected solid and hazardous waste types, volumes, and expected storage, disposal, and management plans. They also recommended that the EIS address the applicability of state and federal hazardous waste requirements and evaluate appropriate mitigation, including measures to minimize the generation of hazardous waste (i.e., hazardous waste minimization). They noted alternate industrial processes using less toxic materials should be evaluated as mitigation since such processes could reduce the volume or toxicity of hazardous materials requiring management and disposal as hazardous waste.

Response: The EIS will address the potential direct, indirect, and cumulative impacts of solid and hazardous waste from construction, operation, and decommissioning of the proposed CISF. This includes describing the projected solid and hazardous waste types, volumes, and expected storage, disposal, and management plans and applicable State and Federal hazardous waste

requirements. The EIS will describe mitigation measures that the applicant intends to implement, that are required by other agencies or associated with permits, or that NRC recommends, for waste management.

Comments: (150-13) (150-14) (150-15)

B.24.2 Waste Management – General Comments

The NRC staff received comments regarding the evaluation of non-high level waste management impacts. A commenter requested estimates of low-level radioactive waste volumes, including the contribution from waste concrete during decommissioning of the proposed Holtec CISF and used canisters if the SNF is stored beyond the license term. A commenter asserted that SNF has chemical constituents that would classify it as hazardous waste that would require an RCRA permit from the State of New Mexico.

Response: The EIS will include an analysis of the potential impacts to waste management from the construction, operation, and decommissioning of the proposed Holtec CISF. This analysis will include descriptions of the nonradiological and radiological waste streams produced by the proposed action, the applicant's proposed waste management activities, and the applicable regulations that address handling, storage, and disposal of these wastes. As applicable, required permits related to waste management for the proposed action will also be discussed.

Comments: (255-2) (343-1-17) (393-3-8) (394-2-2)

B.25 Comments Concerning Cumulative Impacts

B.25.1 Cumulative Impacts – Cumulative Contaminant Exposures

The NRC staff received a number of comments expressing concerns regarding the cumulative human health and environmental risks and impacts, such as increased cancers and other illnesses that might result from the addition of the proposed CISF to existing facilities in the area. Some commenters stated that the ER does not adequately consider accidents at the proposed CISF that could disseminate radiological materials for hundreds of miles. Commenters expressed concerns that the environment is already contaminated with pollutants, such as plutonium, methane, and metals from past projects. Many commenters stated that New Mexico, in particular southeastern New Mexico, has suffered too much from weapons testing; past mining and energy activities; and existing nuclear facilities, such as WCS, WIPP, and Urenco. Some commenters stated that studies should be conducted on the cumulative effects from all nuclear projects in New Mexico. Commenters stated that the Federal Government has not cleaned up contaminated sites or offered medical treatment to affected citizens.

Response: The cumulative impact section of the EIS, as required under NEPA, will provide an analysis of cumulative impacts of other past, present, and reasonably foreseeable future actions, including, where appropriate, the presence of other industrial facilities in the region. The EIS will include consideration of existing air emissions sources and background pollutant concentrations and cumulative effects on members of the public due to the presence of radioactive materials, including those that would be present at the proposed CISF, and other known sources of radiation and pollution. An analysis of facilities that pose environmental risks not associated with the proposed CISF is outside the scope of the EIS.

Comments: (29-19-1) (29-19-2) (31-30-10) (33-18-1) (34-10-2) (94-2) (144-1-17) (144-2-6) (152-3-16) (152-1-5) (187-1) (276-10) (343-1-19) (343-2-3) (348-1-11) (348-1-14) (348-1-18) (348-1-21) (348-1-4) (348-1-5) (348-1-9) (350-7) (368-16) (378-2-13) (378-3-5) (381-3-1) (381-2-9)

B.25.2 Cumulative Impacts – General Concerns

The NRC staff received several comments on general concerns regarding the adequacy of the cumulative impact analysis. Comments included topics such as the history of New Mexico and the nuclear industry, the socioeconomic impacts of the proposed CISF and surrounding facilities, and general opposition to the project and its cumulative impact to the region.

Response: The EIS will include a cumulative impact analysis within 80 km [50 mi] of the proposed CISF. The cumulative impacts analysis will include descriptive information and impact determinations for all resource areas accounting for past, present, and reasonably foreseeable future actions.

Comments: (29-19-3) (29-15-5) (31-50-2) (32-36-2) (32-36-6) (173-16) (377-6)

B.25.3 Cumulative Impacts – Nearby Facilities

The NRC staff received several comments regarding the potential combined effects of the proposed CISF, other nearby known facilities, and legacy sites throughout the State and in the vicinity of the proposed project. Commenters expressed skepticism regarding the NRC's ability to predict what type of facilities may be located in the vicinity of the proposed CISF in the future that could change the dynamics of cumulative impacts in the region, such as a chemical plant, airport, or military installation.

Response: The EIS analysis will describe the cumulative impacts of past, present, and reasonably foreseeable future actions within an 80-km [50-mi] radius around the proposed project area. The NRC safety review will consider the nature of other nearby facilities to determine if there are any credible accident scenarios, as appropriate. Information from the NRC safety review will be incorporated into the EIS, as needed. Similar comments about the scope of the EIS's safety and accident analyses at the proposed CISF and at other nearby facilities are addressed in greater detail in Sections B.27 [Safety] and B.26 [Accidents] of this report.

Comments: (28-2-7) (28-2-8) (152-1-16) (248-7) (348-1-6) (348-1-7) (393-2-11) (393-2-20)

B.25.4 Cumulative Impacts – Resource Specific Concerns

The NRC staff received several comments on the cumulative impact of the proposed CISF with nearby energy and mineral activities as well as water resources. Specifically, commenters expressed concern about the potential impacts on key industries including ranching, potash mining, and other energy related activities such as wind, solar, oil, and gas. Some commenters were also concerned about the combination of the regional karst geology and the consolidated interim storage of SNF as well as the cumulative effect from other industries. Other commenters stated that induced earthquakes from fracking, potash soils, water, and playa lakes should be analyzed.

Response: The EIS will provide a cumulative impacts evaluation which will include the impacts of construction, operation, and decommissioning of the proposed CISF combined with the impacts of other past, present, and reasonably foreseeable future actions. The cumulative impacts analysis will consider historic, current, and future trends in mining and energy related activities, and other federal projects in southeastern New Mexico as they relate to the proposed CISF. Facilities that are not yet reasonably foreseeable (i.e., speculative) are therefore outside the scope of this EIS. The potential impacts from legacy sites in the State that would extend beyond the geographic areas of interest for the resource areas affected by the proposed CISF are outside the scope of the EIS. The scope of the EIS regarding legacy sites is further explained in Section B.31.18 [Out of Scope] of this report.

Comments: (14-4) (28-6-10) (29-34-3) (30-8-3) (30-21-8) (31-12-11) (34-11-2) (98-2-17) (378-1-18) (378-3-2) (381-1-16) (381-2-17)

B.25.5 Cumulative Impacts – Radiological Releases

The NRC staff received comments on the combined impact of a radiological release from WIPP and the proposed CISF. A commenter also expressed concern with the cumulative impact of the nearby WCS facility and the proposed CISF and WIPP.

Response: Similar to the analysis included as part of the environmental impacts of the proposed CISF, the EIS will also evaluate potential radiological impacts of normal operations and credible accidents within its cumulative analysis. The EIS analyses will consider the applicable locations of potentially exposed individuals and routes of exposure to radiation that would contribute significantly to dose estimates. Comments about the scope of the EIS's safety and accident analyses at the proposed CISF and at other nearby facilities are addressed in greater detail in Sections B.27 [Safety] and B.26 [Accidents] of this report.

Comments: (3-13) (14-6) (27-2) (32-36-5) (393-2-19)

B.25.6 Cumulative Impacts – Objections to Locating the Proposed CISF in New Mexico

The NRC staff received comments regarding other nuclear facilities in the State of New Mexico. The commenters generally expressed concern about cumulative effects from past activities and other current or proposed facilities, and that they do not want their state and communities to continue to be burdened with more nuclear waste. Particular concerns included safety of the proposed CISF and health related issues from past nuclear activities in the state.

Response: For the purposes of analyzing this proposed action, which is a site-specific CISF for SNF, the NRC will consider and evaluate the cumulative impacts that could occur from the incremental impact of the proposed CISF when added to past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or nonfederal) or entity undertakes these actions. The NRC will establish and specify a reasonable ROI (80 km [50 mi]) over which cumulative impacts could be expected to occur. The NRC staff will rely on information gathered from the NRC scoping process, the environmental and safety reviews, and independently gathered information to assess the reasonably foreseeable future actions that could occur.

Comments: (5-5) (30-20-1) (31-57-3) (33-29-7) (48-1) (84-1)

B.26 Comments Concerning Accidents

B.26.1 Concerns About Accidents

The NRC staff received a large number of comments expressing concerns about various CISF accident scenarios and their potential consequences. Commenters expressed concerns about accidents during all project phases, alluding to past incidents at foreign and domestic nuclear power plants (e.g., Chernobyl, Fukushima, Three Mile Island) and other sites (e.g., WIPP, Los Alamos). Some commenters suggested that the EIS evaluate beyond-design-basis and worst-case accidents. Commenters expressed different opinions about the likelihood, severity, and potential consequences of accidents at the proposed CISF.

Some commenters described concerns regarding various potential accident initiators, including extreme weather events (e.g., tornadoes, high temperatures, lightning, flooding) and other natural events, such as wildfires, land subsidence, and sinkholes. Additional events such as explosions, criticality, sabotage, aircraft crashes including fuel fire, and decommissioning accidents were also mentioned. Some commenters questioned the capabilities of the storage casks to perform safety functions such as cooling and containment throughout the period of operations without an accident. Some commenters wanted to know about the region of influence for the impacts of accidents and the types of models that would be used to evaluate accidents.

Concerns expressed about the consequences of accidents included the dispersion and distribution of radioactive materials, the size of the affected area, and the potential economic impacts on local businesses (oil and gas development, potash mining, investment, agriculture, ranching, property values, tourism, pharmaceutical production, retirement), the State budget, natural resources (including soil, air, water supply, and wildlife), and potential impacts of accidents on responders, workers, and the public, including the potential for genetic effects. One commenter requested that the EIS include an economic risk benefit analysis.

Additional concerns were expressed about accident mitigation, including suggestions about additional design features (e.g., domes) to protect against aircraft crash and similar hazards, as well as the distribution of potassium iodide pills. Other mitigation concerns were focused on prompt reporting of accidents to the public, the availability of workers to respond to accidents, monitoring casks, repair, replacement, and decontamination and decommissioning.

Response: The NRC safety regulations and guidance specify that the facility be designed to withstand various credible accidents, including natural external events. The NRC SER will include an evaluation and determination of (a) the adequacy of the design to withstand credible accidents, (b) the potential for a release of radioactive material to occur as a result of any such accident, and (c) the significance of any such release. In conjunction with the safety analysis documented in the NRC's SER, the EIS will analyze the potential environmental impacts resulting from credible accidents at the proposed CISF. NEPA does not require analysis of worst-case scenarios. Comments about emergency response and emergency management are described in Section B.28 [Emergency Management]. Comments about transportation accidents are addressed in Section B.10 [Transportation Safety/Accidents]. Comments about security and terrorism are addressed in Section B.31.29 [Security and Terrorism]. Comment about safety are addressed in Section B.27 [Safety].

Comments: (2-1) (5-2) (16-3) (28-7-16) (28-7-17) (28-8-18) (28-12-2) (28-20-2) (28-10-3) (28-16-3) (28-3-3) (28-14-5) (28-5-5) (28-5-6) (28-3-8) (29-14-1) (29-10-2) (29-12-2) (29-11-4)

(29-16-4) (29-34-4) (29-40-4) (29-7-4) (29-34-5) (29-11-6) (29-11-7) (29-38-9) (30-28-1) (30-32-11) (30-32-12) (30-17-2) (30-20-3) (30-14-5) (30-25-7) (31-12-12) (31-22-13) (31-12-14) (31-39-2) (31-13-3) (31-48-3) (31-60-3) (31-21-4) (31-25-4) (31-21-5) (31-22-5) (31-40-5) (31-44-5) (31-17-6) (31-34-6) (32-11-2) (32-3-4) (33-12-1) (33-60-1) (33-22-11) (33-10-2) (33-40-2) (33-26-4) (33-61-4) (33-68-4) (33-7-6) (33-29-9) (34-4-1) (34-8-1) (34-10-5) (45-3) (52-3) (59-3) (67-3) (68-4) (72-3) (88-13) (88-9) (91-31-1) (92-4) (94-7) (98-2-2) (104-4) (105-4) (128-15) (130-9) (144-1-15) (144-1-7) (144-1-8) (144-2-8) (144-2-9) (152-2-13) (152-2-14) (152-3-8) (162-12) (162-4) (163-1) (168-8) (173-13) (185-15) (198-3) (212-3) (313-5) (339-1-5) (341-2-3) (354-2) (357-9) (359-1-9) (361-1-3) (366-6) (368-10) (371-2) (372-4) (378-1-16) (389-4)

B.27 Comments Concerning Safety

B.27.1 Safety – Cask System Safety Review and Certification

The NRC staff received comments focused on cask system safety reviews. Some commenters asserted the review process was flawed or incomplete, and other commenters indicated the process was thorough. Topics of interest among commenters included the completeness of the cask system certification process; the duration of certifications; the applicability of required tests and analyses to real-world conditions; the allowable dose rates applicable to certified cask systems; and the publication and availability of NRC cask system certification reviews.

Response: Concerns about the NRC's safety programs, including the safety evaluations in licensing the proposed Holtec CISF and the certification of casks systems for storage and transportation, are outside the scope of the EIS. The EIS will consider the potential environmental impacts of storage and transportation of SNF, based on available information about cask systems and expected performance. NRC documents applicable to cask system certification reviews are available on the NRC website, although proprietary information is not disclosed to the public. Additional details regarding NRC certifications are described in the response to comments about canister design within this Section B.27 [Safety]. Other comment responses in this Section B.27 [Safety] also describe comments about cask system safety reviews and certifications. Comments about accidents are described in Section B.26 [Accidents].

Comments: (23-5) (28-8-10) (28-7-11) (28-3-2) (28-3-4) (28-24-5) (28-24-6) (28-24-7) (29-2-5) (29-20-5) (29-17-6) (30-32-13) (30-38-3) (30-6-3) (31-40-2) (31-34-5) (31-9-5) (31-51-8) (33-40-4) (33-45-8) (130-10) (165-4) (167-4) (186-7) (339-2-6) (355-7) (358-16) (361-2-6) (361-2-7) (370-5)

B.27.2 Safety – Compliance with Safety Requirements

The NRC staff received a comment requesting that the EIS include a thorough discussion of the Holtec project's compliance with the requirements for dry cask storage under 10 CFR Part 72.

