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Comment On: NRC-2018-0052-0376

Holtec International HI-STORE Consolidated Interim Storage Facility Project

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General Comment

See attached file(s)

Attachments

COMMENTS TO NRC ON HOL-TEC LICENSE

Jonathan Block
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August 27, 2020

RE: Hol-tec license applications for
long-term storage of high-level
nuclear reactor waste at a site in the
vicinity of Carlsbad, New Mexico

To The Commission and its Delegated Staff
in this matter:

I have some specific comments about
deficiencies in the draft NEPA EIS,
but first some objections to what I consider
the violation of law—
of the NEPA statute, Council on
Environmental Quality regulations,

and binding federal court decisions—these are three, as follows:

- (1) All of these meeting at supposed to be conducted in NM—the affected state—there is no “pandemic” exception in the laws, regulations or court decisions affecting application of NEPA—moreover, there is no rush to take this matter forward without adequate opportunities for public participation such as the law and regulations require;
- (2) Under the current pandemic circumstances, where the NRC is not holding public state location meetings, the NRC must extend the comment period for a reasonable time after the Public Health Emergency is over to allow commenting to take place

in a meaningful manner;

(3) Public meetings should also include the NM Congressional Delegation or its members' delegated representatives;

As for my objections to deficiencies in the draft EIS for the Hol-tec license,

I contend that the NRC failed to make an assessment of one of the most likely probabilities connected with this license.

That obvious consequence of granting the license at issue is that there is a considerable likelihood the site will take much

of the nuclear reactor waste from around the United States and place it in casts for 120 years or more. As the NRC has only found a safe storage duration in the proposed manner of nuclear reactor waste

storage for 120 years, the license is, *eo ipso*, illegal to grant—and, I also contend, under the Nuclear Waste Policy Act (NWPA), unauthorized for consideration.

Given that the Hol-tec casks are not qualified for the 10,000 year protection from loss of contents that is required for storage at Yucca Mt., the only congressionally authorized (under NWPA) high-level nuclear waste long-term storage site, the NRC, under the NEPA, is required to fully analyze the potential consequences of cask failure over the probably duration of storage at the site in NM. Once the expense has been undertaken to move the waste to Carlsbad, NM, it is highly improbable the waste will ever leave that site. This is a “reasonably foreseeable consequence” of the action or project under NEPA.

Therefore, the NRC needs to undertake the same level of analysis—including the occupational and public health consequences of the breaching of the casts at some time in the next 10,000 years—as was undertaken to evaluate the consequences of storage at Yucca Mt.

Given that the New Mexico site is very likely to become the *de facto* high level waste storage facility for the nuclear reactor waste that was *not* contemplated (considered or selected) under existing federal law (NWPA) for controlling long-term high level nuclear reactor waste storage and disposal, it is also an underlying violation of federal law, beyond the inadequacy of the EIS, for the NRC to consider the license application at issue.

Unless and until the NRC undertakes a complete site evaluation pursuant to the direction and authorization of Congress through modifications to Nuclear Waste Policy Act and related laws, the creation of a *de facto* long-term high level nuclear reactor waste storage site anywhere will remain illegal. Additionally, the NRC cannot meet the NEPA requirement for a consideration of reasonably foreseeable consequences of the project without prior congressional approval for such an analysis within the framework of a revised NWPA.

All activities on this application prior to a change in the NWPA are illegal under both NEPA and the NWPA and related laws.

Thank you for the opportunity to make this comment under protest of the violations

of law I described above.

Jonathan Block