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Docket: NRC-2016-0231

Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

Comment On: NRC-2016-0231-0317

Interim Storage Partners Consolidated Interim Storage Facility Project

Document: NRC-2016-0231-DRAFT-0369

Comment on FR Doc # 2020-09795

Submitter Information

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General Comment

02 November 2020

Please accept the attached comments from NEIS concerning Subject: Docket ID NRC-2016-0231-0317, Draft Environmental Impact Statement, Public Comment

Comments from NEIS on the DEIS for the Proposed Illegal Interim Storage Partners Consolidated Interim Storage Facility Project in Texas

Our comments exceeded the character limit provided here. And the e-mail address provided by NRC to submit comments -- WCS_CISF_EIS@nrc.gov -- TWICE rejected my submittal.

Attachments

COMMENTS FROM NEIS ON THE DEIS FOR THE PROPOSED ILLEGAL ISP-WCS CIS DUMP 11-2-20



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Illinois' Nuclear Power Watchdog since 1981

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02 November 2020

Subject: Docket ID NRC-2016-0231-0317, Draft Environmental Impact Statement, Public Comment

Comments from NEIS on the DEIS for the Proposed Illegal Interim Storage Partners Consolidated Interim Storage Facility Project in Texas

Dear NRC Commissioners and Staff,

This public comment is in response to the Draft Environmental Impact Statement (Docket ID NRC-2016-0231-0317) regarding Interim Storage Partners' (ISP) application for a license to build and operate a "Consolidated Interim Storage Facility for Spent Nuclear Fuel in Andrews County, Texas" (NUREG-2239).

On behalf of the Board and more than 800 supporters in 26 states, we wish to register the following comments:

1.) Hazards of High-Level Radioactive Waste (HLRW) Transport:

The quantity of HLRW that the proposed ISP facility is projecting to take – 40,000 tons – is roughly half that for the currently defunct Yucca Mt. Project in Nevada, with potential for future expansion. The Yucca Mt. DOE project would have resulted in thousands of truck and/or train shipments coming through Illinois over the course of its operation. The issue of HLRW transport is a multi-state problem, which must be examined closely on a state by state basis in terms of disaster response and preparedness, condition of road and rail infrastructure, and capacity for infrastructure upkeep. These proposed shipments would pass through hundreds of communities, many if not most of them small and rural by design to avoid high-population areas. These are communities least equipped to handle severe radiological emergencies and incidents. As such, it is incumbent on the NRC to allow for full, face-to-face public participation on these transport issues in all states through which the HLRW will travel; as well as state-by-state appropriate governmental agency involvement.

2.) The Application is Politically Fraudulent:

While ISP/WCS asserts that the application it has filed is for an "interim" "storage" facility, the real politics of the situation strongly suggests otherwise.

On May 13, 2019, **former Chairman of the Nuclear Regulatory Commission, Dr. Gregory Jaczko** made the following remarks at a Congressional Briefing in Washington, D.C. titled ***"Decommissioning: A New Era for Nuclear Power; a Need for Congressional Oversight"***:

"If you think about this there are a lot of challenges behind this idea of centralized "interim" storage. The first one is that this is essentially permanent storage.

*"As much as you may hear from people that this is centralized "interim" storage, **it is de facto permanent storage** because once you move fuel somewhere it's going to be very hard to move it somewhere else."*

He went on to say:

"The only place in principle you could move it to would be a permanent repository. But right now, there are NO prospects, certainly not in the next several decades for any type of permanent repository for spent fuel."

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(<https://www.eesi.org/briefings/view/051319nuclear> @ 15:15)

Additionally former Texas Governor and U.S. Energy Secretary Rick Perry as much as admitted that the proposed facility would be permanent, at least in a de facto sense, in testimony before the House Committee on Appropriations March 26, 2019:

Congressman Simpson: *Let me ask you even the site in Texas do you think that they'd be willing to accept permanent storage?*

Rick Perry: *I am going to leave that up to current governor to answer for you directly. **The previous governor was very supportive.** [NOTE: that Governor was Rick Perry-- NEIS.] We had a low level nuclear committee when I was the governor. Again I don't know..*

I am not going to speak for the current governor or legislators but for 14 years prior to those individuals coming on the scene there was a clear effort to make ... and the people of Andrews the citizens of Andrew County very very supportive. So you know, my point is We've got to find a solution, 39 states as final repositories is not a, is not an appropriate solution to this.