Response: Detailed descriptions of compliance with NRC safety regulations is outside the scope of the EIS. As part of its review of the Holtec license application, NRC conducts an environmental review that results in an EIS and a safety review that results in a SER. The SER documents whether the application complies with the applicable NRC safety regulations. Any regulations that are important to the NRC staff's environmental impact determinations in the EIS will be described as appropriate.

Comments: (378-1-15) (381-1-13)

B.27.3 Safety – General Safety Concerns

The NRC staff received comments expressing general concerns about the safety of storing SNF and the proposed CISF. These concerns included a variety of general comments asserting that the facility would or would not be safe.

Response: The safe storage of SNF at the proposed CISF is considered in the NRC's safety review and is not within the scope of the environmental review. The results of the safety review can be found in the SER and will be incorporated as appropriate into the EIS. The NRC staff will consider the impacts identified in the EIS and the regulatory compliance determinations in the SER in making a decision on whether to grant a license to Holtec for the proposed CISF.

Comments: (15-3) (28-11-2) (28-8-6) (28-8-7) (29-16-5) (29-13-7) (29-19-9) (30-11-1) (30-2-1) (30-33-1) (30-36-1) (30-4-1) (30-8-1) (30-43-2) (30-6-2) (30-10-3) (30-15-3) (30-27-3) (30-35-3) (30-47-3) (30-7-3) (30-14-4) (30-16-4) (30-8-4) (30-43-5) (30-5-5) (30-17-8) (30-20-9) (30-30-9) (31-14-1) (31-3-1) (31-4-1) (31-44-1) (31-5-1) (31-15-2) (31-26-2) (31-59-2) (31-1-3) (31-31-3) (31-4-3) (31-47-3) (31-9-3) (31-1-6) (31-26-7) (32-3-10) (32-12-12) (32-3-2) (32-8-2) (32-11-4) (32-12-4) (32-20-5) (33-9-1) (33-68-2) (33-5-3) (33-19-4) (33-30-4) (33-44-4) (33-5-4) (33-12-5) (33-21-5) (33-43-6) (33-30-8) (34-8-2) (42-2) (45-4) (45-8) (58-2) (66-3) (93-5-3) (95-6) (96-1) (100-5) (108-4) (110-8) (130-6) (145-1) (151-4) (152-3-14) (158-12) (287-1) (306-1) (310-3) (342-10) (346-3) (349-1) (350-12) (358-2) (359-1-12) (359-1-5) (386-3) (386-7)

B.27.4 Safety – Long-Term Safety of Stored SNF

The NRC staff received comments about the long-term safety of storing SNF at the proposed CISF. Some commenters were concerned about the long-term impacts of storing high-burnup SNF at the proposed CISF, including concerns about the integrity of SNF cladding over time. Commenters expressed concerns about storage lasting well beyond the initial license term.

Response: The timeframe for evaluation of the proposed action in the EIS is 40 years. This time period encompasses construction and operation of the proposed CISF in an initial license term. The Continued Storage GEIS, which will be incorporated by the regulation at 10 CFR 51.23(b) into the EIS, contains the analysis of storage of SNF during the period following the initial license term of the facility. Additional comments about long-term storage are described in Section B.4.3 [Proposed Action - De Facto Disposal]. Additional comments about the safety of high-burnup SNF are described in this Section B.27 [Safety].

Comments: (32-13-3) (34-5-2) (128-13) (134-1) (144-1-11) (144-2-7) (152-3-2) (152-2-20) (152-2-8) (168-7) (203-2) (215-2) (257-3) (339-2-7)

B.27.5 Safety – Canister Design

The NRC staff received comments expressing concerns about the safety of the proposed canister design for storing SNF at the proposed CISF. These concerns included comments about cask and canister designs; cask testing; degradation and aging management; and practical operational details.

Canister design concerns addressed a variety of topics, including the thickness of canisters and casks, valve and basket performance, effectiveness of shims, stress corrosion cracking,

high-burnup embrittlement, oxide and hydride buildup, criticality, water intrusion, and the design life of casks and canisters relative to the proposed license term. Commenters requested full-scale testing of casks and canisters. Some commenters suggested placing storage casks in reinforced buildings. Other comments expressed concerns about long-term Quality Assurance and inspection, loss of institutional control, and the viability of canisters and fuel for post-storage transportation.

Concerns were expressed about the ability to monitor, retrieve, and repair the proposed welded SNF canister. Some commenters expressed concerns about technical challenges regarding monitoring for cracks in canisters during storage while others recommended the containment should be monitored for hydrogen to prevent potential accidents. Concerns were expressed about how damaged casks, canisters, or fuel would be handled upon arrival and how casks or canisters that did not meet proposed storage facility acceptance criteria would be safely returned to the sender. Some wanted to know how a compromised cask would be removed from service. One was concerned about the recordkeeping of information about the stored material. Additional concerns were expressed about the transportation accident probability and consequences, whether the rail infrastructure can handle the weight of shipped casks, and miscellaneous site-specific issues. Some expressed concerns about optimistic assumptions regarding the performance of safety systems and whether residual external contamination would exist on transportation casks.

Response: Concerns about the NRC's safety programs, the safety evaluation being conducted as part of this licensing action, and the certification of canisters and cask systems for storage and transportation are outside the scope of the EIS. In parallel with this environmental review of the proposed CISF, the NRC is conducting a separate safety review. The safety review of the Holtec application evaluates whether the application complies with applicable requirements, including 10 CFR Part 72, which addresses facility design, quality assurance, records, reports, inspection, and enforcement. While the NRC environmental review will not duplicate detailed safety evaluations, the EIS impact analyses will consider the potential impacts to workers, the public, and the environment from the proposed CISF. Comments about transportation safety and accidents are described in Section B.10 [Transportation Safety/Accidents] and transportation infrastructure in Section B.9 [Transportation Infrastructure]. Comments about institutional controls are described in Section B.6 [Assumptions].

Comments: (19-2) (20-4) (28-15-2) (28-15-4) (28-4-5) (28-6-5) (28-17-6) (28-7-7) (29-13-3) (30-1-1) (30-20-6) (31-54-2) (31-34-4) (31-48-4) (31-54-7) (33-7-3) (33-34-5) (34-9-4) (41-2) (42-4) (88-8) (91-12-4) (144-1-1) (144-1-5) (147-1) (166-2) (167-1) (168-14) (168-3) (168-4) (168-6) (248-6) (340-4) (340-7) (340-9) (343-1-1) (343-1-14) (343-1-8) (345-4) (349-10) (349-12) (349-13) (349-14) (349-16) (349-17) (349-3) (349-5) (349-7) (349-9) (350-8) (357-8) (358-14) (359-1-13) (359-1-19) (359-1-20) (361-2-10) (361-1-6) (361-2-8) (362-1) (363-1) (363-3) (364-1) (364-2) (364-3) (364-4) (365-2-10) (365-1-11) (365-2-11) (365-1-13) (365-1-14) (365-1-15) (365-1-17) (365-1-19) (365-1-2) (365-1-5) (365-2-5) (365-2-6) (365-1-7) (365-1-8) (365-1-9) (376-9) (377-8) (378-2-10) (378-2-15) (378-1-20) (381-1-1) (381-2-11) (381-1-18) (381-2-2) (381-2-7) (386-4) (386-8) (393-2-5)

B.27.6 Safety - Cask System Design

The NRC staff received comments regarding the safety of the cask system design that would be used to store SNF at the proposed CISF. Commenters expressed safety concerns or reasons for not being concerned about specific design features and initiating events and processes that some believe could affect safety functions of cask systems. Commenters also commented

about the rigor and real-world applicability of testing during the certification reviews of cask systems, including transportation casks.

Design features of interest to commenters included the thickness of casks and canisters, the subsurface placement of casks, vents, the solid form of the waste, welded and sealed canister design, the confinement boundary, design life, service life, and license term. Initiating events and processes described by commenters included the potential for cracks and loss of containment, the potential for hydrogen generation, the resiliency to sabotage, the possibility of infilling of cask or canister with water, the effects of environmental temperature, radiation degradation of materials, and of potential corrosion initiators such as potash dust. Additional concerns were expressed about criticality, as well as various natural events or conditions such as earthquakes, flash flooding, lightning strikes, burrowing animals, sand deposition, wind, fire, high water table, and karst geology.

Response: Concerns about the NRC's safety programs, the safety evaluation being conducted as part of this licensing action, and the certification of casks systems for storage and transportation, are outside the scope of the EIS. The impacts of external events on the safe storage of SNF at the proposed CISF will be evaluated as part of the NRC staff's safety review, and the results will be documented in the SER. The EIS will consider the potential environmental impacts of storage and transportation of SNF. Additional details regarding NRC certifications are described in the response to comments about canister design in this section [Safety]. Other comment responses in this section [Safety] also describe comments about cask system safety reviews and certifications. Comments about accidents are described in Section B.26 [Accidents].

Comments: (28-8-17) (29-31-2) (29-33-2) (29-13-4) (30-11-2) (30-1-3) (30-30-3) (30-38-5) (31-13-2) (31-14-3) (31-2-3) (31-14-4) (31-31-4) (31-41-6) (31-9-8) (32-12-1) (32-12-5) (33-2-2) (33-47-3) (33-68-3) (33-16-5) (33-47-7) (98-1-21) (102-4) (147-2) (158-1) (167-2) (167-3) (168-1) (168-10) (168-12) (168-13) (168-2) (181-2) (201-2) (232-1) (242-3) (242-4) (242-6) (243-1) (255-8) (257-4) (313-12) (313-15) (322-1) (336-2) (336-3) (339-1-8) (339-2-8) (343-1-10) (343-1-9) (358-3) (361-2-12) (361-2-14) (361-1-16) (361-1-5) (364-6) (365-1-3) (378-2-11) (378-2-12) (378-3-4) (381-2-19) (381-2-8) (391-5) (393-2-13) (393-3-16)

B.27.7 Safety – SNF Handling Capabilities

The NRC staff received comments regarding the lack of capabilities at the proposed CISF for handling unshielded SNF, in the event of damaged SNF or SNF canisters. Some commenters stated that the approach of sending damaged or otherwise out-of-compliance (with NRC acceptance criteria) canisters that arrive at the proposed CISF back to the origin sites would present additional safety hazards.

Response: The adequacy of the proposed SNF handling capabilities and the SNF acceptance criteria policy will be evaluated as part of the NRC safety review. The NRC will consider both the safety and environmental reviews in reaching a final determination on whether to grant the license, and where applicable and appropriate, environmental impact conclusions in the EIS will rely on satisfactory compliance with NRC safety regulations.

Comments: (3-12) (28-16-4) (28-4-4) (32-1-2) (33-7-2) (128-20) (144-1-2) (168-9) (242-7) (339-1-7) (340-12) (349-2)

B.28 Comments Concerning Emergency Management

B.28.1 Emergency Management – Emergency Response Plan and Emergency Responders for the Proposed CISF

The NRC staff received comments about the topics included in and implementation of the emergency response plans for the proposed CISF. Specifically, commenters stated that the emergency response plan should include incidents such as sinkholes, subsidence, salt dissolution, evacuation plans, criticality event response, and canister failure. Additionally, commenters requested that the emergency response plan include the creation of spent fuel pools and a detailed training list of first responders. The NRC staff also received comments regarding the role and responsibilities of the first responders for the proposed project, and the disclosure of those plans. Some commenters used local experience with the WIPP facility as an example of emergency response roles, training, and preparedness. Another commenter stated that the proposed emergency response plan contradicted some first responder training with regard to contamination. A commenter provided recommended best practices for the NRC to consider.

Response: The adequacy of the applicant's emergency plan is part of the NRC's safety review and is outside the scope of the EIS. As described in Sections B.26 [Accidents], the EIS will evaluate the potential environmental impacts of credible accident scenarios.

Comments: (30-13-4) (30-13-6) (30-26-1) (30-28-3) (31-10-1) (31-11-1) (31-11-2) (32-35-2) (33-34-8) (33-44-2) (98-2-11) (98-2-6) (98-2-9) (128-19) (144-1-20) (165-5) (185-14) (186-5) (313-6) (340-6) (345-8) (368-8) (372-5) (378-2-16) (381-2-12) (376-6) (393-3-4)

B.28.2 Emergency Management – Emergency Response for Transportation Accidents

The NRC staff received comments about emergency management for the transportation of SNF to and from the proposed CISF. Commenters requested an analysis of the level of emergency preparedness along likely shipping routes. A commenter asked whether there is a contingency plan for the containment of a radioactive spill or mishap in an urban area. Commenters also noted that there would be no local hazardous materials resources or personnel available that could respond quickly if SNF is involved in an accident. They noted the frequency of train derailments in the area by referring to a U.S. Department of Transportation analysis. Other commenters recommended an independent public review of the emergency response capabilities along the SNF transportation routes, including likely truck, train, or barge transport routes, involving the agencies affected. Another commenter suggested that the NRC should consider using portable "hot-cells" to aid the recovery phase of transportation emergency management.

Response: The adequacy of the Federal, State, and local emergency response capabilities and plans applicable to potential radiological incidents during transportation of SNF is addressed as part of broad emergency response planning efforts that are outside the scope of the EIS. The EIS will evaluate the risks of potential transportation accidents. General emergency response roles, responsibilities, and plans for potential SNF transportation incidents may be summarized in the EIS to provide context for the analysis of potential transportation impacts in the EIS but would not be evaluated in detail.

Comments: (30-21-9) (32-17-5) (32-4-6) (113-2) (144-2-1) (192-2) (202-10) (285-5) (342-4) (355-8)

B.28.3 Emergency Management – Environmental Monitoring

The NRC staff received several comments about environmental monitoring of the facility and of transport casks. Some commenters stated that environmental monitoring activities conducted at the proposed CISF would be adequate to ensure that workers and communities would be readily informed, and that the environment would be protected from any potential radiological releases. Other commenters expressed concerns about environmental monitoring. Commenters expressed concerns about monitoring locations, the depth of groundwater monitoring, frequency of monitoring, and the types of parameters to be monitored. Some commenters were concerned that the NRC and the State of New Mexico do not have the resources or presence to adequately and responsibly monitor the proposed CISF. Other commenters expressed concerns that the proposed CISF has no continuous monitoring for leaks and no description of how leaks would be handled. One commenter stated that an independent organization should be funded to conduct an environmental monitoring program in conjunction with any NRC-required monitoring program to ensure transparency and redundancy of monitoring results.

