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[WCS CISF EIS@nrc.gov](mailto:WCS_CISF_EIS@nrc.gov)

Subject: **Docket ID NRC-2016-0231/Report Number NUREG-2239, ISP/WCS CISF DEIS**

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 NRC must halt licensing of Interim Storage Partner's (ISP) consolidated interim storage facility in order to protect public health and safety, the environment and our national economy. The proposed interim storage facility is not designed to host high level nuclear waste for the hundreds of thousands of years that the waste must be isolated from human populations and our environment. Yet the Draft Environmental Impact Statement (DEIS) fails to analyze the probability that this interim storage facility is likely to become a *de facto* long-term storage facility for high level nuclear waste if a permanent disposal site cannot be found.

Consolidated interim storage for the nation's commercial nuclear waste will require the transfer high-level nuclear waste from reactor sites throughout the country not just once, but twice - first to this interim storage site, and a second time to a permanent repository if and when one is built. If a permanent repository is *not* built before the end of this century, the waste stored here will become stranded at a site that has not been designed for permanent containment of this dangerous waste. Additionally, there is no guarantee that the reactor sites sending the waste will even be cleaned up.

Communities in West Texas and surrounding areas would become another sacrifice area to the nuclear industry along with others along the transport routes.

There is no mention of a dry cask transfer facility (Dry Transfer System or DTS) or fuel pool at the proposed site in ISP's license application and supporting documents, which means there would be no way to repackage waste from aging or damaged canisters. Neither the proposed storage site nor the storage canisters are designed for the long-term isolation and disposal of high level nuclear waste beyond 100 years. Loading and unloading of the shipping casks housing the canisters during transport without DTS backup could pose an insurmountable problem if a damaged canister is transported or if a canister is damaged on its way to the storage facility.

ISP's plan to return damaged canisters to the generating site is irresponsible and unrealistic. The damaged inner canisters could go undetected until it arrives at the storage site, exposing untold numbers of individuals and communities along the transport route to lethal radiation. At this point, the danger to the public is HIGH and could quickly accelerate to catastrophic in the presence of other canisters at the consolidated storage facility. It will be impossible to isolate the spent nuclear fuel inside a damaged canister from the ambient environment and other canisters without repackaging facilities.

This dangerous scenario can be duplicated in a number of other examples, whether a canister is damaged by extreme weather events, terrorist attacks, or worker error. Even routine loading and unloading of the canisters, transportation accidents, and the transport of damaged fuel rods and high burnup fuel could pose many of the same risks.

Upon arrival at the consolidated storage site, the waste canisters would be stored above ground in a region prone to earthquakes, sinkholes, temperature extremes, wildfires, with intense storms and flooding, all of which can increase the risk of damage to the canisters containing spent nuclear fuel, exponentially magnifying contamination risks to air, soil, and groundwater, such as the Ogallala and other regional aquifers. All these risks require thorough analysis, along with backup plans to repackage leaking waste canisters and a plan for the eventual transfer of the temporarily stored waste to a permanent repository.

### Environmental Racism

ISP's application to store 40,000 tons of highly radioactive waste from nuclear reactors around the country in west Texas would unfairly target the predominantly Hispanic community of Eunice, New Mexico, located about five miles away from the ISP/WCS site with repeated exposure to shipments bound for the WCS facility. Every single one of the 3,400 irradiated nuclear fuel rail casks bound for the facility would pass through Eunice, imposing a disproportionate burden on the town and its residents. ISP's scheme would exacerbate the environmental injustice of dumping more lethal waste near a community that has already been subjected to impacts from the storage of "low-level" radioactive wastes and other hazardous materials at WCS. Additionally, the URENCO USA uranium enrichment facility is located right next to the WCS site. In fact, these two nuclear complexes both sit on a former ranch straddling the New Mexico/Texas border.

Resolutions opposing nuclear waste transport and consolidation have been passed by Dallas, Bexar, Nueces, Midland and El Paso Counties, and the cities of San Antonio, Midland and Denton, plus the Midland Chamber of Commerce. Together, they represent the voices of 5.4 million Texans.

### Nuclear Waste Policy Act of 1982

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 until a permanent repository is licensed and operational. Consolidated interim storage facilities (CISFs), such as the one proposed, do not comply with the Act. The permanent isolation and disposal of lethal high level nuclear waste that continues to be produced is a quandary of national and global significance.

The NRC has failed to address these critical issues, which have been raised in expert testimony, widespread local, regional, and national opposition, and many tens of thousands of written and oral comments.

