

From: Judy Allen <judya814@comcast.net>
Sent: Saturday, October 31, 2020 4:53 PM
To: WCS_CISFEIS Resource
Subject: [External_Sender] Docket ID NRC-2016-0231/Report Number NUREG-2239, NRC's ISP/WCS CISF DEIS

Dear U.S. Nuclear Regulatory Commission (NRC) Commissioners and Staff:

This public comment is in response to the Draft Environmental Impact Statement (Docket ID NRC-2016-0231) regarding Interim Storage Partner's (ISP) application for a license to build and operate a "Consolidated Interim Storage Facility for Spent Nuclear Fuel in Andrews County, Texas" (NUREG-2239).

The undersigned organizations oppose ISP's proposal and ask that the NRC halt its licensing in order to protect public health and safety, the environment and our economy. It appears from the Draft Environmental Impact Statement (DEIS) and other license application documents that there would be no dry cask transfer facility (Dry Transfer System, DTS) at the proposed site, which means there would be no way to repackage waste. The site is not designed for long-term disposal, but a dangerous *de facto* permanent surface dump could result if waste casks or canisters are damaged or corroded and cannot be moved.

ISP's application to store radioactive waste in Texas would bring in 40,000 tons of irradiated nuclear fuel from nuclear reactors around the country. 90% of those reactors and their irradiated nuclear fuel are in the eastern half of the country; 75% are east of the Mississippi River.

The plan would target a Latinx community with forever deadly highly radioactive waste. **The waste would be stored above ground in a region prone to earthquakes, sinkholes, temperature extremes, wildfires, and intense storms and flooding, all of which can increase contamination risks.** ISP's scheme would exacerbate existing environmental injustice and threats to the Ogallala and other aquifers. WCS is already a national dump for so-called "low-level" radioactive wastes and other hazardous materials.

In addition, the URENCO USA uranium enrichment facility is right next to the WCS/ISP site. In fact the two nuclear complexes are on one former ranch that straddled the New Mexico/Texas border. The majority Hispanic town of Eunice, New Mexico -- through which every single one of the 3,400 irradiated nuclear fuel rail casks bound for ISP would pass -- is within just a few miles of the WCS/ISP site. Consolidated interim storage facilities (CISFs) are an illegal approach that does not solve the highly radioactive waste problem. The Nuclear Waste Policy Act of 1982, as Amended, prohibits the U.S. Department of Energy (DOE) from taking ownership of commercial irradiated nuclear fuel, unless and until a permanent repository is licensed and operational. In illegally considering this application, the NRC has ignored expert testimony, widespread local, regional, and even national opposition, and many tens of thousands of written and oral comments.

The Draft Environmental Impact Statement (DEIS) is deficient because ***it fails to:***

- Account for disproportionate impacts to low-income communities of color (environmental justice communities) in the American Southwest and along transport routes there and nationwide.
- Detail transportation routes and consider nationwide risk to millions of Americans along transport routes.
- Consider the risk of leaks, contamination, sabotage/intentional attacks, or severe transportation accidents.
- Include a plan to repackage leaking waste casks and a plan to move waste when required.
- Complete the required alternatives analysis by considering Hardened On-Site Storage (HOSS), at or near reactors, as an alternative to Consolidated Interim Storage.
- Consider lessons learned from past accidents, nor the potential for future radioactive waste accidents to cost hundreds of millions to billions of dollars to clean up.

- Detail cumulative impacts of the proposed facility and nearby sites -- including the Holtec CISF, URENCO and the Waste Isolation Pilot Plant, in New Mexico -- on workers, local residents, and the environment.
- Analyze potential for groundwater contamination, including of the Ogallala, and other aquifers.
- Address the open secret that Orano/Areva desires to reprocess the irradiated nuclear fuel, which would cause large-scale releases of hazardous radioactivity to the environment.
- Acknowledge that "interim storage" at ISP could last not decades, nor centuries, but forevermore; *de facto* permanent surface storage, combined with eventual container failure and inevitable loss of institutional control, would result in catastrophic releases of hazardous radioactivity downwind, downstream, up the food chain, and down the generations.

On behalf of our members and supporters, our organizations oppose Consolidated Interim Storage Facilities at this and other sites, including Holtec International/Eddy-Lea Energy Alliance's CISF, targeted at Laguna Gatuna in southeastern New Mexico, just 40 miles from WCS. The DEIS fails to adequately analyze environmental and cumulative impacts and the socioeconomic risks of the two proposed CISF applications in the same local area. The NRC should protect public health and safety, the economy and the environment, by halting the application processes and denying the licenses for both ISP's and Holtec's proposed facilities.

We also oppose as unacceptably dangerous the plan to multiply transport risks, and the environmental justice burden, that is inherent in Consolidated Interim Storage. As ISP/WCS itself admitted in its Environmental Report (Revision 2, Chapter 2, Figure 2.6-1, Transportation Routes, Page 2-78), the outbound shipments from the CISF, heading to Yucca Mountain, Nevada for permanent burial, would travel through the very same communities in New Mexico, Texas, and Oklahoma that had already seen the inbound shipments, carrying irradiated nuclear fuel from eastern reactors, to the CISF in the first place. These outbound shipments could number in the several tens of thousands if the irradiated nuclear fuel is repackaged at WCS (itself a hazard to workers and local residents), into smaller-sized TAD (Transport, Aging, and Disposal) containers, required for compliance with DOE's Yucca repository design plans. CIS makes no sense, and would significantly increase transport risks and EJ burdens.

Last but not least, ISP/WCS, as well as NRC, simply assuming that Yucca Mountain will be the permanent dump, is wrong and unacceptable. Yucca Mountain is on Western Shoshone land. The 33-year long attempt to dump highly radioactive wastes there is a violation of the "peace and friendship" Treaty of Ruby Valley of 1863, signed by the U.S. government with the Western Shoshone, the highest law of the land, equal in stature to the U.S. Constitution itself. It is also an environmental justice violation, considering the deadly radioactive fallout already suffered by the Western Shoshone, and others, downwind and downstream from the Nevada Nuclear Weapons Test Site. In addition, just like ISP's proposed facility, the Yucca dump would not be: consent-based; scientifically-suitable; regionally equitable; nor intergenerationally equitable.

For all the above reasons and more, we maintain that the DEIS for ISP's application is inadequate, and further that the license for the high-level radioactive waste "consolidated interim storage" facility should be denied. In conclusion, highly radioactive wastes from atomic reactors around the U.S. should not be brought to Texas – but instead be isolated on or near the current nuclear power plant sites, in Hardened On-Site Storage (HOSS), until there is an environmentally just and scientifically sound option available.

Sincerely,

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