

From: Diane D'Arrigo <dianed@nirs.org>
Sent: Tuesday, November 3, 2020 11:58 PM
To: WCS_CISFEIS Resource
Subject: [External_Sender] Comments of Nuclear Information and Resource Service on ISP CISF DEIS NRC-2016-0231 (NUREG 2239)
Attachments: 2020-11-3 ISP DEIS NIRS Comments .pdf

Federal Register Notice: 85FR27447
Comment Number: 10326

Mail Envelope Properties (492ABC5CE9C3414CBD9EF5E87C862F640119A5EA2A)

Subject: [External_Sender] Comments of Nuclear Information and Resource Service on
ISP CISF DEIS NRC-2016-0231 (NUREG 2239)
Sent Date: 11/3/2020 11:58:18 PM
Received Date: 11/3/2020 11:58:34 PM
From: Diane D'Arrigo

Created By: dianed@nirs.org

Recipients:

Post Office: NIRSSRV2.NIRS.local

Files	Size	Date & Time
MESSAGE	8	11/3/2020 11:58:34 PM
2020-11-3 ISP DEIS NIRS Comments .pdf		580015

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

Comments of **Nuclear Information and Resource Service**
on **NRC-2016-0231**

Interim Storage Partners (ISP) Consolidated Interim Storage Facility Project (CISF)
Draft Environmental Impact Statement (DEIS)

Office of Administration Mail Stop TWFN-7-A60M

U.S. Nuclear Regulatory Commission (NRC)

Washington, D.C. 20555-0001

ATTN: Program Management, Announcements, and Editing Staff

November 3, 2020

Re: Docket ID NRC-2016-0231

submitting to WCS_CISF_EIS@nrc.gov

Dear NRC Commissioners and Staff:

The National Environmental Policy Act (NEPA) requires that for any major federal action affecting the environment that an environmental impact assessment and, if needed, a full environmental impact statement be carried out and that it not be segmented.

This Draft Environmental Impact Statement (DEIS) does not provide a meaningful and adequate environmental analysis of the foreseeable and consequential environmental impacts of the entire project including transporting irradiated ("spent") nuclear fuel to and from the proposed Interim Storage Partners (ISP) Consolidated 'Interim' Storage Facility (CISF) in Texas.

James Parks, NRC contact for the EIS process, explained to me at one of the public meetings during this process that the analyses of safety and environmental impacts of transport are carried out during the certification of the casks, not as part of facility EIS, thus that review is not needed in this WCS/ISP DEIS. He said that is where the concerned public needs to raise those concerns. I attempted to participate in cask certifications and amendments at NRC and was not able to provide comments nor is there an opportunity to request a hearing or intervene.

Theoretically certification of cask designs under 10 CFR 71 and 72 are rulemaking processes but they do not appear to be open to the public and do not fulfill the NEPA requirements. It is not clear which if any of the 10 CFR 2 intervention processes would apply to certification of casks or cask systems. The certifications appear to review safety but not environmental impacts.

They rely on assumptions that appear to be guesses and do not require a NEPA type review. It is questionable whether they function as rulemakings since they do not provide FRN notice of proposed action nor opportunity to participate. I have joined in several NRC/Vendor certification calls when they were listed in the meeting notices at NRC. The calls regarding cask certification and/or amendments and did usually allow limited opportunity to ask clarifying questions or make a short statement but there was no provision for formal public engagement as is required under NEPA, the Atomic Energy Act and the Administrative Procedures Act.

In fact when NRC approved the MP-197, the only Federal Register announcement was a notice that the design had been certified with no public comment period.

When a concerned member of the public inquired with NRC staff regarding the certification of the HI STAR 190, she was told that *"Part 71 reviews are not subject to public comments before a certificate of compliance (CoC) is issued. There is no FRN for any transport package, only for storage (Part 72 reviews)."*ⁱⁱ

This is hardly the equivalent of a NEPA review of major transportation campaigns across the country. No discussion of releases to farmland, water supplies, concentrated populations, routine exposures to often-low-income communities along the rail routes--homes, businesses, resources and more. There has been no discussion of the possibility of the shipments becoming terrorist targets as they move through the majority of the states in the lower 48. There has been no analysis of the inadequate criteria for certification in 10 CFR 71 including but limited to 10 CFR 71.71 and 10 CFR 71.73, which require casks to meet conditions less rigorous than real world conditions they could encounter. These include but are not limited to fire times and temperatures, pressures submersed in water for up, drop distances, crash speeds and others.