(<https://www.youtube.com/watch?v=CqfHCsQzffc&feature=youtu.be>)

The fact that these two, high-level public officials with intimate knowledge, professional credential, and training and experience with the nuclear and energy industries have identified the Andrews site as being "permanent" in some manner argues that all characterizations done concerning the site being viewed as "interim" are clearly incomplete and therefore invalid. As such the DEIS is inadequate and should be rejected.

3.) Environmental Justice Concerns:

NEIS participated in the online sessions NRC conducted with the people of Texas in October, 2020. In-person participation of the many individuals and groups who have poor phone and internet connectivity was denied. We found the online sessions conducted by NRC woefully technologically inadequate, and no substitute for face-to-face sessions. Many affected communities and BIPOC individuals and groups lack the kind of phone and internet connections to allow for meaningful public participation. The dreadful quality of the phone and internet connection for the sessions held proved this point. As a result, NEIS feels that NRC has NOT met its obligation to engage in meaningful public participation as is guaranteed by law, and that this has occurred with the people of color communities of Texas, just as it had in New Mexico. As a result we have appealed to our Illinois U.S. Senator Tammy Duckworth to have the Senate Environmental Justice Caucus examine NRC's inadequate public participation process with the POC communities of Texas and New Mexico, requesting that all further NRC action regarding the ISP/WCS Andrews license be suspended pending the outcome of this investigation.

3.) Texas Does Not Consent :

On Thursday, October 1, 2020 Texas Republican Gov. Greg Abbott sent a letter to President Donald Trump, opposing the creation of the ISP Andrews CIS facility. This mirrors the opposition of New Mexico Governor Michelle Lujan Grisham, who similarly sent a letter of opposition to NRC in August, 2020.

Overwhelming opposition from local residents to the ISP Andrews facility was presented verbally on all of the NRC webinars soliciting public comment on the site. The comment tally was often 5-6:1 in opposition of the proposed Andrews CIS facility.

Several years ago NEIS participated in a DOE program dealing with consent-based siting of HLRW. It was clear from that process, and prior to that from the *President's Blue Ribbon Commission on America's Nuclear Future* that any HLRW facility MUST have the consent of the community in which it is proposed. Letters to NRC from both New Mexico Senators and the Governors of New Mexico and now Texas have made it clear that the states of Texas and New Mexico do NOT want these CIS facilities. We are therefore baffled why NRC is continuing with a process that so blatantly disregards the consent of the communities

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involved, not to mention the Blue Ribbon Commission recommendation for local consent. You can't cherry-pick the items you want from that Commission's recommendations.

4.) Interim Storage Partners' Project is Illegal:

We suppose that NRC's disregard for the consent of the affected communities should logically lead to NRC's similar disregard for U.S. law regarding HLRW storage and disposal. Under current U.S. law, this project is illegal. The Nuclear Waste Policy Act of 1982, as Amended, does not allow the federal government to take title to the HLRW (commercial irradiated nuclear fuel) until a permanent geologic repository *is operating*. So the federal government cannot pay for transportation and storage of the waste as ISP/WCS wants. Legally, the license cannot be issued until a permanent repository is operating. As was previously pointed out in an Aug. 18th letter from New Mexico Senators Tom Udall and Martin Heinrich to NRC Chair Kristine Svinicki :

*"We appreciate that the COVID-19 pandemic has created logistical and health concerns of its own to be able to move forward with in-person meetings at this time, **but there are no legal or statutory deadlines requiring the Commission to rush to complete this review by any certain time.**"*

CONCLUSIONS:

One can only conclude that since NRC is willing to conduct an inadequate and unacceptable public participation program, is willing to ignore the consent of the communities involved, and is willing to conduct an illegal activity on behalf of a private corporation, it is no longer acting according to its stated mandate of, "Protecting People and the Environment;" but rather, working as an unpaid contractor in behalf of the interests of a private corporation. As such, we view this current DEIS process to be illegitimate and therefore invalid, and request that the NRC suspend all further efforts regarding its completion.

We thank you for your consideration of these views,

Be well,



David A. Kraft, Director