Response: The NRC SER will evaluate the radiological monitoring program for the proposed CISF and will document specific radiological monitoring license conditions deemed necessary to ensure public and occupational health and safety, and the EIS will incorporate this information, as appropriate. The EIS will rely primarily on existing NRC requirements for radiological monitoring and reporting programs to support conclusions concerning environmental impacts. The issue of funding an independent organization to conduct an environmental monitoring program is outside the scope of the environmental review and will not be evaluated further.

Comments: (15-10) (28-15-1) (30-4-7) (31-15-6) (31-15-7) (31-15-8) (33-4-1) (33-4-5) (144-1-3) (144-1-4) (144-2-5) (168-11) (186-13) (186-8) (358-13) (368-7)

B.29 Comments of General Opposition

B.29.1 General Opposition – General Comments

The NRC staff received many comments through email, letter, regulations.gov, and at public meetings expressing opposition to the proposed Holtec CISF. Some comments simply stated opposition (including statements of non-consent) to the construction and operation of the project or to transportation of nuclear waste. Other comments included general statements of concerns about site safety and suitability, the potential for accidents, generic environmental or health impacts, historical health issues in New Mexico, permits that would be needed, or transportation safety. Some stated that the waste was being sent to New Mexico because other sites do not want it or recommended that it be left where it was generated. Many comments expressed concern that a temporary storage facility is not a solution to the nuclear waste problem or that there is no definite path forward for a solution, and that the proposed Holtec CISF was likely to become permanent because of a lack of a permanent repository. Several commenters encouraged other members of the public to voice their dissent. Other comments cited concern about the legacy such a site would leave for future generations. Many of the comments noted that they were concerned about damage to New Mexico's landscapes, natural resources, or recreational sites, such as Carlsbad Caverns. Some stated that Holtec is concerned about profit over safety or public health. One commenter cited concerns about a certificate of compliance.

Response: In parallel to its environmental review under NEPA, for which this scoping process was conducted, the NRC is conducting a safety review of the license application. The safety and environmental reviews will carefully assess the safety and environmental impacts of the

proposed CISF and aspects of the associated transportation of SNF, and will be documented in a SER and an EIS. Information from these evaluations will be used by the NRC in the decision whether to grant a license to Holtec to construct, operate, and decommission the proposed CISF. While the comments expressing opposition are useful for the NRC to understand public opinion about the licensing action, the comments provide no new information regarding the scope of the proposed CISF environmental review and will not be addressed further in the EIS. Related comments that contained additional detail about the scope of the review are located in other sections of this report {e.g., Section B.27 [Safety], Section B.26 [Accidents], Section B.4.3 [Proposed Action - De Facto Disposal]}.

Through the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, Congress has mandated that the NRC establish regulations to allow the licensing of nuclear facilities, including SNF storage sites. The NRC is following its established regulations in this licensing review and EIS process. Requests to change those regulations are outside the scope of this EIS and should be raised through other mechanisms. See also Section B.2.30 [Out of Scope-Consent Based Siting].

Comments: (3-17) (3-19) (6-1) (7-1) (8-1) (9-1) (10-1) (11-1) (12-1) (20-1) (21-1) (21-3) (21-4) (22-1) (23-1) (23-8) (24-1) (28-8-1) (28-6-11) (28-8-12) (28-7-18) (28-25-2) (28-20-4) (28-6-4) (28-23-6) (28-10-7) (28-6-7) (28-20-8) (28-24-8) (29-20-1) (29-6-1) (29-9-1) (29-18-10) (29-11-2) (29-14-2) (29-3-2) (29-40-2) (29-36-3) (29-4-3) (29-8-3) (29-10-4) (29-23-4) (29-26-6) (29-34-6) (29-37-6) (29-18-7) (29-27-7) (29-33-7) (29-35-7) (29-8-7) (29-11-8) (29-34-8) (30-16-1) (30-17-1) (30-25-1) (30-30-1) (30-32-1) (30-37-1) (30-39-1) (30-9-1) (30-25-12) (30-25-13) (30-20-2) (30-28-2) (30-35-2) (30-16-3) (30-18-3) (30-25-3) (30-41-3) (30-34-4) (30-39-4) (30-46-4) (30-18-5) (30-38-6) (30-41-6) (30-17-7) (30-32-7) (30-47-7) (30-23-8) (31-22-1) (31-31-1) (31-41-1) (31-49-1) (31-57-1) (31-51-10) (31-58-10) (31-48-2) (31-44-3) (31-49-3) (31-53-3) (31-56-3) (31-39-4) (31-13-5) (31-29-5) (31-48-5) (31-49-5) (31-58-5) (31-61-5) (31-52-6) (31-58-6) (31-22-7) (31-41-7) (31-55-7) (31-58-8) (31-40-9) (32-1-1) (32-11-1) (32-17-1) (32-28-1) (32-32-1) (32-34-1) (32-8-1) (32-4-10) (32-10-2) (32-14-2) (32-15-2) (32-26-2) (32-18-3) (32-21-3) (32-27-3) (32-36-3) (32-4-3) (32-18-4) (32-21-4) (32-31-4) (32-34-4) (32-13-5) (32-15-5) (32-21-5) (32-27-5) (32-31-5) (32-15-6) (32-16-6) (32-17-6) (32-9-6) (32-11-8) (32-15-8) (32-24-9) (33-15-1) (33-19-1) (33-20-1) (33-25-1) (33-26-1) (33-27-1) (33-34-1) (33-35-1) (33-41-1) (33-47-1) (33-48-1) (33-49-1) (33-55-1) (33-56-1) (33-58-1) (33-59-1) (33-61-1) (33-64-1) (33-47-11) (33-13-2) (33-21-2) (33-43-2) (33-47-2) (33-51-2) (33-61-2) (33-66-2) (33-37-3) (33-38-3) (33-42-3) (33-52-3) (33-57-3) (33-60-3) (33-64-3) (33-16-4) (33-21-4) (33-36-4) (33-41-4) (33-46-4) (33-65-4) (33-10-5) (33-20-5) (33-29-5) (33-30-5) (33-43-5) (33-47-5) (33-61-5) (33-4-6) (33-30-7) (33-56-7) (33-10-8) (33-26-8) (33-27-8) (33-54-8) (33-45-9) (34-12-1) (34-5-1) (34-4-14) (34-6-2) (34-1-3) (34-4-5) (34-4-7) (34-4-9) (37-1-14) (37-1-20) (38-2) (39-1) (39-10) (40-1) (41-1) (42-1) (43-2) (43-4) (48-4) (49-1) (51-1) (52-1) (52-2) (53-1) (54-1) (54-3) (55-1) (56-1) (58-4) (66-1) (66-4) (66-5) (66-6) (67-1) (67-5) (68-7) (76-1) (77-1) (80-1) (81-3) (82-2) (83-1) (87-2) (88-1) (89-1) (89-4) (90-1) (91-1-1) (91-11-1) (91-14-1) (91-15-1) (91-19-1) (91-20-1) (91-22-1) (91-23-1) (91-24-1) (91-26-1) (91-27-1) (91-29-1) (91-32-1) (91-33-1) (91-34-1) (91-37-1) (91-38-1) (91-4-1) (91-42-1) (91-44-1) (91-45-1) (91-46-1) (91-47-1) (91-49-1) (91-5-1) (91-51-1) (91-54-1) (91-55-1) (91-58-1) (91-6-1) (91-62-1) (91-67-1) (91-69-1) (91-70-1) (91-82-1) (91-87-1) (91-88-1) (91-89-1) (91-91-1) (91-92-1) (91-93-1) (91-15-2) (91-16-2) (92-1) (93-1-1) (93-2-1) (93-3-1) (93-4-1) (93-5-1) (93-6-1) (93-7-1) (93-5-2) (93-2-3) (93-7-3) (94-1) (95-1) (95-4) (97-1) (97-3) (98-1-14) (98-2-14) (98-1-15) (98-2-16) (104-1) (105-3) (105-5) (106-1) (110-1) (113-1) (116-1) (117-1) (118-3) (122-1) (123-1) (123-10) (123-18) (123-2) (124-1) (124-5) (127-2) (130-16) (131-1) (132-2) (137-3) (146-1) (149-1) (152-1-1) (152-2-1) (152-4-11) (152-4-12) (152-3-15) (152-2-16) (152-1-2) (152-1-4) (152-2-4) (152-2-6) (152-4-9) (154-1) (156-1) (158-3)

(158-9) (161-4) (162-1) (162-14) (166-4) (168-15) (170-2) (179-2) (180-1) (181-1) (182-2) (183-1) (184-1) (184-4) (186-1) (186-14) (186-4) (188-1) (193-1) (194-3) (195-1) (196-1) (197-1) (199-1) (200-1) (200-4) (201-1) (204-7) (205-1) (206-1) (207-1) (208-1) (209-1) (212-1) (212-4) (214-1) (215-5) (218-1) (218-6) (219-1) (220-2) (221-1) (222-1) (223-1) (224-1) (224-3) (224-4) (225-3) (226-1) (227-1) (228-1) (229-1) (231-1) (231-4) (231-9) (232-2) (233-1) (234-1) (234-15) (236-1) (237-9) (239-1) (241-1) (241-2) (241-4) (245-5) (248-1) (248-9) (249-1) (249-2) (253-1) (254-1) (254-5) (260-1) (260-3) (262-1) (267-2) (285-6) (286-1) (292-1) (295-1) (300-1) (303-1) (313-1) (313-17) (313-3) (313-7) (320-2) (324-1) (326-1) (327-1) (328-1) (329-1) (329-2) (330-1) (331-1) (332-1) (333-1) (338-1) (339-2-17) (340-2) (343-1-20) (346-1) (347-1) (347-4) (347-7) (348-2-13) (349-15) (353-3) (355-1) (356-1) (356-4) (358-1) (359-1-1) (359-1-16) (359-2-3) (361-3-3) (361-3-5) (361-3-8) (365-1-1) (365-1-4) (365-1-6) (365-2-9) (368-1) (368-2) (371-1) (372-1) (372-11) (372-6) (373-1) (374-1) (375-1) (377-1) (378-1-1) (378-1-3) (382-1) (387-2) (389-1) (392-1) (393-1-1) (393-2-21) (394-1-1) (394-2-5)

B.29.2 General Opposition – Opposition Due to Credibility Concerns Regarding Holtec or NRC

The NRC staff received comments expressing concern about the applicant's integrity or motivation (e.g., for profit), or raising concerns about the integrity, transparency, or credibility about the NRC in its regulatory role for the proposed project. Many of these comments expressed opposition to the proposed project. Some commenters also included concerns about various political representatives. Some comments implied inappropriate endorsement by the NRC of the nuclear industry.

Response: The NRC is an independent agency established through the Energy Reorganization Act of 1974; it began operations on January 19, 1975. The NRC was established to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment. The NRC strives to conduct its regulatory responsibilities in an open and transparent manner, consistent with the NRC Approach to Open Government (https://www.nrc.gov/public-involve/open.html). As designated by the Energy Reorganization Act of 1974, the DOE, not the NRC, has responsibility for developing and promoting nuclear power. The NRC does not advocate for or endorse nuclear power or the nuclear industry. Because these comments do not provide information related to the environmental review of the proposed facility, they will not be addressed further in the EIS.

Regarding the credibility of the applicant, the NRC will carefully review the license application and supporting materials to determine whether or not the proposed project meets all regulatory requirements related to safety, security, and financial assurance, and will disclose the potential environmental impacts of the proposed project in its EIS, which will be published for public comment.

Comments: (16-4) (28-8-11) (28-5-4) (28-24-9) (30-24-2) (30-41-4) (30-39-6) (31-52-10) (31-52-13) (31-59-3) (31-30-9) (31-58-9) (32-22-1) (32-27-1) (32-6-1) (32-5-2) (32-18-6) (32-18-7) (32-2-7) (33-22-1) (33-33-2) (33-55-3) (33-33-4) (33-55-4) (33-39-5) (33-54-6) (33-8-6) (39-11) (57-1) (91-18-1) (91-2-1) (96-11) (98-1-3) (98-1-5) (103-11) (118-1) (128-7) (142-4) (162-7) (210-1) (225-1) (240-1) (279-1) (287-2) (287-3) (311-2) (312-1) (316-1) (317-1) (318-1) (343-1-21) (351-5)

B.30 Comments of General Support

B.30.1 General Support – Support for Holtec or the Proposed Project

Many commenters expressed support for the applicant (Holtec) or the proposed project. Some of the reasons cited for support include Holtec's safety record, business practices, information in the license application, intentions to be "good neighbors," and support for the nuclear industry as a whole. Other commenters cited the suitability of the site, positive influence on climate change, the safety record at WIPP or other facilities, and socioeconomics (e.g., gaining jobs). Many commenters discussed the strong nuclear knowledge and awareness in the area based on existing facilities such as WIPP and Urenco. Some commenters also stated support for the project as an available alternative to disposal in a repository. Several commenters cited community support or local consent for the project. Some commenters also noted the NRC's rigorous regulation. Some of the commenters stated a preference for the Holtec CISF over the ISP (formerly WCS) proposed CISF. In conjunction with these statements of support, some commenters questioned the merit of comments opposing the project, including "form letter" comments that were submitted in bulk to the NRC during scoping.

Response: While these comments are useful for the NRC staff to understand the public perspective on the proposed project, they do not provide any specific information related to the environmental effects of the proposed action and will not be evaluated further in the EIS. As reasons for the statements of support, some of the comments mentioned specific aspects of the Holtec proposal that will be evaluated in the EIS. For example, the scope of the EIS with respect to safety is discussed in Section B.27 [Safety] of this report. Chapter 3 of the EIS will describe the site characteristics, which many of the commenters mentioned. Importantly, with respect to the statements of preference of Holtec over ISP, the NRC is conducting separate evaluations of the two CISF-proposed facilities (Holtec and ISP). The NRC's licensing process is not a competitive process; rather, each proposal will be evaluated based on its own merits and whether the proposed facility meets regulatory requirements. As appropriate, the Holtec EIS will discuss potential cumulative impacts associated with the proposed ISP facility. Regarding criticisms of comments in opposition of the proposed project, see Section B.1 [NEPA Process].

