

From: Kevin Kamps <kevin@beyondnuclear.org>
Sent: Wednesday, September 9, 2020 7:29 PM
To: Holtec-CISFEIS Resource
Subject: [External_Sender] Beyond Nuclear's 22nd set of public comments, re: Docket ID NRC-2018-0052, re: NRC's Holtec/ELEA CISF DEIS

Dear Holtec-CISFEIS Resource and NRC Staff,

This is my 22nd set of public comments in this proceeding.

I submit these comments on behalf of our members and supporters, not only in New Mexico, near the targeted Holtec/ELEA Laguna Gatuna site, but across New Mexico, and the rest of the country, along road, rail, and waterway routes that would be used for high risk, highly radioactive waste shipments to Holtec's CISF, as well as to Yucca Mountain, Nevada, on Western Shoshone land -- illegally and improperly assumed by Holtec, as well as NRC, to someday become a permanent disposal repository.

Due especially to the numerous problems I have experienced submitting public comments via this <holtec-cisfeis@nrc.gov> email address, please acknowledge receipt of these comments, and their proper placement in the official public record for this proceeding.

The following subject matter has gotten little to no attention in NRC's Holtec CISF DEIS, a far cry from NEPA's legally binding "hard look" requirement.

Risk of *De Facto* Permanent, Surface Storage, Parking Lot Dump

What if Holtec/ELEA's so-called consolidated interim storage facility (CISF for short, supposed to operate for "only" 40 years, which is already a long time, in most people's books!) becomes much longer term, or even *de facto* permanent?

What if future replacements for today's U.S. Representatives from southeastern New Mexico's, and adjacent, U.S. congressional districts in NM and TX, decide enough is enough, and the high-level radioactive wastes need to leave, after having been there for decades, or even centuries? Those one or two future U.S. Representatives from southeastern NM, and nearby, would then face the daunting challenge of overcoming the inertia, or even active opposition, of the other 433-434 Members of the U.S. House of Representatives, who might be just fine with the high-level radioactive wastes staying at Holtec/ELEA's CISF forevermore (it's not in *their* congressional district, after all!) – which is how long they remain will hazardous by the way.

In 2008, under court order, the U.S. Environmental Protection Agency acknowledged that commercial irradiated nuclear fuel remains hazardous for a million years into the future. This is actually an underestimate. Take Iodine-129, as but one example. Its half-life is 15.7 million years. It will remain hazardous for at least ten half-lives, or 157 million years. I-129 is in high-level radioactive waste, too.

A 2013 U.S. Senate bill – forerunner to current versions of the legislation in Congress – added to the risks of consolidated "interim" storage facilities becoming *de facto* permanent, surface storage, parking lot dumps, by stating a preference for co-location of pilot consolidated interim storage facilities for "priority" irradiated nuclear fuel, alongside full-scale, lesser priority consolidated interim storage facilities, and even the permanent repository (that is, burial dump).

Also, the waiver of, or doing away with, any connection or "linkage" between development of centralized or consolidated interim storage facilities, and progress toward opening a repository, only increases the risk that supposedly "temporarily" (interim) stored highly radioactive wastes will simply be allowed to remain in centralized, or consolidated, so-called "interim," surface storage facilities, indefinitely into the future. In other words, they could become *de facto* permanent, surface storage, parking lot dumps.

U.S. Senator Jeff Bingaman (D-NM), Chairman of the Energy and Natural Resources Committee, warned against this de-linkage in 2012. In fact, the requirement for a permanent disposal repository being opened and operating was, and still is, essential and foundational in the Nuclear Waste Policy Act of 1982, as Amended, the benchmark law on commercial irradiated nuclear fuel management for the past four decades. This was, and still is, a safeguard against consolidated interim storage facilities from becoming *de facto* permanent surface "disposal" sites, or parking lot dumps.

Note that the linkage requires an *operating* repository, not just a nearly licensed one, nor just a proposed one by someone, for someday, somewhere, some way. Remarkably, current DOE projections for the opening of the country's first permanent burial dump are not until the year 2048, 28 years from now, although they still don't know who will make it happen, where, nor how! There is every possibility that even this 2048 repository opening date is overly optimistic.

And it must be remembered that by spring 2010, this country already needed a second repository, even though it is very far from having its first one yet. The George W. Bush administration DOE, in late 2008, published its *Report on the Need for a Second Repository*, that officially acknowledged that the Yucca Mountain dump's legal capacity limit of 63,000 metric tons of commercial irradiated nuclear fuel would already be surpassed by the quantity of commercial irradiated nuclear fuel generated in this country, as early as spring 2010. The commercial irradiated nuclear fuel generated since 2010 is excess to Yucca's capacity limit, and will require a second repository elsewhere. By the terms of the Nuclear Waste Policy Act of 1982, as Amended, this second repository must be in the eastern U.S., to fulfill the principle of regional equity. After all, 90% of reactors and the irradiated nuclear fuel they have generated, are located in the eastern half of the country. 75% are located east of the Mississippi River.

But since the mid-1980s, the only targeted sites for the first repository have been in the West -- Deaf Smith County, Texas; Hanford, Washington; and Yucca Mountain, Nevada. Since 1987's Nuclear Waste Policy Amendments Act (popularly known as the "Screw Nevada" Act), the sole target has been Western Shoshone land.

But of course, the Yucca Mountain dump will never open, for a long list of reasons. Please see my "Stringent Criteria" list, for the reasons why the Yucca dump never will, and never should, open.

So in that sense, our country currently needs two permanent repositories, even though we don't even have the first one yet. It is dubious even the first repository will be open by 2048, let alone two. Thus, the idea that Holtec/ELEA's CISF is "temporary" or "interim" is very dubious. It will be very long-term storage, and perhaps even *de facto* permanent, risking becoming a surface storage parking lot dump.

2048 will be 106 years after Enrico Fermi generated the first cupful of high-level radioactive waste of the Atomic Age, in his Chicago Pile-1 at the University of Chicago squash court under the Stagg Field football stadium, on Dec. 2, 1942 as part of the Manhattan Project race for the atomic bomb. 2048 is 91 years after the first civilian, or commercial, irradiated nuclear fuel was generated, at the Shippingport atomic reactor, northwest of Pittsburgh, in the Beaver Valley of PA, very near the OH state line. Such already long-term storage, and such remarkable delays in high-level radioactive waste management and disposal, are another red flag, cautionary tale, and warning about Holtec/ELEA's consolidated interim storage facility, so-called, instead becoming a very long-term, indefinite, or even *de facto* permanent, surface storage, parking lot dump.

Sincerely,

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Beyond Nuclear aims to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abolish both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic.

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