

From: Rita Renee Toll-Dubois <ritarenee@gmail.com>
Sent: Thursday, September 3, 2020 6:42 PM
To: Holtec-CISFEIS Resource; Rita Renee Toll-Dubois
Subject: [External_Sender] * Docket ID NRC-2018-0052 – Public comment on Holtec irradiated nuclear fuel Consolidated Interim Storage Facility (CISF) Draft Environmental Impact Statement (DEIS)

Dear folks,

This letter is to submit public comment for **[Docket ID NRC-2018-0052 – Public comment on Holtec irradiated nuclear fuel Consolidated Interim Storage Facility \(CISF\) Draft Environmental Impact Statement \(DEIS\)](#)**

I am gravely concerned at the absence of taking seriously the long-term risks and risk management issues involved in the transport and storage of radioactive materials. I am also gravely opposed to the siting of this storage facility on indigenous, Western Shoshone land. I am aware not only of people opposed here in MA, and on the Western Shoshone lands, but also in New Mexico (see the views of grassroots New Mexicans who oppose this de facto permanent, surface storage, parking lot dump in their state: [Laura Watchempino](#) of Multicultural Alliance for a Safe Environment's, and [Albuquerque resident Sam Weisberg's](#), op-eds, and [Janet Greenwald](#) of Citizens for Alternatives to Radioactive Dumping's letter to the editor, recently published in the *Albuquerque Journal*.)

NRC's time-limited focus on just 40 years of "temporary storage" is inappropriately and arbitrarily short, given Holtec's own admission in its license application to NRC that "interim storage" could persist for 120 years; in response to a Request for Information from DOE, Holtec admitted a 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 ISFSIs (Independent Spent Fuel Storage Installations) could go on indefinitely (that is forevermore). Control of the facilities, the monitoring of the condition of the material and the storage containers and the facilities could be lost over such long time periods. Failed containers could release catastrophic amounts of hazardous radioactivity directly into the surface environment, to blow downwind, flow downstream, bioconcentrate up the food chain, and harm people down the generations. This is completely unacceptable.

I also protest NRC's woefully inadequate, to nearly non-existent, treatment of highly radioactive waste transport risks. This violates the long-established legal requirement under the National Environmental Policy Act (NEPA) that NRC take a "hard look" at the Holtec CISF proposal, including its inextricably linked high-risk transportation component, impacting most states in the Lower 48.

For its part, Holtec's Environment Report accounts only for routes to NM from only 4 of our country's 129 atomic reactors -- three at San Onofre, CA and one at Maine Yankee -- but NRC's DEIS didn't even include this sole, inadequate map! There is a [more comprehensive map, produced by the State of NV re: the Yucca dump targeting Western Shoshone land](#), based on the same 2008 DOE Final Supplemental EIS that NRC cites in its 2020 Holtec DEIS.

NRC's DEIS, and Holtec's ER, essentially excluding the high risks of transport, and not even being transparent about transport routes, represents segmentation (the dividing up of a major federal action into smaller parts, so that the proposal doesn't seem so significant or impactful after all). This is a violation of NEPA, as long ruled so by the federal courts.

I further wish to point out that 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. I am concerned that NRC is not requiring Dry Transfer Systems (DTS), leaving no way to deal with failed fuel or containers, as well as leaks or contamination. (And expert witness Bob Alvarez, a former senior advisor to the U.S. Energy Secretary, has testified in these CISF proceedings that under DOE's latest Yucca dump plans, targeting Western Shoshone land in NV, high-level radioactive wastes can only be buried in TADs -- standardized Transport, Aging, and Disposal containers specially designed for use at the Yucca dump. This would require dividing up the contents of 10,000 containers at Holtec into 80,000 smaller TADs. This represents so many opportunities for hazardous leaks, danger to workers, the environment, and the neighbors, for a long and persistent time into the future. Nowhere is this addressed in the Holtec ER, nor the NRC DEIS. And yet both Holtec and NRC assume Yucca will be the ultimate dump.. But that repackaging process carries significant risks and potential impacts for health, environment, and safety, and yet could not be done without a DTS. The entire complex, high risk subject matter area is missing from NRC's Holtec CISF DEIS, another violation of NEPA's "hard look" requirement, and even a violation of the Atomic Energy Act, given the inherent, large safety risks.