Transport from reactors to ISP and from ISP to a permanent repository would take many years and travel through much of the country regularly for many years. This irradiated fuel transport is integral to the function of ISP, storing the waste. Shipments of waste are projected to come in every other day--averaging a projected 200 shipments per year, with each of the 8 phases bringing in ~425 for a total of 3400 casks. The Nuclear Regulatory Commission (NRC) DEIS on ISP does not effectively review the impacts of shipping in each of the 16 types of containers through the many types of communities, on barges, heavy-haul trucks and rail. There is an assumption that even if there was a breach of shielding that impacts would be SMALL. More focus is placed on the construction traffic to build the storage pads than on the transport from a third or more of the nuclear power reactors across the country. A few examples are given indicating that transport will be carried out, but not from all the potential sources and absent meaningful analyses.

Transport casks are certified under 10 CFR 71, the NRC regulations for transport, but that certification is for safety and does not include an environmental analysis.

NUREG 2239 does not fully evaluate the environmental impact of transporting nuclear waste to the site and neither do the cask-specific certifications. The DEIS must be redone including the environmental impacts of this essential phase of the project on the transport communities as well as the ISP site and region.

Thus neither the ISP DEIS nor the 10 CFR 71 certification process provide the needed environmental review. NRC is responsible for the containers but has not included environmental review in the certification process or this DEIS.

Further, the Certification of Compliance process for transport casks is not open to public comment or adjudicatory intervention in practical terms. Although theoretically it is a rulemaking process, in realistic implementation, there is no process available for the public to engage, learn, evaluate, comment and challenge the certifications.

The DEIS claims impact of construction transport coming and going will be more significant than the massive movement of hundreds of shipments of irradiated fuel, each with huge inventories of fission products and transuranics, going to the site more than once every two days (more than 200 shipments per year). It dismisses radiation dangers by assuming the chances of radiation release are low.

On page 4-25 of the ISP Environmental Report Revision 3(<https://www.nrc.gov/docs/ML2005/ML20052E152.pdf>), it is pointed out that ISP uses NUREG 2125 to calculate doses from various scenarios--no incident, accident, accident with loss of shielding. There is a faulty logic assumption that the consequences should be multiplied by the probability estimates. If the exposure happens it will be a full exposure thus it is incorrect to reduce it by multiplying by a previous estimate of the likelihood it would occur or not. A meltdown was supposedly impossible, but Three Mile Island 2 did have a partial meltdown.

The DEIS relies on NUREG 2125 for its calculations and conclusions of NO or SMALL risks. Dr Marvin Resnikoff, Radioactive Waste Management Associates, provided comments on this DEIS indicating and identifying that NUREG 2125 greatly underestimates the impacts thus must not be relied upon and complete reanalysis must be done.

We oppose the segmentation of the environmental impacts of transport from the environmental review of the whole site and the minimization of risks without justification, the failure to assess reasonably foreseeable and consequential impacts. The DEIS transport section must be redone including legal public notice and opportunity for involvement and adjudicatory review.

On a somewhat different note, we oppose the segmentation that NRC did in failing to meaningfully review on and near site storage options including Hardened On-Site Storage which was clearly identified during the scoping process as an alternative to for interim storage without the transport risk of moving the waste to consolidated location.

Please include the public comments NIRS made on the DEIS calls in your review.

Please seriously consider cancellation of this and any CISF applications.

Sincerely,

Diane D'Arrigo
Nuclear Information and Resource Service (NIRS)
6930 Carroll Ave Suite 340
Takoma Park, MD 20912

ⁱ FULL EMAIL RE 10 CFR 71 certification process:

Subject:RE: Holtec HI-STAR 190
Date:Tue, 22 Aug 2017 20:35:20 +0000
From:Saverot, Pierre <Pierre.Saverot@nrc.gov>
To:'Donna Gilmore' <donnagilmore@gmail.com>

Donna,

Part 71 reviews are not subject to public comments before a certificate of compliance (CoC) is issued. There is no FRN for any transport package, only for storage (Part 72 reviews).

The CoC was signed on August 8, 2017, and the ADAMS Accession No. is ML17222A080

Thanks,

Pierre

-----Original Message-----

From: Donna Gilmore [<mailto:donnagilmore@gmail.com>] Sent: Tuesday, August 22, 2017 1:58 PM

To: Saverot, Pierre <Pierre.Saverot@nrc.gov>

Subject: [External_Sender] Holtec HI-STAR 190

I saw a certificate of approval for the HI-STAR 190 on the Adams website. Was this posted in the Federal Register for comment?

Do you have the link for the HI-STAR 190 package that was approved?

Thanks,

Donna Gilmore