Comments: (29-22-1) (29-31-1) (29-32-1) (29-13-2) (29-32-3) (29-22-4) (29-29-6) (29-31-6) (30-15-1) (30-3-1) (30-6-1) (30-10-2) (30-2-2) (30-29-2) (30-7-2) (30-4-3) (30-2-4) (30-44-4) (30-4-5) (30-8-5) (30-1-6) (30-44-6) (30-2-7) (30-3-8) (31-15-1) (31-16-1) (31-19-1) (31-2-1) (31-20-1) (31-24-1) (31-26-1) (31-27-1) (31-28-1) (31-33-1) (31-36-1) (31-42-1) (31-45-1) (31-46-1) (31-6-1) (31-9-10) (31-1-2) (31-18-2) (31-35-2) (31-46-2) (31-7-2) (31-8-2) (31-11-3) (31-19-3) (31-3-3) (31-36-3) (31-5-3) (31-8-3) (31-16-4) (31-43-4) (31-9-4) (31-1-5) (31-2-5) (31-26-5) (31-1-7) (31-14-7) (31-4-9) (32-12-3) (33-5-2) (33-8-2) (33-12-3) (33-8-3) (33-2-5) (33-24-7) (33-5-7) (34-2-1) (44-1) (46-1) (46-4) (50-1) (60-1) (61-1) (62-2) (63-1) (64-1) (64-3) (65-1) (69-2) (70-1) (73-1) (96-10) (96-15) (96-2) (96-23) (96-25) (96-8) (100-1) (100-7) (107-1) (108-2) (108-6) (157-1) (157-2) (157-5) (159-1) (159-5) (172-1) (172-3) (174-1) (177-1) (190-1) (190-3) (191-2) (247-1) (341-1-1) (341-3-1) (341-5-1) (341-4-2) (341-6-2) (341-1-3) (341-3-3) (341-2-5) (379-2) (380-1) (384-2) (385-2)

B.30.2 General Support – Support for the Licensing Process

Several commenters stated support for moving forward with the licensing process to determine whether the proposed project area would be suitable and the proposed project would be safe.

Response: The NRC staff is moving forward with its environmental analysis, which will be documented in an EIS, and with a safety evaluation, which will be documented in an SER. The EIS and SER will be used by the NRC to determine whether the facility meets all regulatory and legal requirements and could, therefore, be issued a license. Because these comments do not provide any additional information about the scope of the review for the NRC staff to consider, they will not be considered further in the EIS.

Comments: (30-10-1) (30-5-1) (30-5-10) (30-10-11) (30-15-2) (30-3-6) (31-18-1) (108-1) (379-1)

B.31 Comments Determined to be Out of Scope

B.31.1 Out of Scope – NRC Licensing Framework

Some comments discussed the regulatory framework for evaluation of nuclear facilities. One comment recommended a set of principles for the safe management of SNF and high-level radioactive waste, asserting that the principles are designed to address and manage health risks. Another comment requested that the NRC recommend a larger scale evaluation on how to integrate the entire high-level waste management process.

Response: The scope of the EIS focuses on the environmental impacts that could result from the construction, operation, and decommissioning of the proposed CISF. Proposed changes to the NRC's regulatory or licensing framework are outside the scope of the review and will not be considered further in the EIS.

Comments: (2-3) (144-2-18) (250-2) (393-3-6)

B.31.2 Out of Scope – Need for a Thermodynamic Analysis for Each Alternative

The NRC staff received a comment requesting a full thermodynamic analysis coupled to a life cycle assessment (LCA) for each alternative.

Response: In this environmental review, the NRC will evaluate the potential impacts from the construction, operation, and decommissioning of the proposed CISF and reasonable alternatives to the proposed action. A full thermodynamic analysis coupled to an LCA for each alternative is not considered within the scope of the analysis and will not be analyzed as part of this environmental impact statement.

Comments: (368-19)

B.31.3 Out of Scope – Storage of Foreign Spent Fuel at the Proposed CISF

The NRC staff received comments about SNF from foreign countries being shipped to the U.S. for disposal at the proposed Holtec CISF.

Response: The proposed NRC Federal action would be to authorize the construction and operation of the proposed Holtec CISF to store 500 canisters of SNF for the initial phase (Phase 1) of the proposed project for a license period of 40 years. Within the license application, the applicant did not propose to store SNF from foreign countries; therefore, the shipment and consolidated interim storage of SNF originating from foreign countries is outside the scope of the environmental review and will not be considered further in the EIS.

Comments: (28-14-7) (31-14-6) (32-25-8) (86-2) (339-1-14) (361-1-20)

B.31.4 Out of Scope – Compensation for Willingness to Store SNF

The NRC staff received comments that those willing to store SNF should receive compensation. One commenter stated that New Mexico should receive compensation for every fuel rod transported into the State for storage at the CISF. Another commenter stated that local communities hosting the CISF should receive compensation.

Response: The notion that communities should be compensated for being willing to host a CISF is outside the scope of this EIS.

Comments: (30-1-5) (68-9)

B.31.5 Out of Scope – Decommissioning Plan

The NRC staff received comments about decommissioning the proposed CISF. Commenters stated that the decommissioning plan lacks detail and does not describe who would pay or how much decommissioning the proposed CISF would cost.

Response: The NRC regulates the decontamination and decommissioning of materials and fuel cycle facilities, power reactors, research and test reactors, and uranium recovery facilities. An evaluation of the adequacy of the applicant's proposed decommissioning financial assurance is addressed in the NRC's safety review and is beyond the scope of the EIS. However, the EIS will consider the estimated costs for constructing, operating, and decommissioning the proposed CISF. The decommissioning plan and associated documents serve as the source for the decommissioning cost estimates included in the EIS.

Comments: (28-8-16) (59-2)

B.31.6 Out of Scope – Financial Assurance

The NRC staff received comments about financial assurance for the proposed CISF. Some commenters questioned (i) what financial assurances would be provided by the railroad companies, the States, and the applicant; (ii) how would financial assurances be monitored; (iii) who inspects and monitors these systems; and (iv) what would the penalties be if financial assurances are not adequate. Other commenters requested additional information on the process if either Holtec or the utilities filed for bankruptcy and expressed concerns about who would inherit the responsibility for proposed CISF operations and decommissioning, accidents, as well as SNF transportation infrastructure.

Response: Financial qualifications and decommissioning financial assurance for the proposed CISF will be addressed in the safety review, which is conducted in parallel with the environmental review. The results of the safety review are documented in an SER. The safety review includes an evaluation of the applicant's financial qualifications and decommissioning financial assurance per 10 CFR 72.22(e) and 10 CFR 72.30, respectively. The safety review considers whether the applicant has provided reasonable assurance that it is financially qualified to construct and operate the proposed facility and financial assurance for decommissioning the proposed facility in compliance with NRC's financial qualifications and decommissioning financial assurance regulations. Concerns regarding financial liability for accidents are outside the scope of this EIS. Information on the condition of the transportation

infrastructure can be found in Section B.9 [Transportation-Infrastructure]. Comments regarding reprocessing are in Section B.31 [Out of Scope] of this report.

Comments: (15-8) (28-8-19) (28-8-21) (29-38-7) (33-34-11) (33-7-11) (33-46-2) (33-1-5) (102-11) (223-7) (248-3) (339-1-10) (339-1-17) (345-14) (358-8) (361-1-17)

B.31.7 Out of Scope – Business Practices of Involved Parties

Several commenters expressed concerns about or raised questions regarding Holtec as a company, its operating practices, and its compliance with regulatory policies. Other commenters raised concerns about the ELEA and its motivations, or how it has conducted public meetings or made information available to the public. Concerns were also raised about the integrity of TetraTech, a Holtec contractor.

Response: The NRC staff will independently evaluate the safety and environmental impacts of the proposed CISF during the licensing process. The safety and environmental reviews will determine whether the proposed CISF would be in compliance with NRC's regulatory standards. Information in the applicant's documents, including its safety analysis report, ER, responses to RAIs, and other supporting documentation will be carefully reviewed and verified by the NRC staff. Beyond determining compliance with the NRC's regulatory standards, the NRC does not exercise regulatory authority over the business decisions of private companies or organizations such as ELEA. These comments do not provide information about the scope of the NRC's environmental review and will not be evaluated further in the EIS.

Comments: (15-5) (30-16-2) (30-23-3) (31-12-2) (31-30-5) (31-37-6) (33-67-1) (33-26-2) (33-65-2) (33-62-3) (33-26-7) (98-1-1) (165-2) (254-4) (313-8) (356-5) (356-6) (363-11) (363-13) (363-4) (364-14) (372-9) (387-4) (387-5) (393-3-5)

B.31.8 Out of Scope – Reprocessing or Other Uses of SNF

Some comments discussed the possibility that the proposed CISF could be related to plans for future reprocessing of SNF or be used as a source of waste heat for water purification. Some stated support for reprocessing, while others stated opposition. Some of the comments noted the prior characterization of the proposed Holtec site under the Global Nuclear Energy Partnership (GNEP) program for the purpose of a reprocessing site. One comment also discussed use of transmutation.

Response: The comments discussing or expressing opinions about reprocessing or other uses of SNF are beyond the scope of the EIS. The scope of the EIS considers only the potential environmental impacts of the proposed CISF and associated infrastructure, and does not consider impacts from any fuel cycle facilities, including reprocessing, or other uses of the SNF. There are no current expressions of interest or license applications for a reprocessing facility before the Commission; therefore, reprocessing is not considered a reasonably foreseeable future action. Reprocessing will not be addressed further in the EIS. Some commenters correctly noted that the proposed Holtec site was previously considered under the GNEP program. Site characterization information from that effort (e.g., site surveys, groundwater sampling reports, or other data) may be used in the EIS, as appropriate, and will be cited accordingly in the analysis.

Comments: (28-8-2) (28-8-20) (28-14-8) (30-44-2) (30-5-7) (30-5-8) (31-34-10) (31-16-6) (31-16-7) (32-33-6) (74-1) (96-20) (100-2) (100-6) (109-1) (159-4) (165-10) (172-4) (255-5) (313-9) (339-2-9) (341-3-2) (361-2-13) (387-7) (393-2-1)

B.31.9 Out of Scope – Compliance with International Law

One commenter asked whether the proposed CISF would comport with international laws, such as CBT and NPT.

Response: The NRC assumes that the referenced international agreements are the Comprehensive Nuclear Test Ban Treaty and Non-Proliferation Treaty. The proposed CISF is an interim storage facility, which is a passive system that would not undertake any active processing or detonation of the SNF. The NRC's safety and environmental reviews will evaluate whether the proposed CISF would be in compliance with applicable U.S. laws and regulations, including any laws or regulations arising out of international agreements to which the U.S. is a party. Additional review of the proposed CISF for compliance with various international laws is beyond the scope of the environmental review and will not be addressed further in the EIS.

Comments: (152-1-7)

B.31.10 Out of Scope – Request for DOE Evaluation

One commenter stated that the DOE must evaluate whether the proposed site is the best location.

Response: The NRC, not DOE, has regulatory authority over whether to grant the license for the proposed CISF. Therefore, the request is beyond the scope of the EIS and will not be evaluated further.

Comments: (393-1-10)

B.31.11 Out of Scope – Governmental Actions by Other Agencies

The NRC staff received comments that relate to other government agencies and their actions. One comment discussed interactions between DOE or the President's office and Indian Tribes, one comment criticized past actions by the Office of Indian Health Service, and one comment was interpreted to be criticizing the leadership of the DOE.

Response: The NRC is an independent regulatory agency. The comments refer to interactions with agencies outside of the NRC, and therefore are out of scope of the EIS and will not be addressed further. Related environmental justice concerns are discussed in Section B.19 [Environmental Justice].

Comments: (33-28-2) (37-1-11) (281-1)

B.31.12 Out of Scope – Miscellaneous

The NRC staff received comments about preventive medicine, historical racism and segregation in New Mexico, historical colonialism, and historical trends in New Mexico's economy.

Response: The issues raised in these comments are outside the scope of the environmental review process and will not be addressed in the EIS.

Comments: (31-39-1) (31-52-9) (33-57-1) (33-8-4) (152-4-10)

B.31.13 Out of Scope – Political Decisions

Several comments were submitted that discussed national and local politics. A few stated concerns about political decisions and political processes for decision making. Another made statements against politicians who had supported the proposed project or made statements directed at local and State politicians. One commenter directed comments at local politicians.

Response: The NRC operates on a well-established regulatory framework through which licensing decisions for nuclear facilities are made. This environmental review focuses on the potential impacts that could result from the proposed CISF. Political processes, local elections and candidates, and future political decisions are not within the scope of the environmental review and will not be addressed further in the EIS.

Comments: (5-3) (29-20-9) (30-24-3) (32-11-7) (161-2)

B.31.14 Out of Scope – Use of Proposed CISF for Research

The NRC staff received comments recommending that the NRC or national laboratories fund research at the proposed CISF on long-term aging programs.

Response: Comments requesting use of the site for research purposes are beyond the scope of the EIS. The scope of the EIS considers only the potential environmental impacts of the proposed CISF and associated infrastructure. These comments will not be addressed further in the EIS.

Comments: (31-16-4) (159-3) (359-2-2)

B.31.15 Out of Scope – Opposition to Nuclear Power, Weapons, and Industry and Calls for Renewable Energy Sources

Several commenters expressed opposition to nuclear power, nuclear weapons, and the nuclear power industry (including uranium mining) or expressed support for use of renewable energy sources instead of nuclear energy. Comments included calls to stop generating additional spent fuel, to stop licensing and relicensing nuclear facilities, to close and decommission all nuclear facilities, and to replace nuclear power with renewable energy. In expressing their opposition to nuclear power, commenters cited safety, environmental, and cost concerns regarding the operation of nuclear plants and the storage and disposal of spent fuel. One commenter stated that States with nuclear reactors that wish to send fuel to the Holtec project should be required by the NRC to transition to renewable energy sources. Some commenters stated concern that licensing this facility may encourage new uranium mining or continued use of nuclear power.

Response: Comments opposing nuclear power and the associated generation of SNF are beyond the scope of the EIS. This environmental review addresses the potential environmental impacts that could result from the construction, operation, and decommissioning of the proposed CISF. Further, the NRC is an independent regulatory agency that does not promote nuclear or other types of energy. The NRC doesnot have licensing authority over uranium

milling. Additionally, the NRC does not participate in business decisions of individual companies regarding whether to pursue new uranium milling projects. Regarding the comment requesting that NRC require States with nuclear reactors to transition to renewable energy sources, the NRC does not have regulatory authority over States regarding decisions on energy use. The NRC has regulatory authority over civilian uses of nuclear materials and does not license or regulate alternative sources of energy, nor can it require States to employ any energy source. In addition, the U.S. nuclear weapons programs fall under the jurisdiction of the U.S. Department of Energy. The NRC has regulatory authority only over civilian uses of nuclear materials and has a rigorous regulatory framework in place to safeguard these materials. The NRC does not promote, regulate, maintain, or develop nuclear weapons. These comments will not be addressed further in the EIS.