I also wish to point out NRC staff's internal contradiction: it is willing to overlook this CISF's violation of the Nuclear Waste Policy Act of 1982, as Amended (which 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), while citing in the DEIS that the lack of a legally-binding decision by DOE and Congress re: highly radioactive Greater-Than-Class-C "low-level" radioactive waste, means NRC will choose to refrain from reviewing that aspect of the proposal any further at this time. NRC is talking out of both sides of its mouth, to the benefit of license applicant Holtec, and to the disadvantage of the public interest! And the double standard re: rule of law is also outrageous NRC behavior. 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.

Finally and most egregiously, Holtec and NRC assume that the Yucca Mountain dump in Nevada, targeting Western Shoshone Indian land, will open, allowing re-export of irradiated nuclear fuel from NM to NV for permanent disposal. It's how Holtec and NRC attempt to justify calling the CISF "interim" or temporary. But the Yucca dump should not, and will not, happen, for a long list of reasons. This includes the Yucca dump's illegality (it would violate the Treaty of Ruby Valley of 1863, signed by the U.S. government with the Western Shoshone Indians), as well as the environmental injustice of opening the national high-level radioactive waste dump in the same state that "hosted" nuclear weapons testing for several decades on end, resulting in disastrous radioactive fallout and health damage downwind. But it also includes Yucca's flagrant scientific unsuitability, as well as the fact that well over a thousand environmental groups have been actively opposing the scheme for 33 years. Holtec and NRC are entirely unjustified in assuming the Yucca dump will open some day, or year, or decade, or century. In fact, NRC's doing so reveals its bias in the Yucca Mountain licensing proceeding, in which it is supposed to be a neutral safety regulator, only sitting in judgment of the Yucca site's capability of meeting regulations, not advocating for its opening even in the face of its clear unsuitability. For this reason, there is a very high risk that the Holtec CISF in NM will become de facto permanent surface storage, a parking lot dump, risking catastrophic releases of hazardous radioactivity directly into the environment when containers ultimately fail over a long enough period of time, due to loss of institutional control, as mentioned above.

I also wish to point out that the **Overview of Environmental Coalition Contentions Opposing Holtec/ELEA's CISF, and the NRC ASLB Licensing Proceeding**, presents voluminous 40+ contentions submitted by numerous official intervenors to the NRC Atomic Safety and Licensing Board, opposed to Holtec's CISF, summarized in 20 one-line sentences. The NRC staff has done little to nothing about any of it, even though these concerns have been brought up since the NRC environmental scoping stage in 2018, as well as throughout the Atomic Safety and Licensing Board (ASLB) licensing proceeding. This document was created (by Beyond Nuclear) in mid- to late-December 2018, in anticipation of the in-person ASLB oral argument pre-hearings that then took place in late January 2019 in ABQ, NM, which had just been announced, as part of media work and public education efforts, to help reporters and concerned citizens get up to speed, so they could wrap their heads around the broad and deep interventions this coalition had mounted in opposition to Holtec's CISF.

The dozens of contentions filed on September 14, 2018 include the following categories (some of the contentions were raised by multiple intervenors; the total number of contentions filed adds up to 40):

- (a) impacts on Native American and other historic and pre-historic properties on the site;
- (b) insufficient assurances of financing for construction, operation, and decommissioning;
- (c) underestimation of so-called “low-level” radioactive waste volumes that would be generated;
- (d) improper reliance on NRC generic Environmental Impact Statement presumptions;
- (e) natural gas fracking and potash mining beneath the site;
- (f) cumulative risks of future reprocessing (plutonium extraction);
- (g) the public health threat from the “Start Clean/Stay Clean” philosophy’s risks of shipping damaged, leaking, or contaminated casks back to the atomic reactor of origin;
- (h) incomplete and inadequate disclosure of transportation routes (road, rail, and waterway), and inadequate analyses of the substantial risks of these shipments through most states, over decades;
- (i) inconsistent predicted lengths for “interim storage” period, from 40 to 100, 120, or even 300 years, timeframes that could dangerously exceed the design and service life of the containers;
- (j) unmet safety and security risk analyses for the scale of transport and storage proposed;
- (k) troubling geological formations and conditions beneath the site;
- (l) no compelling purpose and need for the CISF;
- (m) risk of the CISF becoming a *de facto* permanent surface storage “parking lot dump”;
- (n) Holtec’s improper reliance on the Blue Ribbon Commission for America’s Nuclear Future’s 2012 Final Report;
- (o) earthquake risks at the site;
- (p) impacts on endangered and threatened species, such as the dunes sagebrush lizard;
- (q) questionable credibility of sub-contractors used in the preparation of the license application, reflected in the poor quality of the submitted documents, and charges of major fraud against Tetra Tech related to a massive radioactive contamination incident in San Francisco, CA;
- (r) thermal concerns associated with corrosion of the containers;
- (s) groundwater and brine concerns at the site, including threats of radioactive contamination reaching area drinking and irrigation water aquifers downstream;
- (t) risks of high burnup irradiated nuclear fuel degradation and failure.

