

From: MoJo <mollypj@yahoo.com>
Sent: Monday, July 6, 2020 12:44 PM
To: Holtec-CISFEIS Resource
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June 22, 2020

Office of Administration
Mail Stop: NRC-2018-0052
ATTN: Program Management, Announcements and Editing Staff
U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

RE: Docket No. NRC-2018-0052; Holtec International's HI-STORE CIS Facility for Spent Nuclear Fuel, Lea County, New Mexico – Draft Environmental Impact Statement (DEIS)

NRC:

On May 18, 2018 San Luis Obispo Mothers for Peace (SLOMFP) submitted scoping comments on the Holtec Environmental Report (ER) to transport up to 100,000 metric tons of spent fuel, high-level radioactive waste, from nuclear reactors around the country to southeast New Mexico. In those comments we clearly stated that we do not consent to the irradiated nuclear fuel that has been produced by the Diablo Canyon nuclear reactors being sent to another community. We asserted that it is morally repugnant to transport this deadly waste on our rails and highways to a poor community of color. We strongly believe Diablo's waste must continue to be stored on-site until a permanent repository can be found.

In March, 2020, the DEIS was released by the NRC and SLOMFP were very disappointed to see that none of our comments were addressed in a satisfactory manner. So, we reiterate:

This Holtec Proposal is Contrary to Current Law: The NRC appears willing to overlook this violation of the Nuclear Waste Policy Act (NWPA) of 1982, as Amended. The NWPA prohibits the U.S. Department of Energy from taking ownership of commercial irradiated nuclear fuel at an interim site in the absence of an open permanent repository. The DEIS states that when there is not a legally-binding decision by DOE and Congress regarding highly radioactive Greater-Than-Class-C "low-level" radioactive waste, NRC will refrain from reviewing that aspect of the proposal any further. The NRC must obey, and not violate, all federal laws, including the Nuclear Waste Policy Act of 1982, as Amended. To violate that law is itself a violation of the Administrative Procedure Act.

The Impacts of Permanent Storage Must be Analyzed: The DEIS did not adequately address this issue. NRC's time-limited focus on 40 years of "temporary storage" is inappropriately, arbitrarily short. Holtec's admits in its license application to NRC that:

- "interim storage" could persist for 120 years;
- in response to a Request for Information from DOE, CISF could operate for 300 years;
- and in NRC's own 2014 Continued Storage of Spent Nuclear Fuel Rule and Generic EIS, the agency acknowledged away-from-reactor Independent Spent Fuel Storage Installations could go on indefinitely.

More Alternatives Must be Analyzed: Again, the DEIS failed to address this issue at all. Scientific studies must be done on the safe-as-possible storage at the site of generation as well as permanent disposal. This CIS facility as proposed would very likely end up becoming a permanent repository, and it certainly does not have the robust design for that purpose.

The ER Inadequately Discusses the Transportation Risks: The DEIS fails again to adequately analyze or discuss the transportation risks involved in shipping highly radioactive waste across the country. Furthermore, only routes from four reactors were examined - but there are 129 nuclear reactors storing high-level radioactive waste in the United States.

Any environmental report on this proposed facility must include an adequate analysis of all modes of transportation and all planned routes from all reactors. Furthermore, it must detail how rail shipments from reactors without rail access would be accomplished as well as the risks and impacts of such shipments.

This proposed "storage" site is not a "disposal" site, and at some future point the spent fuel will need to be removed and transported to a permanent disposal site. This plan foolishly doubles the transportation risk. An environmental report that does not include an analysis of such additional transportation routes, risks, and impacts is inadequate and incomplete.

Cracked and Leaking Casks Must Be Addressed: Again, this issue is not adequately addressed in the DEIS. Inner canisters will have to be transferred from on-site storage dry casks > to radiation shielding/transfer casks > to transport/shipping casks > to transfer casks > to CISF storage pits and then, if and when high-level radioactive wastes are exported to a permanent repository, the reverse process - multiple times. Any environmental report must of value analyze exactly how radioactive waste from a cracked and leaking canister would be handled, since there is no wet pool or hot cell at the site. Failed containers could potentially release catastrophic amounts of hazardous radioactivity directly onto the surface environment, to blow downwind, flow

downstream, bioconcentrate up the food chain, and harm people through the generations.

New Mexico Doesn't Want It: Governor Michelle Lujan Grisham stands in opposition to storing high level nuclear waste in New Mexico in unity with the oil industry, the Cattle Grower's Association, 10 New Mexican communities, the Pueblo Council, and thousands of New Mexicans who wrote to the NRC opposing this proposal. The State of New Mexico government and its citizens have made it clear they don't consent to the storage of our nation's radioactive waste.

SLOMFP demands that the NRC:

1. Postpone all hearings re: CISF applications until it is safe to gather in large groups,
2. Expand the hearings to include major cities along the likely routes, including San Luis Obispo, CA, and
3. Leave the public comment period open until at least 180 days beyond all public hearing dates. These dangerous proposals for CIS facilities merit full participation by all impacted peoples. It would be unconscionable for the NRC to ramrod this process through during this pandemic! Without full public participation, this National Environmental Policy Act (NEPA) process would lack legitimacy and credibility.

San Luis Obispo Mothers for Peace recommends the No Action Alternative addressed in the Draft Environmental Impact Report.

Sincerely,

San Luis Obispo Mothers for Peace Board members:

Jane Swanson Molly Johnson Elaine Holder
Linda Seeley Nancy Norwood Marty Brown
Jill ZamEk Sherry Lewis Carole Hisasue

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