Comments: (13-1) (18-6) (28-7-15) (29-25-1) (29-2-11) (29-24-5) (30-27-5) (30-27-6) (31-34-11) (31-41-5) (31-34-9) (32-23-1) (32-34-2) (32-28-3) (32-33-4) (32-34-5) (32-8-6) (33-11-1) (33-17-1) (33-39-1) (33-46-1) (33-34-2) (33-36-2) (33-49-2) (33-50-2) (33-30-3) (33-69-3) (33-15-4) (33-34-4) (33-4-4) (33-49-5) (33-10-6) (33-30-6) (33-49-6) (33-49-7) (37-2-4) (37-2-7) (39-8) (39-9) (62-1) (76-4) (79-2) (81-2) (88-3) (91-52-1) (91-12-3) (94-12) (94-13) (96-16) (106-3) (128-1) (137-4) (140-2) (151-1) (152-3-11) (152-3-12) (152-1-15) (152-2-18) (152-3-18) (152-2-19) (152-4-2) (152-3-21) (152-1-22) (152-1-3) (152-4-4) (152-3-5) (152-3-6) (152-3-7) (152-1-8) (152-4-8) (197-2) (199-7) (217-1) (230-1) (230-2) (245-6) (258-1) (258-5) (265-1) (274-1) (277-1) (282-1) (283-1) (290-2) (291-1) (293-1) (294-1) (296-1) (298-1) (299-1) (305-1) (307-1) (308-1) (315-1) (327-2) (333-3) (335-2) (350-2) (354-6) (358-5) (368-6) (378-2-5) (378-2-6) (378-3-9) (381-2-3) (381-3-4) (385-1) (388-1)

B.31.16 Out of Scope – Health Effects from Nuclear Energy and Weapons

Two commenters discussed general concerns about potential health effects, such as cancer, from radiation exposure and uses of nuclear energy or nuclear weapons.

Response: The EIS will discuss the estimated doses that members of the public would receive from operation of the proposed CISF and will compare those doses to NRC dose limits (i.e., 10 CFR Part 20 and 10 CFR Part 72, where appropriate). The EIS will also include a discussion of cumulative impacts that may result from nearby facilities and past, present, and reasonably foreseeable future actions. The NRC assumes there is some health risk associated with any amount of radiation dose, no matter how small; this approach is consistent with the conclusions of BEIR VII (National Research Council, 2006) and other expert panels, such as the International Commission on Radiation Protection. However, general studies regarding the potential effects on health from radiation and radiation dose standards will not be reevaluated in this EIS. Evaluations of health effects at other sites mentioned in the comments, such as Hiroshima and Nagasaki, are beyond the scope of the EIS, which concerns the potential impacts from the proposed CISF. These comments do not provide new information regarding the proposed CISF and will not be addressed further in the EIS. The scope of the EIS with respect to Radiological Health is discussed in Section B.23 [Radiological Health].

Comments: (32-33-3) (152-3-4)

B.31.17 Out of Scope – Support for Nuclear Power and the Nuclear Industry

Several commenters expressed support for nuclear power and the nuclear power industry. Some of the commenters provided information about naturally occurring sources of radiation, beneficial uses of radiation, or investments into new nuclear facilities.

Response: Comments in support of nuclear power and nuclear applications are beyond the scope of the EIS. This environmental review addresses the potential impacts that could result from the proposed CISF. Further, the NRC is an independent regulatory agency that does not promote nuclear or other types of energy. These comments will not be addressed further in the EIS.

Comments: (29-29-1) (29-22-2) (29-30-2) (29-31-4) (29-22-5) (29-31-5) (33-24-4)

B.31.18 Out of Scope – Address Legacy Issues

The NRC staff received several comments requesting that NRC or Holtec direct resources toward local health issues, such as cancer, or remediation of legacy nuclear projects, such as uranium mining.

Response: Redirection of resources toward cancer or health research or remediation of past sites is not within the scope of the EIS. The scope of the EIS focuses on the environmental impacts that could result from the construction, operation, and decommissioning of the proposed CISF. For the analysis of the proposed action, the NRC will consider and evaluate human health impacts related to the facility, as well as the cumulative impacts that could occur from the incremental impact of the proposed CISF when added to past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal), person, or entity undertakes these actions. Chapter 5 of the EIS will include an assessment of these cumulative impacts in the vicinity of the proposed CISF regarding the topics mentioned in the comments, including groundwater, surface water, and public health and safety.

The NRC staff does not have the authority to require an applicant to submit a different proposal, such as for a different site, or to direct its resources toward health studies or cleanup of legacy sites. These comments will not be addressed further in the EIS.

Comments: (28-11-4) (31-50-3) (32-5-1) (32-20-4) (128-8) (361-1-8)

B.31.19 Out of Scope – Compensation for Legacy Issues

The NRC staff received many comments expressing concerns about past nuclear-related projects, primarily in the State of New Mexico, and the lack of cleanup for those projects. In addition to the health concerns attributed to those projects, comments raised issues with responsibility and compensation for past projects. One commenter noted that people do not know how to reach the NRC to share these concerns. Many of the comments stated these concerns as a reason for opposition to the proposed Holtec project.

Response: Comments regarding other facilities, legacy sites, concerns about uranium mining, and compensation for past projects are not within the scope of the EIS. Many of the projects listed by commenters are nuclear weapons testing sites, which are not within the statutory purview of the NRC. The scope of the EIS focuses on the environmental impacts that could result from the construction, operation, and decommissioning of the proposed CISF. However, as part of the analysis of the proposed action, which is a site-specific CISF, the NRC will consider and evaluate human health impacts related to the proposed facility, as well as the cumulative impacts that could occur from the incremental impact of the proposed CISF when added to past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or nonfederal), person, or entity undertakes these actions.

The NRC takes seriously any information about potential safety issues. Any information regarding the proposed CISF in this proceeding will be considered by the NRC as part of the application process. Concerns about any other NRC-licensed activities will be handled through the NRC's allegation process. For more information on the allegations process and how to report a safety concern, please visit https://www.nrc.gov/about-nrc/regulatory/allegations-resp.html.

Because these comments are beyond the scope of the environmental review, they will not be addressed further in the EIS.

Comments: (5-7) (29-36-2) (29-35-3) (29-33-6) (30-18-1) (30-46-1) (30-35-5) (30-35-7) (32-13-1) (32-20-1) (32-21-1) (32-7-1) (32-9-1) (32-25-2) (32-27-2) (32-33-2) (32-1-3) (32-31-3) (32-9-3) (32-15-4) (32-19-4) (32-22-4) (32-36-4) (32-9-4) (32-9-5) (32-20-6) (32-3-6) (33-20-2) (33-25-2) (33-48-2) (33-53-2) (33-15-3) (33-21-3) (33-56-3) (33-42-4) (33-9-4) (33-41-6) (34-4-8) (91-53-1) (91-75-1) (91-79-1) (94-10) (128-2) (152-2-5) (161-1) (162-8) (234-14) (237-12) (339-2-11) (348-2-10) (348-2-11) (348-1-12) (348-2-2) (393-3-3) (394-1-6)

B.31.20 Out of Scope – Criticisms or Praise Regarding NRC Credibility

The NRC staff received comments about its credibility as a regulator. Some comments expressed concern over the integrity, transparency, or credibility of the NRC as a regulator of the nuclear industry. Some of these comments question the NRC's policies regarding radiological protection, actions of NRC Commissioners, or the licensing process for Yucca Mountain. Other commenters made positive statements regarding NRC as a regulatory agency, or expressed faith in the NRC's licensing process to make a sound decision in the licensing review

Response: The NRC is an independent agency established in 1974 to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment. The NRC takes its regulatory responsibilities seriously, and strives to conduct its activities in an open and transparent manner, consistent with the NRC Approach to Open Government (https://www.nrc.gov/public-involve/open.html). Because these comments do not provide information related to the environmental review of the proposed CISF, they will not be evaluated further in the EIS. Additional comments regarding the Yucca Mountain repository are located in Section B.31.26 [Out of Scope – Yucca Mountain].

Comments: (19-4) (23-10) (24-4) (29-19-4) (29-19-5) (29-19-7) (29-30-1) (30-4-6) (31-7-3) (31-47-2) (32-15-1) (32-3-1) (32-2-2) (32-2-4) (32-2-6) (33-14-2) (33-15-2) (33-39-3) (33-58-3) (33-29-4) (33-57-4) (33-54-7) (33-47-8) (95-5) (128-3) (128-5) (128-9) (218-7) (272-3) (289-1) (328-2) (340-3) (342-1) (356-7) (364-15) (393-2-6)

B.31.21 Out of Scope – Segmentation of SNF Issues and Analyses

The NRC staff received a comment related to segmentation of analyses and the need for a comprehensive review of spent fuel issues.

Response: This EIS evaluation concerns only the potential impacts from the proposed CISF and associated cumulative impacts in the vicinity of the project, and safety aspects are considered in a parallel safety evaluation. The NRC evaluates license applications individually but ensures that related actions are considered or referenced in the analyses. Thus, a broad

evaluation of spent fuel issues is beyond the scope of the environmental review and will not be addressed in the EIS.

Comments: (28-8-5)

B.31.22 Out of Scope – Disapproval of the ISP (WCS) Proposed CISF

Several comments raised objections to the WCS low-level waste disposal site or the CISF application proposed by ISP at the WCS site in Andrews, Texas. One commenter read a resolution passed by the Dallas County Commissioners disapproving of transportation of SNF or radioactive waste on highways or rail through Texas to the Waste Control Specialists, LLC, site. The resolution was signed in April 2017.

Response: The EIS will evaluate the environmental impacts of the proposed Holtec CISF in Eddy and Lea Counties, NM. Comments regarding the license application for the proposed Interim Storage Partners CISF (formerly the WCS CISF application) at the WCS site in Andrews, Texas, are considered in a separate licensing proceeding and are, therefore, out of scope for this review and will not be addressed further in the EIS for the Holtec CISF. Any comments that were received on the incorrect dockets for these two projects were referred to the correct licensing proceeding and considered accordingly. The cumulative impacts analysis in the EIS will consider potential cumulative impacts on resources from existing sites within the vicinity of the proposed Holtec CISF site, such as the WCS facility, as appropriate.

Comments: (30-45-1) (31-30-2) (33-55-2) (37-1-16) (348-1-10) (393-2-12)

B.31.23 Out of Scope – Site Specific Issues at Other Facilities

The NRC staff received several comments about site-specific issues at the Private Fuel Storage site; individual nuclear power plants; WIPP; Los Alamos National Laboratory; Chernobyl; Fukushima Dai'ichi; and other nuclear-related facilities, including spent fuel storage pools at nuclear reactors. These comments refer to site-specific licensing issues or on-site spent fuel storage concerns, as well as a range of safety and environmental concerns, including transportation or cleanup costs, at individual sites. Some comments referred to a lack of trust based on prior licensing actions at the WIPP facility or an understanding from WIPP hearings that additional nuclear materials would not be brought into New Mexico. Several commenters expressed concerns about problems with Holtec casks at the San Onofre Nuclear Generating Station in California.

Response: The scope of the EIS is limited to an analysis of the environmental impacts from the proposed CISF. The EIS will also include a cumulative impacts analysis that considers past, present, and reasonably foreseeable future actions (including existing facilities) in the vicinity of the proposed site that could affect the same resources as those affected by the proposed CISF. Comments about site-specific concerns at other locations are outside the scope of the EIS, and previously certified casks and storage systems will not be readdressed in the EIS. A discussion of the scope of the EIS, with respect to safety and accidents, can be found in Sections B.27 [Safety] and B.26 [Accidents], respectively. The NRC notes that WIPP is a Department of Energy facility over which the NRC does not have regulatory authority. There is no high-level waste stored at WIPP, nor is such storage proposed as part of this licensing action.

The NRC takes seriously any information about potential safety issues. Any information regarding the proposed CISF in this proceeding will be considered by the NRC as part of the

application process. Concerns about any other NRC-licensed activities will be handled through the NRC's allegation process. For more information on the allegations process and how to report a safety concern, please visit https://www.nrc.gov/about-nrc/regulatory/allegations-resp.html.

Because these comments are beyond the scope of the environmental review, they will not be addressed further in the EIS.

Comments: (4-8) (23-9) (28-22-1) (28-24-4) (29-36-1) (29-41-1) (29-16-2) (29-24-2) (29-15-3) (29-2-3) (29-18-5) (29-25-5) (29-15-7) (30-24-1) (30-42-1) (30-47-1) (30-25-11) (30-30-2) (30-46-2) (30-39-3) (30-34-5) (30-3-7) (30-14-8) (30-17-9) (31-23-1) (31-40-1) (31-22-12) (31-31-2) (31-9-2) (31-50-4) (31-23-6) (31-47-7) (31-51-7) (31-40-8) (32-24-6) (33-1-1) (33-23-1) (33-31-1) (33-42-1) (33-44-1) (33-68-1) (33-11-2) (33-12-2) (33-23-2) (33-1-3) (33-19-3) (33-22-3) (33-23-3) (33-31-3) (33-4-3) (33-1-4) (33-10-4) (33-47-4) (33-11-5) (33-14-5) (33-1-6) (33-42-6) (33-58-7) (33-58-8) (34-4-12) (34-4-2) (34-4-6) (35-6) (37-2-1) (37-1-12) (37-1-15) (37-1-18) (37-1-19) (37-1-5) (37-2-5) (64-2) (78-1) (88-5) (91-8-1) (93-3-2) (93-6-2) (106-2) (124-3) (130-11) (141-1) (143-1) (152-4-5) (193-3) (199-6) (223-13) (225-2) (257-1) (258-3) (323-1) (348-1-20) (348-2-4) (348-2-7) (348-1-8) (349-20) (349-4) (361-2-15) (361-2-17) (364-8) (365-2-1) (365-1-10) (365-1-18) (365-2-2) (365-2-3) (365-2-7) (365-2-8) (370-10) (386-2) (391-2) (393-2-10) (394-1-19) (394-1-7)

B.31.24 Out of Scope – Support for Other Sites

The NRC staff received several comments expressing support for the Urenco facility and WIPP, or providing positive statements about these facilities or working at these facilities.

Response: The scope of the EIS will be limited to an analysis of the environmental impacts from the proposed CISF. The EIS will also include a cumulative impacts analysis that considers past, present, and reasonably foreseeable future actions (including existing facilities) in the near vicinity of the proposed site that may affect the same resources as the proposed CISF. Comments that provide support for other facilities are outside the scope of the EIS. Because these comments are beyond the scope of the environmental review, they will not be addressed further in the EIS.