The Draft Environmental Impact Statement fails to take the requisite "hard look" at the novel prospect of moving all the dangerous commercial nuclear waste currently stored at close to 100 commercial reactor sites to a single temporary location until a final permanent repository is

operational. Ninety percent of those reactors and their irradiated nuclear fuel are located in the eastern half of the country. Seventy-five percent of the reactors are east of the Mississippi River.

### Transportation Risks

An analysis of the HIGH risks of transporting thousands of canisters from all existing reactor sites across populated areas, waters of the United States, and fragile ecosystems to west Texas is missing from the DEIS. The DEIS is grossly deficient without an analysis of the inherent transportation risks and potential liabilities of ISP's proposal. DOT regulations cannot and should not be expected to address the unique and highly lethal risks of transporting dangerous nuclear material on national highways.

Also missing from the DEIS is a comprehensive discussion of emergency response coordination across the local, regional, and national spectrum in the event of even one transportation accident that results in a widespread release of nuclear material to air, soil, and water. This tunnel vision poses grave repercussions for millions of Americans – whether they are workers, emergency responders, community residents, and even transient individuals along the transport routes should an accident occur.

### Consent Required

The public must be informed of all the prevalent dangers they will face if this facility is licensed and high level nuclear material is transported through the places where we live, work, and recreate. We will not consent to a repeat of the clandestine bomb tests that took place 75 years ago or even the present-day transport of nuclear material through our communities. All these activities resulted in toxic releases that continue to plague individuals that were unknowingly exposed to nuclear materials. Even routine releases that occur during loading and unloading of transport containers where nuclear materials are temporarily stored pose a significant risk to human health because repeated exposures to radiation will accumulate in the body over a lifetime.

Consent from communities along the transport routes and around the storage sites is required under international law. Even individuals responding to a nuclear accident must be informed of the lethal dangers they are likely to encounter.

### Alternatives to Consolidated Interim Storage of Nuclear Waste

Hardened On-Site Storage (HOSS) of spent nuclear fuel rods near the reactor sites where it was generated and the communities that benefited from the energy produced is a more just solution than dumping it near poor minority communities in remote areas that lack the resources to fight the corporate entities that will profit from the consolidated interim storage of nuclear waste.

### Liability for Nuclear Waste Accidents and Releases

The DEIS does not contain an adequate analysis of liability for accidental releases of radioactive waste or the allocation of the costs and responsibilities of clean up among all impacted jurisdictions.

### Cumulative Impacts

The cumulative impacts of the proposed consolidated interim storage facility and other nearby nuclear facilities such as Holtec International//Eddy-Lea Energy Alliance's proposed CISF, URENCO USA's uranium enrichment facility and the Waste Isolation Pilot Plant in southeastern New Mexico -- on workers, local residents, and the environment are not adequately covered in the DEIS.

ISP/WCS is also in the Permian Basin, with the largest deposits of oil and gas in North America. Oil and gas drilling, fracking and processing wastes could react synergistically with other chemical and nuclear waste products.

### No Permanent Repository for Nuclear Waste

ISP/WCS Environmental Report (Revision 2, Chapter 2, Figure 2.6-1, Transportation Routes, Page 2-78), notes that outbound shipments from its CISF to Yucca Mountain, Nevada for permanent disposal, 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 instance. Outbound shipments from the CISF could number in the several tens of thousands if the irradiated nuclear fuel is repackaged at WCS into smaller-sized TAD (Transport, Aging, and Disposal) containers, required for compliance with DOE's Yucca repository design plans. CIS at WCS is an unnecessary step and would significantly increase transport risks and environmental justice burdens.

Last but not least, ISP/WCS, as well as NRC, should refrain from assuming that Yucca Mountain will be the permanent repository for the nation's nuclear waste. Yucca Mountain is on Western Shoshone land and the 33-year long attempt to make it the nation's permanent repository for highly radioactive wastes is a violation of the 1863 "peace and friendship" Treaty of Ruby Valley between the U.S. government and the Western Shoshone. It is also an environmental justice violation, considering the deadly radioactive fallout already suffered by the Western Shoshone and other downwind communities during historic bomb tests at the Nevada Nuclear Weapons Test Site. In addition, a Yucca Mountain repository would not be consent-based, scientifically-suitable, regionally equitable, nor intergenerationally equitable.

The DEIS for ISP's application is deficient in all the areas noted above, and a license for the "consolidated interim storage" of high-level nuclear waste at the WCS facility should be denied. High level radioactive waste from nuclear reactors around the U.S. should not be transported to Texas, but should instead be stored near the reactor sites that generated it in Hardened On-Site Storage (HOSS), until an environmentally just and scientifically sound option is available.

Respectfully submitted,

L. Watchempino

P.O. Box 407  
Pueblo of Acoma, NM 87034