

From: Kevin Kamps <kevin@beyondnuclear.org>
Sent: Friday, October 23, 2020 2:51 PM
To: WCS_CISFEIS Resource
Subject: [External_Sender] Beyond Nuclear's 9th set of public comments, re: Docket ID NRC-2016-0231, and report number NUREG-2239, NRC's ISP/WCS CISF DEIS -- re: the license for Private Fuel Storage, LLC, CISF -- targeted at Skull Valley Goshutes Indian Reserva...

Please note that these public comments were submitted verbally by Beyond Nuclear's radioactive waste specialist, Kevin Kamps, during the NRC call-in session on Oct. 8, 2020.

Dear NRC Staff,

We submit these comments on behalf of our members and supporters, not only in New Mexico and Texas, near the targeted ISP/WCS CISF site, but across both of these states, and the rest of the country, along road, rail, and waterway routes that would be used for high risk, highly radioactive waste shipments to ISP/WCS's CISF, as well as to Yucca Mountain, Nevada, on Western Shoshone land -- wrongly and illegally assumed by ISP/WCS, as well as by NRC, to someday (or some decade, or some century) become a permanent disposal repository. This unnecessarily repeated, multiple legged, cross-continental transport of highly radioactive waste, is another significant aspect of the EJ (Environmental Justice) burden associated with this ISP/WCS CISF scheme.

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

The license for Private Fuel Storage, LLC, CISF -- targeted at Skull Valley Goshutes Indian Reservation in Utah -- is not terminated, contradicting NRC Staff assertions to the contrary

[NRC: Overview of the Draft Environmental Impact Statement for Interim Storage Partners LLC's Proposed Consolidated Interim Storage Facility](#)

See the relevant document, posted online here:

<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20121A016>

[A copy of the PDF formatted version of the Overview is viewable posted online here as well.](#)

Don Hancock of Southwest Research Information Center (SRIC) in ABQ, NM points out:

"The [Overview](#) (like the Holtec one) again repeats the factual error that PFS's [Private Fuel Storage, LLC] license is terminated (page 4)."

Here is the false statement, as printed in NRC's Overview:

*"The NRC previously licensed one other away-from-reactor dry cask spent fuel storage facility, called Private Fuel Storage (NUREG-1714); however, that facility was never built and **the license was subsequently terminated.**"* (emphasis added)

This is not true. The license was not subsequently terminated.

The following documentation shows that the PFS license was never terminated, as NRC Staff have falsely stated in their CISF DEIS Overviews:

PFS / NRC - Withdrawal Of License Termination Request.

[ML14255A395](#)

<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML14255A395>

Document Title:	Withdrawal of Termination Request of NRC licence [sic, license] SNM-2513 for Private Fuel Storage, LLC.
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Document Type:	Letter
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Document Date:	09/12/2014
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[ML14265A030](#)

<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML14265A030>

Document Title:	Letter To R. M. Palmberg re: Withdrawal Of License Termination Request.
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Document Type:	Letter
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Document Date:	09/18/2014
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Thus, NRC's [Overview](#) is inaccurate as to NRC's own licensing decisions.

NRC made the same mistake in its Holtec NM CISF DEIS summary/overview, first published on March 10, 2020.

And the DEIS documents themselves do not state that the PFS license is terminated. So in that sense, the summaries/overviews contradict the DEIS documents.

Significantly, if Holtec International/Eddy-Lea Energy Alliance, Interim Storage Partners/Waste Control Specialists, and the nuclear power utilities, were serious about these CISFs being entirely private, then why not use the license rubber-stamped by NRC at PFS more than a decade ago? Because the actual goal is to transfer title/ownership, and liability, onto the U.S. Department of Energy (DOE) -- that is, federal taxpayers. Which is illegal, a violation of the Nuclear Waste Policy Act of 1982, as Amended (NWSA). Specifically, the NWSA prohibits DOE from taking title to/ownership of commercial irradiated nuclear fuel at an interim storage site, unless and until a permanent repository is licensed and operational. This illegality is at the heart of Beyond Nuclear's lawsuit against both CISFs. Don't Waste MI *et al.* (a seven-group national grassroots environmental coalition), Sierra Club, and Fasken Oil, have also challenged this violation of the NWSA represented by these CISF schemes.

In October 2016, Beyond Nuclear *et al.* first warned NRC that its accepting these CISF license applications for processing would be illegal. Here is a link to that letter:

<http://static1.1.sqspcdn.com/static/f/356082/27307046/1477549767997/2016-10-27+Curran+et+al+letter+to+McCree+re+WCS+application.pdf?token=kYRNiGNWUMgFCNvQveugYE6vsEs%3D>

Four long years later, Beyond Nuclear *et al.* are now resisting NRC's illegal behavior in the second highest court in the land, the U.S. Court of Appeals for the District of Columbia Circuit.

Here is a link to the June 4, 2020 press release announcing Beyond Nuclear's federal appeal:

<http://www.beyondnuclear.org/centralized-storage/2020/6/4/beyond-nuclear-files-federal-lawsuit-challenging-high-level.html>

And here is a link to the June 24, 2020 press release announcing Don't Waste Michigan *et al.*'s (a grassroots national environmental coalition comprised of seven groups) federal appeal:

<http://www.beyondnuclear.org/centralized-storage/2020/6/24/dont-waste-mi-et-al-files-federal-lawsuit-challenging-nation.html>

And on October 8, 2020, the U.S. Court of Appeals for the District of Columbia Circuit ruled that Sierra Club and Fasken Oil and Ranch would also be allowed to intervene in the federal appeals case.

Not that Beyond Nuclear and our environmental and environmental justice allies think the PFS CISF targeting the Skull Valley Goshutes was or is a good idea. Quite the opposite. It is a dangerously bad idea, and an outrageous violation of environmental justice. [Learn more about](#)

[the environmental movement's successful resistance to the PFS CISF](#), a victory won in close solidarity and collaboration with Native American partners, including Skull Valley Goshute dump opponents Margene Bullcreek and Sammy Blackbear, Indigenous Environmental Network, Honor the Earth, and a national grassroots Indigenous, environmental, and environmental justice coalition of 437 groups, representing all 50 states, listed here:

<http://archives.nirs.us/radwaste/scullvalley/skullvalleygoshutesgroup1tr772005.pdf>

Such glaring NRC Staff errors must be corrected in the Holtec/ELEA, as well as the ISP/WCS, CISF DEIS documentation packages, including the erroneous Overviews.

Please address and rectify your woefully inadequate "hard look" under NEPA, re: this health-, safety-, and environmentally-significant, as well as legally-binding, subject matter above.

And please acknowledge your receipt of these comments, and confirm their inclusion as official public comments in the record of this docket.

Thank you.

Sincerely,

Kay Drey, President, Board of Directors, Beyond Nuclear

and

Kevin Kamps, Radioactive Waste Specialist, Beyond Nuclear

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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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