Comments: (30-2-8) (31-8-1) (31-19-2) (31-16-3) (33-24-3) (33-12-4)

B.31.25 Out of Scope – Comments Regarding Yucca Mountain

Several comments questioned the status of the Yucca Mountain project, expressed support or criticism of the project, or questioned the adequacy of that site. Some of these comments discussed the political process that established the Yucca Mountain project, community dissent, or potential changes to the Nuclear Waste Policy Act, with respect to Yucca Mountain.

Response: In this environmental review, the NRC staff will evaluate the potential impacts of the proposed CISF and reasonable alternatives on the environment; therefore, comments concerning the licensing of the Yucca Mountain repository are beyond the scope of the EIS. The purpose and need for the proposed action is to provide a temporary storage solution before a repository becomes available. However, disposal of SNF and high-level radioactive waste remains the national policy in the Nuclear Waste Policy Act, as amended. The NRC conducted a thorough safety evaluation of the DOE's license application for Yucca Mountain and published its findings in January 2015, in a five-volume SER (NUREG–1949). In May 2016, the NRC also

published the “Supplement to the Department of Energy’s Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada” (supplement), which evaluated the potential environmental impacts on groundwater and impacts associated with the discharge of any contaminated groundwater to the ground surface due to potential releases from a geologic repository for SNF and high-level radioactive waste at Yucca Mountain, Nye County, Nevada. These documents contain the NRC’s most recent technical evaluations of the suitability of that site. The completion of licensing activities is subject to Congressional appropriations and other actions external to the NRC. Because these comments are beyond the scope of the environmental review, they will not be addressed further in the EIS.

Comments: (10-3) (28-7-10) (28-11-3) (30-35-1) (30-32-3) (30-9-3) (30-35-4) (30-32-8) (31-47-1) (32-33-1) (37-2-3) (96-12) (96-13) (96-14) (105-2) (109-2) (119-2) (228-2) (288-1) (320-1) (333-2) (339-1-20) (359-1-15) (391-3) (394-1-4)

B.31.26 Out of Scope – Comments Regarding Use of Yucca Mountain as a Repository or the Lack of Available Repository

Several comments included statements about the need for a repository or permanent solution (e.g., instead of interim storage), with some comments questioning what happens if a repository (e.g., Yucca Mountain) is not completed, expressing skepticism that a permanent repository is feasible, or stating that current on-site storage solutions are unsafe. Some comments included statements about what would be needed for a permanent repository. Some comments included indications of opposition to the proposed project.

Response: The NRC is reviewing a license application by Holtec under 10 CFR Part 72 to operate as an interim storage facility for SNF for up to 40 years. Ultimately, the SNF at the proposed CISF would be relocated to a permanent geologic repository, and the existence of the proposed CISF would not lessen the need for a permanent repository. The applicant did not design or propose the CISF to become a permanent repository, and, should the NRC grant the license, it would not be approving the permanent storage of SNF at the proposed facility. Before the expiration of an initial license for an interim storage facility, the applicant may submit an application to the Commission to renew the license. This renewal process would include a separate safety and environmental review. The national policy for disposition of SNF remains disposal in a permanent geologic repository. This concept, and NRC’s determinations regarding feasibility of a geologic repository, are discussed in Appendix B of the NRC’s Generic Environmental Impact Statement for Continued Storage (NUREG–2153). The NRC has recognized and acknowledges the political uncertainty and difficulties in siting and licensing a geologic repository and has also addressed this in Appendix B of the GEIS. Furthermore, the purpose and need for the proposed action is to provide a temporary storage solution before a repository becomes available. Therefore, comments regarding use of Yucca Mountain or a repository instead of a CISF are outside the scope of the EIS and will not be addressed further in the EIS.

Comments: (10-2) (23-2) (23-7) (28-15-3) (29-7-1) (29-39-2) (29-10-3) (29-8-6) (30-29-1) (30-32-10) (30-22-8) (31-50-1) (32-19-5) (34-5-5) (79-1) (96-17) (123-8) (128-10) (166-5) (194-4) (223-2) (234-3) (242-5) (243-5) (273-1) (314-1) (347-5) (355-6) (359-1-17) (361-1-1) (361-1-12) (361-2-16) (378-3-11) (381-3-6)

B.31.27 Out of Scope – Cask and Canister Fabrication Quality

The NRC staff received comments about storage cask and canister fabrication-related quality assurance. Commenters suggested that casks and canisters could be manufactured with defects that would compromise safety functions of the equipment and questioned all aspects of quality assurance and quality control programs, including design control, procurement, quality of parts, and components, inspection, testing, measuring and testing equipment, handling, storage, and shipping, nonconforming items, corrective actions, records, audits, and acceptance criteria. Specific concerns were based on descriptions of historical examples of nonconformance. This included examples involving the adequacy of welds and fabrication of components beyond design specifications.

Response: As part of its safety review, the NRC staff will address whether the proposed design, fabrication, and procurement of structures, equipment, and components to be deployed at the facility will meet the quality assurance requirements established in 10 CFR Part 72. Therefore, these comments are beyond the scope of the EIS.

Comments: (4-9) (14-7) (31-21-6) (31-21-7) (37-1-9) (128-12)

B.31.28 Out of Scope – Storage and Transportation of High-Burnup SNF

The NRC staff received comments about the safety of the storage and transportation of high-burnup SNF. Commenters expressed concerns regarding the knowledge base about storage and transportation of high-burnup SNF, the cask and canister certification process for high-burnup SNF, the higher radioactivity and heat and potential degradation of SNF, and associated aging management concerns. Some commenters were concerned about the safety of transportation after storage, and they expressed a lack of confidence in NRC cask evaluation and testing. Other commenters expressed concerns about SNF reactivity with air, long-term storage impacts, monitoring sealed canisters, and mixing high- and low-burnup SNF in storage canisters. One commenter was concerned about release of radioactive gas from storage in the proposed storage system.

Response: Concerns about the NRC's safety programs, including the safety evaluations in licensing and the certification of casks systems for storage and transportation of high-burnup SNF, are outside the scope of the EIS.

Comments: (28-16-2) (28-22-2) (31-54-3) (31-54-4) (31-54-5) (144-1-19) (276-8) (336-1) (340-5) (364-7) (365-2-4) (370-1) (370-6) (370-7) (370-8) (386-5)

B.31.29 Out of Scope – Comments Concerning Security and Terrorism

The NRC staff received several comments expressing concerns about security and the potential for terrorist attacks, sabotage, or theft during SNF transportation or during CISF operations. Commenters expressed general concerns about the likelihood and potential consequences of a terrorist attack on an SNF shipment that results in a release of radioactive material. Commenters also expressed concerns that the mixture of possible transportation modes and the geographic extent of routes would expose communities nationwide to the risk of a terrorist attack. Specific concerns were expressed about the technology (e.g., military ordnance, drones) available to terrorists that could be used to execute an attack on SNF shipments. Other concerns were expressed regarding the roles and responsibilities and staffing for ensuring security and possible plans to secure, track, detect threats, and prevent attacks during

transport, including at potential targets such as bridges and stops. One commenter questioned capabilities to salvage a damaged cask after a successful attack. One commenter requested additional cask testing to address potential terrorist attack scenarios. Comments regarding CISF security focused on potential methods of attack (e.g., aircraft, drones, missiles) and how the facility design either encourages or discourages potential attacks. Some commenters suggested the facility size increases the risk of aircraft attack. Other commenters suggested the subsurface design was protective of safety. Other comments focused on security personnel experience and training.

Response: Comments related to security and terrorism are safety issues that are not within the scope of the environmental review.

Comments: (2-2) (4-11) (17-2) (26-2) (28-12-4) (28-7-5) (28-6-6) (29-39-1) (29-28-2) (29-14-4) (29-6-4) (30-12-2) (30-17-6) (30-2-6) (30-11-7) (31-25-2) (31-31-5) (31-40-6) (33-6-2) (33-61-3) (33-11-4) (33-7-4) (33-68-5) (33-26-6) (33-7-7) (34-10-1) (39-2) (59-7) (72-2) (91-39-2) (96-9) (102-5) (103-2) (110-5) (123-14) (123-3) (128-16) (144-1-13) (144-1-14) (158-6) (181-3) (185-12) (185-7) (186-12) (186-9) (199-5) (215-3) (218-4) (223-14) (234-10) (234-4) (237-2) (255-12) (255-15) (269-1) (276-6) (280-2) (339-2-4) (339-2-5) (339-1-6) (339-1-9) (343-1-15) (343-1-16) (350-11) (358-12) (361-1-4) (361-2-4) (361-1-7) (363-6) (381-1-19) (394-1-13)

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C. Table of Commenter Names and Affiliations

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Adams, Eve		reg.gov (ML18186A128)	183
Alanzo, Anthony Lee		Meeting Transcript (ML18130A906)	31-19
Alfreds, A.	Green Party of the Albuquerque Metropolitan Area	reg.gov (ML18215A159)	198
Alfreds, Arthur		reg.gov (ML18215A166)	203
Allred, Susan		reg.gov (ML18173A116)	164
Alvarado, Hope		Meeting Transcript (ML18162A151)	33-41
Always, Patricia		Email (ML18210A177)	270
Anagal, Cheryl T		Meeting Transcript (ML18131A051)	91-56
Anaya-Flores, Lisa	Carlsbad City Council	Meeting Transcript (ML18130A906)	31-3
Annoni, Pat		reg.gov (ML18099A055)	6
Anonymous, Anonymous		reg.gov (ML18122A058)	41
Anonymous, Anonymous		reg.gov (ML18122A059)	42
Anonymous, Anonymous		reg.gov (ML18127A063)	44
Anonymous, Anonymous		reg.gov (ML18130A564)	52
Anonymous, Anonymous		reg.gov (ML18144A237)	58
Anonymous, Anonymous		reg.gov (ML18144A851)	61
Anonymous, Anonymous		reg.gov (ML18144A897)	62
Anonymous, Anonymous		reg.gov (ML18144A913)	63
Anonymous, Anonymous		reg.gov (ML18144A940)	68

Commenter	Affiliation (if stated)	Comment Source and Document ID	Correspondence ID
Anonymous, Anonymous		reg.gov (ML18145A027)	73
Anonymous, Anonymous		reg.gov (ML18145A032)	75
Anonymous, Anonymous		reg.gov (ML18150A597)	95
Anonymous, Anonymous		reg.gov (ML18151A736)	100
Anonymous, Anonymous		reg.gov (ML18163A116)	110
Anonymous, Anonymous		reg.gov (ML18169A146)	140
Anonymous, Anonymous		reg.gov (ML18173A107)	153
Anonymous, Anonymous		reg.gov (ML18204A153)	175
Anonymous, Anonymous		reg.gov (ML18206A460)	179
Anonymous, Anonymous		reg.gov (ML18214A318)	192
Anonymous, Anonymous		reg.gov (ML18218A164)	363
Anonymous, Anonymous		reg.gov (ML18221A127)	391
Anonymous, Ovray and Kasey		Meeting Transcript (ML18162A152)	32-10
Arends, Joni	Concerned Citizens for Nuclear Safety	Email (ML18237A593)	357
Arends, Joni	Concerned Citizens for Nuclear Safety	Meeting Transcript (ML18130A902)	30-13
Armistead, Susan		Email (ML18207B021)	258
Arno, Iris Hiskey		Email (ML18236B023)	353
Arnold, Richard	Tribal Radioactive Materials Transportation Committee	reg.gov (ML18214A316)	344
Asmerom, Yemane		Meeting Transcript (ML18162A151)	33-9
Avery, Kathy		reg.gov (ML18215A175)	210
Bacon, Dru		Email (ML18227A740)	305

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Bagley, L		Email (ML18222A119)	295
Bailey White, Brenda		Meeting Transcript (ML18131A051)	91-8
Baker, Rich	Western Interstate Energy Board	reg.gov (ML18215A164)	202
Baldridge, Robert		Meeting Transcript (ML18130A906)	31-43
Balsamo, Beatrice		reg.gov (ML18106A030)	13
Bansbach, Lauren		Meeting Transcript (ML18131A051)	91-90
Barkhausen, John		Email (ML18219B342)	240
Barnes, Kathyrn		reg.gov (ML18219A717)	388
Bartol, Nick		Email (ML18218A558)	282
Bates, Della		Meeting Transcript (ML18131A051)	91-49
Bean, Kevin		Meeting Transcript (ML18162A151)	33-50
Becenti, Alberta		Meeting Transcript (ML18131A051)	91-72
Becenti, Cheryl M.		Meeting Transcript (ML18131A051)	91-59
Becenti, Nastassia		Meeting Transcript (ML18131A051)	91-71
Begay, Annie W.		Meeting Transcript (ML18131A051)	91-73
Begay, Bryan		Meeting Transcript (ML18131A051)	91-67
Begay, Byron M.		Meeting Transcript (ML18131A051)	91-66
Begay, Danielle		Meeting Transcript (ML18131A051)	91-83
Begay, Donnie		Meeting Transcript (ML18131A051)	91-96
Begay, Thompson		Meeting Transcript (ML18131A051)	91-86
Begay, Winonah		Meeting Transcript (ML18131A051)	91-16

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Behrmann, Ann		Email (ML18210A398)	272
Belding, Jody		reg.gov (ML18122A060)	43
Beling, Kyle		reg.gov (ML18173A125)	157
Bell, Elizabeth		Email (ML18221A686)	293
Bell, Thompson		Meeting Transcript (ML18162A152)	32-13
Benolly, Latawnya		Meeting Transcript (ML18131A051)	91-46
Benslow, Laura		Meeting Transcript (ML18131A051)	91-68
Bergel, Peter		Email (ML18233A481)	312
Best, Mark		reg.gov (ML18159A014)	109
Beyale, Graham		Meeting Transcript (ML18131A051)	91-42
Black, Ron	Lea County Commissioner	Meeting Transcript (ML18130A902)	30-6
Blanchard, Rosemary		Email (ML18221A325)	397
Blanchard, Rosemary		Meeting Transcript (ML18162A151)	33-28
Blanchard, Rosemary	United Nations Association, Albuquerque Chapter	reg.gov (ML18176033)	161
Bluehouse, Randella		Meeting Transcript (ML18162A151)	33-33
Bock, Richard		Email (ML18223A085)	301
Bogen, Doug	Seacoast Anti-Pollution League	Email (ML18237A100)	326
Bonime, Karen		Meeting Transcript (ML18130A901)	29-33
Bonime, Karen		Meeting Transcript (ML18162A151)	33-61
Boone, Elizabeth		Meeting Transcript (ML18130A902)	30-30
Borchmann, Patricia		Email (ML18236A960)	323