(8) [Whistleblowers -- namely Oscar Shirani at Commonwealth Edison/Exelon, and Dr. Ross Landsman at NRC -- first revealed widespread quality assurance violations by Holtec in the design and fabrication of its containers in the early 2000s.](#) Neither Holtec nor NRC have rectified this problem much, or at all, since. Thus, Shirani questioned the integrity of Holtec containers sitting still, going zero miles per hour, let alone 60 miles per hour down the railroad tracks, subject to the extreme forces of severe accidents. Landsman compared NRC's decision making to that of NASA's, which led to Space Shuttles hitting the ground. [See a summary of their QA violation whistle-blowing, here.](#)

Holtec CEO Krishna Singh also attempted to bribe Shirani and Landsman into silence. They refused and rejected his bribe offer, and continued to blow the whistle.

Singh was implicated in a \$55,000 bribe made to a Tennessee Valley Authority Browns Ferry nuclear power plant official in Alabama, made to secure a contract there.

When asked on a tax break application form, under oath, by a State of NJ agency, Krishna Singh answered that Holtec had never been banned nor barred from doing business with a federal agency or state government. This was a lie. Holtec had been banned and barred from doing business with TVA, after the bribery scandal at Browns Ferry. Singh's falsehood on the tax break application form was uncovered by ProPublica and WNYC in May 2019. It has led to a major scandal in New Jersey (Holtec's home base), with ongoing investigations. Singh's lie secured a \$260 million tax break for Holtec, which was used to build a brand new, major manufacturing plant in Camden, NJ, which bears Singh's name. Should a company like Holtec, and a CEO like Krishna Singh, be entrusted with 173,600 metric tons of highly radioactive irradiated nuclear fuel? The rogue behaviors they have exhibited would make that a resounding NO! [L](#)

And I want to further point out that this is a situation of Racial and Environmental Injustice. Holtec is targeting southeastern NM, where many of the surrounding communities in the area are majority Hispanic. The Mescalero Apache Indian Reservation (itself previously targeted for a CISF!) is not far away. While a lot of money has been made in the Permian Basin from fossil fuel and nuclear industries, that wealth is not equitably distributed nor shared with the local population. Thus, there are very significant environmental justice issues of low income and/or people of color communities in southeastern NM being targeted for this dump. [As shown by this remarkable map by Deborah Reade of Santa Fe, NM, southeastern NM, and the rest of the state, bears a tremendous pollution burden from these fossil fuel \(concentrated in the Permian Basin, in NM's southeastern corner\) and nuclear \(throughout NM, but with a particular concentration of significant polluting facilities in/near the southeastern corner\) and other hazardous industries.](#) The trickery employed in Holtec's Environment Report and NRC's DEIS, in order to find no EJ impact, is to only compare southeastern NM (and only out to a radius of 50 miles from the Holtec CISF site), with the rest of the State of NM. However, comparing southeast NM near Holtec to the country as a whole will show a much greater concentration of Hispanics and Native Americans than is typical of the rest of the country as a whole. NRC's 50-miles out from Holtec's CISF radius focus, and then only in comparison to the rest of the State of NM, blinds it to the bigger picture of the country as a whole. Combined with the fact that NM as a whole ranks towards the very bottom of all 50 states on many socio-economic indicators, NRC's willful blindness to the EJ impacts of the Holtec CISF proposal is an outrage. NRC's own behavior is an EJ violation, as is Holtec's CISF proposal to begin with!

This is further underscored by the experience of Alliance for Environmental Strategies in the NRC ASLB licensing proceeding. AFES is a largely Hispanic EJ group in southeast NM. It intervened against the Holtec CISF, raising EJ contentions. Incredibly, the ASLB and NRC never even clearly acknowledged or recognized AFES's legal standing to bring such contentions. But both ASLB and NRC rejected AFES's EJ contentions outright. Such ASLB and NRC behavior is, in itself, an EJ violation!

I thank you for accepting these my comments.

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