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Borello, Chris		Email (ML18227C611)	307
Borninski, Jack		reg.gov (ML18156A293)	59
Borninski, Jack		reg.gov (ML18187A011)	167
Borschman, Patricia		Meeting Transcript (ML18130A895)	28-22
Bosold, Patrick		reg.gov (ML18099A044)	7
Bosold, Patrick		reg.gov (ML18219A722)	367
Boyd, Talia		Meeting Transcript (ML18162A152)	32-17
Boyden, Melanie		Meeting Transcript (ML18130A902)	30-9
Brangan, Mary Beth		Meeting Transcript (ML18130A902)	30-37
Brangan, Mary Beth		Meeting Transcript (ML18130A906)	31-54
Branigan, Mary Beth	Ecological Options Network	Email (ML18211A473)	276
Briley, Rhonda		reg.gov (ML18155A318)	104
Briney, William		reg.gov (ML18173A121)	156
Brister, Bob		Email (ML18227C895)	249
Brister, Jolene		reg.gov (ML18221A130)	390
Bronner, Judith		reg.gov (ML18120A112)	27
Brouse, Hanna		Meeting Transcript (ML18131A051)	91-2
Brown, Cathrynn	New Mexico State House of Representatives	Email (ML18220B452)	247
Brown, Denise	Nuclear Issues Study Group	Meeting Transcript (ML18130A895)	28-23
Brown, Denise	Nuclear Issues Study Group	Meeting Transcript (ML18162A151)	33-63
Brown, Denise	Nuclear Issues Study Group	Meeting Transcript (ML18162A152)	32-29

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Brown, Ed		Meeting Transcript (ML18131A051)	91-80
Brown, Joan		Meeting Transcript (ML18130A901)	29-1
Brown, Joan		Meeting Transcript (ML18130A906)	31-50
Brown, Norman Patrick	Dine Bidziil Coalition	Meeting Transcript (ML18162A152)	32-2
Brown, Susanne		Meeting Transcript (ML18162A151)	33-17
Brownrigg, Sarah		Email (ML18218A575)	283
Buchser, John	Rio Grande Chapter of the Sierra Club	Email (ML18197A013)	144
Buchser, John	Rio Grande Chapter of the Sierra Club	Meeting Transcript (ML18130A901)	29-24
Buchser, John	Rio Grande Chapter of the Sierra Club	Meeting Transcript (ML18130A902)	30-27
Buchser, John	Rio Grande Chapter of the Sierra Club	Meeting Transcript (ML18130A906)	31-34
Buchser, John	Rio Grande Chapter of the Sierra Club	reg.gov (ML18176A030)	160
Buck, Lynn		Meeting Transcript (ML18162A151)	33-16
Burnam, Lon		Meeting Transcript (ML18130A901)	29-19
Burnam, Lon		Meeting Transcript (ML18130A901)	34-7
Burnam, Lon		Meeting Transcript (ML18130A902)	30-23
Burnam, Lon		Meeting Transcript (ML18130A906)	31-30
Burns, Terry	Sierra Club, Alamo Group of Lone Star Chapter	reg.gov (ML18204A158)	186
Burton, Canary		Email (ML18210A050)	229
Busch, Robert		reg.gov (ML18173A125)	157
Cain, Nikki		Email (ML18207B066)	224
Caputo-Heath, Kimberly		Meeting Transcript (ML18131A051)	91-24

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Cardona, Patricia		Meeting Transcript (ML18130A901)	34-9
Cardona, Patricia		Meeting Transcript (ML18130A902)	30-35
Carlisle, Jimmy		Meeting Transcript (ML18130A901)	29-8
Carrasco, Aldo		reg.gov (ML18150A591)	90
Carre', Rachel		Email (ML18207B058)	220
Casper, Chris		Email (ML18208A069)	263
Castillo, Stephanie		Meeting Transcript (ML18131A051)	91-88
Cecchini, Rose Marie	Office of Peace, Justice & Creation Stewardship	Meeting Transcript (ML18162A152)	32-8
Cecchini, Rose Marie	Office of Peace, Justice & Creation Stewardship	reg.gov (ML18120A107)	26
Cecchini, Rose Marie	Office of Peace, Justice & Creation Stewardship	reg.gov (ML18155A311)	88
Charley, Tommy		Meeting Transcript (ML18131A051)	91-23
Charlie, Michael		Meeting Transcript (ML18131A051)	91-63
Charlie, Regina		Meeting Transcript (ML18131A051)	91-57
Chaudhry, M		Meeting Transcript (ML18131A051)	91-30
Chavez, Dorene		Meeting Transcript (ML18131A051)	91-19
Chavez, JJ	Carlsbad City Council	Meeting Transcript (ML18130A906)	31-5
Chavez, Theresa		Meeting Transcript (ML18131A051)	91-81
Christensen, Deborah		Email (ML18211A547)	232
Christensen, Joan		reg.gov (ML18215A160)	199
Christodoulou, Athena		Meeting Transcript (ML18162A151)	33-64
Clark, Bryan		Email (ML18183A022)	147

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Clark, Peter		Meeting Transcript (ML18162A151)	33-14
Clay, Curt		Email (ML18208A110)	265
Clemons, Catherine		Email (ML18234A372)	316
Coates, Todd		reg.gov (ML18221A129)	371
Cobb, Sam	City of Hobbs, Mayor	Meeting Transcript (ML18130A902)	30-1
Cody, Kathleen		Meeting Transcript (ML18162A151)	33-19
Coghlan, Jay	Nuclear Watch New Mexico	Email (ML18219B036)	393
Commenters, Multiple		Email (ML18130A775)	115
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Commenters, Multiple		reg.gov (ML18142B321)	14
Commenters, Multiple		reg.gov (ML18143B453)	15
Commenters, Multiple		reg.gov (ML18144A240)	35
Commenters, Multiple		reg.gov (ML18144A275)	36
Commenters, Multiple		reg.gov (ML18144A276)	37
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Comstock, John		Meeting Transcript (ML18162A151)	33-51
Concerned Citizen, Ann		reg.gov (ML18144A222)	57
Conklin, Don		Meeting Transcript (ML18162A151)	33-25
Cordova, Tina		Meeting Transcript (ML18162A151)	33-56
Coriz, Lavern		Meeting Transcript (ML18131A051)	91-28
Cova, Jade		Email (ML18207B052)	218
Crockett, Susan	Eddy County Commission, Chairman; Carlsbad Department of Development, President	Meeting Transcript (ML18130A906)	31-2
Cross, Danny		Meeting Transcript (ML18130A906)	31-27
Cross, Danny		reg.gov (ML18212A216)	191
Cross, Jai		reg.gov (ML18127A068)	48

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D'Arrigo, Diane	Nuclear Information & Resource Service	Meeting Transcript (ML18130A895)	28-8
D'Arrigo, Diane	Nuclear Information & Resource Service	reg.gov (ML18218A167)	387
Dahlgren, Shelley		Email (ML18222A371)	298
Dale, Bruce		reg.gov (ML18178A160)	172
Davis, Allen		reg.gov (ML18212A217)	190
Davis, Andrew		Email (ML18220A819)	245
Daw, Phillip		Meeting Transcript (ML18131A051)	91-21
de Champlon, James		Email (ML18207B034)	260
Deason, Melanie		Email (ML18137A372)	130
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Dibben, Bennette		reg.gov (ML18215A163)	201
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Dominguez, Alfredo		Email (ML18142A407)	134
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Donn, Marjory		reg.gov (ML18155A316)	105

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Doss, Richard		reg.gov (ML18130A560)	50
Dovalina, Kristin		reg.gov (ML18215A169)	205
Dubois, Gwen L	Chesapeake Physicians for Social Responsibility; Crabshell Alliance	Email (ML18232A046)	350
Duerksen, Mary		Email (ML18211A076)	273
Dunaway, David		Email (ML18218A563)	234
Duncan, Pat		Meeting Transcript (ML18162A151)	33-29
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Ellsworth, Ralph		Meeting Transcript (ML18131A051)	91-79
Endicott, Barbara		Meeting Transcript (ML18162A151)	33-59
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Engberg, Martha	Food & Water Watch	reg.gov (ML18218A155)	212
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Filanda, Bobbi		Email (ML18237A368)	330
Finch, Bob		Email (ML18221A669)	379
Finkelstein, Marilyn		reg.gov (ML18145A011)	72
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Fischer, Lynne		Email (ML18232A187)	351
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Flores, Stephany		reg.gov (ML18131A147)	54
Follett, Mark		Email (ML18207A972)	256
Ford, William		reg.gov (ML18173A125)	157
Forest, Azima Lila		reg.gov (ML18102A043)	11
Frank, Ernest		Meeting Transcript (ML18131A051)	91-74
Freeman, Beth Jane		Email (ML18222A471)	299
Frese, Michael		Meeting Transcript (ML18221A665)	341-3
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Furth, Ben		Email (ML18207B037)	261
Gadzia, Jimi		Meeting Transcript (ML18130A901)	29-34
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Gadzia, Kirk L.		reg.gov (ML18155A319)	103
Gadzia, Tamara E.		reg.gov (ML18155A319)	103

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Gale, Nathan		reg.gov (ML18173A125)	157
Gallegos, David	New Mexico House of Representatives	Email (ML18220B452)	247
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Gallegos, Joaquin		Meeting Transcript (ML18131A051)	91-48
Galo, Ramda		Meeting Transcript (ML18130A901)	29-29
Garcia Richard, Stephanie	New Mexico House of Representatives	Meeting Transcript (ML18162A152)	32-1
Garcia, Bernard		Meeting Transcript (ML18131A051)	91-40
Garcia, Katerina		Meeting Transcript (ML18131A051)	91-39
Garcia, Malanie		Meeting Transcript (ML18131A051)	91-3
Gardipe Jr., Samuel		Meeting Transcript (ML18131A051)	91-29
Gardner, Rose	Alliance for Environmental Strategies	Email (ML18221A649)	313
Gardner, Rose	Alliance for Environmental Strategies	Meeting Transcript (ML18130A901)	29-20
Gardner, Rose	Alliance for Environmental Strategies	Meeting Transcript (ML18130A902)	30-21
Gardner, Rose	Alliance for Environmental Strategies	Meeting Transcript (ML18130A906)	31-51
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Gardner, Rose	Alliance for Environmental Strategies	reg.gov (ML18227A032)	374
Gardner, Rose	Alliance for Environmental Strategies	reg.gov (ML18227A032)	0375
Garduno, Ilsa		Email (ML18143B812)	118
Garduno, Rey		Meeting Transcript (ML18162A151)	33-35
Gaudet, Deborah		Meeting Transcript (ML18162A151)	33-57

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Gerstle, Walter		Email (ML18163A335)	124
Gibson, Kenneth		Email (ML18219C223)	290
Giese, Mark M.		Email (ML18170A037)	127
Gilbert, Petuuche	Laguna Acoma Coalition for a Safe Environment	reg.gov (ML18235A025)	378
Giles, Frank		Meeting Transcript (ML18162A151)	33-21
Gilmore, Donna		reg.gov (ML18218A166)	365
Gilmore, Donna	San Onofre Safety	Email (ML18222A303)	349
Gilmore, Donna	San Onofre Safety	Meeting Transcript (ML18130A895)	28-15
Godshall, Robert		Meeting Transcript (ML18221A665)	341-2
Golightly, Flo		Meeting Transcript (ML18131A051)	91-91
Gomez, Myrriah		Email (ML18221A722)	346
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Gonzalez, Alvaro		reg.gov (ML18173A125)	157
González, Melinda Angel		Email (ML18207B075)	227
Goodall, Joshua		Meeting Transcript (ML18131A051)	91-26
Goodman, Jacob		Meeting Transcript (ML18131A051)	91-34
Gorman, Tom		Meeting Transcript (ML18130A901)	29-3
Gorman, Tom		reg.gov (ML18155A307)	89
Gosman, Robert		reg.gov (ML18214A319)	193
Gosslee, Susybelle	Texas League of Women Voters	Email (ML18207B064)	223
Gosslee, Susybelle	Texas League of Women Voters	Meeting Transcript (ML18130A901)	29-38

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Gosslee, Susybelle	Texas League of Women Voters	Meeting Transcript (ML18130A902)	30-45
Gostenhofer, Christa		Email (ML18238A014)	386
Gottesman, Marsha		Email (ML18211A264)	275
Gover, Pat and Gary		reg.gov (ML18171A113)	114
Govus, George		Email (ML18236B051)	325
Gower, Charity		Meeting Transcript (ML18131A051)	91-32
Green, Jeanne		reg.gov (ML18108A119)	17
Green, Phil		Email (ML18218A675)	235
Green, Phil		Meeting Transcript (ML18130A906)	31-29
Greenwald, Janet	Citizens for Alternatives to Radioactive Dumping	Meeting Transcript (ML18130A901)	29-36
Greenwald, Janet	Citizens for Alternatives to Radioactive Dumping	Meeting Transcript (ML18130A902)	30-42
Greenwald, Janet	Citizens for Alternatives to Radioactive Dumping	Meeting Transcript (ML18130A906)	31-59
Greenwald, Janet	Citizens for Alternatives to Radioactive Dumping	Meeting Transcript (ML18162A151)	33-58
Griffin, Matt		reg.gov (ML18173A125)	157
Grittman, Jody		Email (ML18211A516)	231
Grogan, John		Meeting Transcript (ML18130A901)	34-2
Groshardt, Joanne		Email (ML18236A919)	251
Gross, Cheryl		Email (ML18218A676)	285
Gross, Sharon		reg.gov (ML18219A719)	366
Gruber, Roxanna		Meeting Transcript (ML18131A051)	91-36
Gunderson, D		Email (ML18143B260)	135

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Gurgel, Nicole		Email (ML18149A503)	137
Hacker, Gloria L		Email (ML18207B024)	259
Hacker, Gloria L		Email (ML18207B025)	215
Hadden, Karen	Sustainable Energy & Economic Development (SEED) Coalition	Email (ML18137A460)	139
Hadden, Karen	Sustainable Energy & Economic Development (SEED) Coalition	Email (ML18221A651)	339
Hadden, Karen	Sustainable Energy & Economic Development (SEED) Coalition	Meeting Transcript (ML18130A895)	28-3
Hadden, Karen	Sustainable Energy & Economic Development (SEED) Coalition	Meeting Transcript (ML18130A901)	29-17
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Hardy, Kevin		Meeting Transcript (ML18131A051)	91-47
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Harris, Aubrey		Meeting Transcript (ML18131A051)	91-12
Harris, Steve		reg.gov (ML18122A057)	40
Harrison, John		reg.gov (ML18115A101)	25
Harrison, Lisa		Email (ML18219C003)	289
Hart, Diane		reg.gov (ML18183A027)	182
Haslag, Robert		Email (ML18219B610)	288
Hayes, Charles	New Mexico Department of Game & Fish	Email (ML18247A573)	383
Head-Dylla, Candace		Email (ML18237A310)	329
Headington, Maureen		Meeting Transcript (ML18130A895)	28-5
Heatherington, K.		Meeting Transcript (ML18131A051)	91-94
Heaton, John	Eddy-Lea Energy Alliance	Meeting Transcript (ML18130A902)	30-44
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Henson, Justin	Tewa Women United	Email (ML18218A691)	237
Hernandez, Charlene	League of United Latin American Citizens (LULAC)	Meeting Transcript (ML18130A901)	29-35
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Hoffman, Ace		Email (ML18237A207)	354
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Irland, Richard		reg.gov (ML18102A042)	10
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Irving, Pamela		Email (ML18194A656)	149
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Jackson, James		reg.gov (ML18173A125)	157
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Janway, Dale	City of Carlsbad, Mayor	Meeting Transcript (ML18130A906)	31-1
Jenkins, Jay		Meeting Transcript (ML18130A906)	31-46
Jennings, Ralph		Meeting Transcript (ML18130A906)	31-20
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Joe, Aletta		Meeting Transcript (ML18131A051)	91-82
Johnson, Daniel		Meeting Transcript (ML18130A901)	34-11

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Johnson, Daniel		Meeting Transcript (ML18155A321)	93-1
Johnson, Daniel		reg.gov (ML18191A308)	184
Johnson, Jan		reg.gov (ML18131A150)	80
Johnson, Karl		Meeting Transcript (ML18131A051)	91-38
Johnson, Marie		Meeting Transcript (ML18130A906)	31-44
Johnson, Ron	Tribal Radioactive Materials Transportation Committee	reg.gov (ML18214A316)	344
Johnson, Torgen		Email (ML18221A652)	340
Johnson, Torgen		Meeting Transcript (ML18162A151)	33-44
Johnson, Valdyne		reg.gov (ML18131A151)	81
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Jones, Rexanna		Email (ML18155A562)	121
Jones, Simone		Meeting Transcript (ML18162A152)	32-25
Kahn-Hunter, Jordina		Meeting Transcript (ML18131A051)	91-55
Kamps, Kevin	Beyond Nuclear	Email (ML18137A317)	129
Kamps, Kevin	Beyond Nuclear	Email (ML18155A358)	120
Kamps, Kevin	Beyond Nuclear	Email (ML18221A258)	395
Kamps, Kevin	Beyond Nuclear	Email (ML18221A619)	399
Kamps, Kevin	Beyond Nuclear	Meeting Transcript (ML18130A895)	28-19
Kamps, Kevin	Beyond Nuclear	Meeting Transcript (ML18130A901)	29-28
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Kamps, Kevin	Beyond Nuclear	reg.gov (ML18142B194)	4
Kamps, Kevin	Beyond Nuclear	reg.gov (ML18142B198)	5
Kamps, Kevin	Beyond Nuclear	reg.gov (ML18142B321)	14
Kamps, Kevin	Beyond Nuclear	reg.gov (ML18144A240)	35
Kamps, Kevin	Beyond Nuclear	reg.gov (ML18144A275)	36
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Kamps, Kevin	Nuclear Information and Resource Service	Email (ML18222A247)	348
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Kaul, Judy		Meeting Transcript (ML18162A151)	33-60
Kavasseri, Karthik		Meeting Transcript (ML18162A152)	32-20
Keegan, Michael	Don't Waste Michigan	Meeting Transcript (ML18130A895)	28-24
Kellermueller, Ron	New Mexico Department of Game and Fish	Email (ML18247A573)	383
Kelly, John E		reg.gov (ML18173A125)	157
Kelly, Sarah		Meeting Transcript (ML18162A151)	33-52
Kennedy, Tom		Email (ML18237A517)	335
Kepler, Kenneth		Email (ML18219B671)	241
Kernan, Gay	New Mexico Senate	Email (ML18220B452)	247
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Kidwell, Scott		reg.gov (ML18219A727)	369
King, Anderson		Meeting Transcript (ML18131A051)	91-70
King, Larry		Meeting Transcript (ML18162A152)	32-15
King, Marcelene		Meeting Transcript (ML18131A051)	91-69
King, Nicholas		reg.gov (ML18122A055)	38
King, Nicholas		reg.gov (ML18155A323)	92
King, Ronda Suderman		Meeting Transcript (ML18130A901)	34-5
King, Ronda Suderman		reg.gov (ML18131A152)	82
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King, Terreu		Meeting Transcript (ML18131A051)	91-93
Kintigh, Dennis	City of Roswell	Meeting Transcript (ML18130A901)	34-3
Kirby, Kevin		Meeting Transcript (ML18162A151)	33-37
Klein, James		reg.gov (ML18205A382)	177
Knight, Cathy		Meeting Transcript (ML18130A901)	34-1
Koessel, Karl		reg.gov (ML18159A013)	99
Kovac, Scott	Nuclear Watch New Mexico	Email (ML18219B036)	393
Kraft, Dave	Nuclear Energy Information Service	Meeting Transcript (ML18130A895)	28-21
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Kral, Martin		reg.gov (ML18127A067)	47
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Kreienkamp, John	Assistant Attorney General of New Mexico	reg.gov (ML18218A160)	360
Kringel, Dawny		reg.gov (ML18144A938)	66
Kulp, R.	Green Party of the Albuquerque Metropolitan Area	reg.gov (ML18215A159)	198
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Lamb, Cynthia		reg.gov (ML18183A024)	181
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Lane, Lillie		Meeting Transcript (ML18162A152)	32-7
Lang, Sara		Email (ML18232A643)	309
Lara, Roxanne "Rocky"		Meeting Transcript (ML18130A906)	31-45
Lawrence, Nicky		reg.gov (ML18215A172)	208

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Lea-Simka, Erica		Meeting Transcript (ML18162A151)	33-13
Leavell, Carroll		Email (ML18220B452)	247
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Lee, Michel	Council on Intelligent Energy & Conservation Policy and Promoting Health and Sustainable Energy	Email (ML18221A261)	396
Lee, Michelle		Meeting Transcript (ML18130A895)	28-12
Leeds, Beverly		Email (ML18158A135)	122
Lenard, Roger		reg.gov (ML18173A125)	157
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Lewis, Marvin		Meeting Transcript (ML18130A895)	28-18
Lewis, Roger		Meeting Transcript (ML18162A152)	32-9
Lewis, Roger C.		Meeting Transcript (ML18131A051)	91-85
Libby, Robert		Email (ML18207B042)	262
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Listman, Bob		reg.gov (ML18102A041)	9
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Lockridge, J.	Green Party of the Albuquerque Metropolitan Area	reg.gov (ML18215A159)	198
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Lodge, Terry	Don't Waste Michigan	reg.gov (ML18219A709)	255
Loisel, Joseph		Meeting Transcript (ML18221A665)	341-4
Long, Rebecca		Meeting Transcript (ML18130A902)	30-7
Longknife, Orien		Meeting Transcript (ML18131A051)	91-18

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Lorencz, Erin		Meeting Transcript (ML18162A152)	32-19
Loretto, Gladys		Meeting Transcript (ML18131A051)	91-22
Lorimier, Dan		Meeting Transcript (ML18130A902)	30-34
Lovato, Andy		reg.gov (ML18173A106)	152
Lovato, Anhara		Meeting Transcript (ML18162A151)	33-30
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Lucero, Diane		Meeting Transcript (ML18131A051)	91-45
Ludden, James		Email (ML18210A023)	228
Lutz, Ray	Citizens Oversight	Meeting Transcript (ML18130A895)	28-1
Lyne, Christopher		reg.gov (ML18173A125)	157
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Madrid Boyea, Denise		Meeting Transcript (ML18130A906)	31-28
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Mahtociqala, Katie		Meeting Transcript (ML18131A051)	91-50
Maldonado, Anna		Meeting Transcript (ML18162A151)	33-38
Manis, Paula		reg.gov (ML18206A460)	180
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Marksteiner, Kyle		Meeting Transcript (ML18130A906)	31-18
Marley, Jennifer		Meeting Transcript (ML18162A151)	33-42
Marnell, Lorraine		reg.gov (ML18218A154)	211
Marquez, Elise		Meeting Transcript (ML18131A051)	91-87
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Marquez, Noel		Meeting Transcript (ML18130A902)	30-24
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Marquez, Noel		Meeting Transcript (ML18162A151)	33-54
Marquez, Paikea		Email (ML18218A679)	236
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Martin, Larry		Meeting Transcript (ML18130A901)	29-40
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Maxwell, Nick		Email (ML18237A392)	356
Maxwell, Nick		Meeting Transcript (ML18130A902)	30-16
Maxwell, Nick		Meeting Transcript (ML18162A151)	33-26
Mayer, Ed		Meeting Transcript (ML18162A151)	33-5
Mayer, Ed		Meeting Transcript (ML18162A152)	32-12

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McCombs, Robert		Email (ML18208A723)	268
McConnell, Ellen		reg.gov (ML18099A060)	8
McCoy, David	Citizen Action New Mexico	Email (ML18130A829)	128
McCullough, Denton		Meeting Transcript (ML18130A906)	31-49
McCullum, Rodney	Nuclear Energy Institute	reg.gov (ML18155A312)	108
McDaniel, Patrick		reg.gov (ML18173A125)	157
McDaniel, PJ		Email (ML18208A099)	264
McGill-Peters, Kathryn		Meeting Transcript (ML18162A152)	32-22
McIntosh, Susan		Email (ML18142A292)	133
McKeel, Daniel		Email (ML18233A631)	314
McLeod, Mike	XCEL Energy	Meeting Transcript (ML18130A902)	30-29
McSorley, Cisco	New Mexico Senate	Meeting Transcript (ML18162A151)	33-1
Mello, Greg		Meeting Transcript (ML18162A151)	33-7
Merrill, Carol		Meeting Transcript (ML18130A901)	29-2
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Michetti, Susan		Email (ML18219B559)	287
Miller, Evelyn		reg.gov (ML18173A125)	157
Minthorn, Gabe		Meeting Transcript (ML18131A051)	91-35
Mitchell, Larry		Meeting Transcript (ML18130A906)	31-36
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Moody, William		Email (ML18233A150)	311
Moreno, Melissa		reg.gov (ML18173A125)	157
Morgan, Ann		Email (ML18237A202)	328
Morgan, Lenajean		Meeting Transcript (ML18131A051)	91-62
Morgan, Leona		Meeting Transcript (ML18130A895)	28-9
Morgan, Leona		Meeting Transcript (ML18130A902)	30-40
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Morgan, Leona		Meeting Transcript (ML18162A151)	33-45
Morgan, Leona		Meeting Transcript (ML18162A152)	32-30
Morgan, Leona		reg.gov (ML18235A024)	377
Morgan, Leroy		Meeting Transcript (ML18131A051)	91-17
Morris, Wendy		Email (ML18179A286)	141
Morsea, Kathryn		Meeting Transcript (ML18162A152)	32-32
Mortimer, Jenny		reg.gov (ML18215A156)	195
Mudd, M.	Green Party of the Albuquerque Metropolitan Area	reg.gov (ML18215A159)	198
Muhich, Mark		reg.gov (ML18115A099)	23
Munley, Joe		Meeting Transcript (ML18162A151)	33-4
Murphy, Cornelia		Email (ML18211A516)	231
Murphy, Geraldine		Email (ML18211A516)	231
Murphy, Sheila		Email (ML18211A516)	231
Murphy-Young, Paige		reg.gov (ML18218A165)	364

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Muska, Dowd	Rio Grande Foundation	reg.gov (ML18151A732)	96
Nakadegawa, Judy		Email (ML18169A106)	126
Nava, Matthew		Meeting Transcript (ML18131A051)	91-61
Nells, Marcus		Meeting Transcript (ML18162A151)	33-20
Nelson, Cheryl		Email (ML18223A012)	300
Nelson, Dennis		reg.gov (ML18145A041)	76
Niles, Ken	Western Interstate Energy Board	reg.gov (ML18215A164)	202
Nolan, Galen		Meeting Transcript (ML18131A051)	91-5
None Given, Edmund SSF		Email (ML18219A725)	238
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O'Brien, PJ		reg.gov (ML18215A158)	197
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Olson, Emelie		Email (ML18211A084)	274
Orozco, Genneva		Meeting Transcript (ML18155A321)	93-2
Ortiz, Fred		Meeting Transcript (ML18130A902)	30-36
Ortiz, Shynoke		Meeting Transcript (ML18131A051)	91-25
Ostrer, Allison		reg.gov (ML18152A379)	77
Pacal, Joe		Meeting Transcript (ML18162A152)	32-23
Paddyaker, Michael		Meeting Transcript (ML18131A051)	91-44

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Padilla, Elizabeth		Meeting Transcript (ML18130A902)	30-25
Page, Wallace		Email (ML18221A669)	384
Parent, Anthony		Email (ML18235A527)	320
Payne, H. Vern		Meeting Transcript (ML18162A151)	33-3
Peck, Dorothy		Email (ML18208A517)	266
Peixinho, Mateo		reg.gov (ML18215A170)	206
Perea, Thomas		reg.gov (ML18173A125)	157
Perrotte, Marlene		Meeting Transcript (ML18130A906)	31-48
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Peter, Geneva	Dineh Chamber of Commerce	Meeting Transcript (ML18162A152)	32-31
Peters-Aragon, Deidre		Meeting Transcript (ML18131A051)	91-33
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Pike, James		Meeting Transcript (ML18130A901)	29-30
Pike, James		reg.gov (ML18173A125)	157
Pineda, Natasha		Meeting Transcript (ML18131A051)	91-11
Pino, Edgar J.		Meeting Transcript (ML18131A051)	91-84
Pitula, Michael		Meeting Transcript (ML18162A151)	33-43

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Poulson, Judi		Email (ML18165A402)	125
Press, Bob		Meeting Transcript (ML18130A901)	29-21
Prude, Randy		Meeting Transcript (ML18130A901)	29-10
Ramos, Azaria		reg.gov (ML18173A125)	157
Ramos, Moctezuma		reg.gov (ML18173A125)	157
Ramsay, Rebecca		Email (ML18234A242)	250
Rath, John		reg.gov (ML18110A084)	18
Reade, Deborah		Meeting Transcript (ML18162A151)	33-18
Reade, Deborah	Citizens for Alternatives to Radioactive Dumping	Email (ML18221A667)	343
Reagan, Nedra		reg.gov (ML18206A459)	187
Reed, Michele		Email (ML18232A521)	308
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Reynolds, Lyndsey		reg.gov (ML18215A162)	200
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Rice, Shirley		Email (ML18222A164)	296
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