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## **UNITED STATES COURT OF APPEALS** FOR THE DISTRICT OF COLUMBIA CIRCUIT

DON'T WASTE MICHIGAN, <i>ET</i> AL.,		T )	
	Petitioners,	)	Case No. 21-1048
v.		)	
	ATES NUCLEAR DRY COMMISSION	) FT	
AL.,		)	
	Respondents.	)	
		)	
*	*	*	*

# AMENDED/SUPPLEMENTAL DOCKETING STATEMENT OF DON'T WASTE MICHIGAN, CITIZENS' ENVIRONMENTAL COALITION, CITIZENS FOR ALTERNATIVES TO CHEMICAL CONTAMINATION, NUCLEAR ENERGY INFORMATION SERVICE, PUBLIC CITIZEN, INC., SAN LUIS OBISPO MOTHERS FOR PEACE, SUSTAINABLE ENERGY AND ECONOMIC DEVELOPMENT **COALITION AND LEONA MORGAN, INDIVIDUALLY**

Petitioners Don't Waste Michigan, Citizens for Alternatives to Chemical

Contamination, Public Citizen, Inc., San Luis Obispo Mothers for Peace, Nuclear

Energy Information Service, Citizens' Environmental Coalition, Sustainable

Energy and Economic Develop-ment ("SEED") Coalition and Leona Morgan,

Individually ("Petitioner Don't Waste Michigan, et al."), through their

undersigned counsel, hereby amend and supplement the Docketing Statement which they previously filed on February 2, 2021 (Document #18835396 by providing an additional response to Question 6(e) ("Identify the basis of Petitioners' claim of standing").

#### LEGAL PRINCIPLES IN SUPPORT OF STANDING

There are seven organizational Petitioners and one individual person seeking review of Nuclear Regulatory Commission decisions in Case No. 21-1048. The proposed spent nuclear fuel consolidated interim storage facility (SNF CISF) would be located at the Texas-New Mexico border in southwestern Texas. All seven of the organizational Petitioners are grassroots organizations of people with environmental, consumer and human rights concerns. The individual Petitioner is a longtime clean energy advocate who opposes the continued dumping of radiation in the New Mexico/Texas border area (the WCS facility literally would abut the official boundary between Texas and New Mexico, and New Mexico is downstream of Texas in subsurface and some surface water flow).

Only one of the seven organizations – the Sustainable Energy and Economic Development (SEED) Coalition – was accorded standing in the licensing proceedings before the Nuclear Regulatory Commission. *Interim Storage Partners LLC* (WCS Consolidated Interim Storage Facility), LBP-19-07 at p. 17 ((August 23, 2019). It was derived from the personal standing proven by Brigitte Gardner-Aguilar, a resident of Eunice, New Mexico, located 5 miles from the proposed WCS consolidated interim storage facility ("CISF").<sup>1</sup> The rail line that will deliver spent nuclear fuel (SNF) and greater-than-Class-C (GTCC) radioactive waste to WCS passes through Eunice.

The rest of the grassroots group intervenors based their standing claims on their members' geographical proximity to potential transportation routes by which spent nuclear fuel might travel to the proposed facility. The ASLB ruled that "This is too remote and speculative an interest on which to establish standing. As the Commission has stated: '[M]ere geographical proximity to potential transportation routes is insufficient to confer standing." Citing *U.S. Dep't of Energy* (Plutonium Export License), CLI-04-17, 59 NRC 357, 364 n.11 (2004) (quoting *Pacific Gas and Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), LBP-02-23, 56 NRC 413, 434 (2002).

But the Commission ignored its own jurisprudence from the Diablo Canyon case; the quotation actually states, "[M]ere geographical proximity to potential transportation routes is insufficient to confer standing; instead, . . . Petitioners

<sup>&</sup>lt;sup>1</sup>The Atomic Safety and Licensing Board observed, "As discussed *supra*, this distance is well within the limits that have been found to confer standing to challenge much smaller storage facilities." *Id.* at p. 18.

must demonstrate a causal connection between the licensing action and the injury alleged." *Id*.

The petitioning organizations and Leona Morgan did establish causal connections between the licensing action and the threatened injuries. The notion of "injury-in-fact" encompasses all radiation impacts, including those that do not necessarily amount to a regulatory violation. See *Duke Cogema Stone & Webster* (Savannah River Mixed Oxide Fuel Fabrication Facility), LBP-01-35, 54 NRC 403, 417 (2001) (citing *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-96-7, 43 NRC 235, 247-48 (1996)). A minor exposure to radiation – even if it is within regulatory limits – will suffice to state an injury-in-fact. *Id.* 

In *Duke Cogema Stone & Webster*, the ASLB conferred standing on organizations whose individual members were concerned about encountering truckloads of mixed oxide nuclear fuel on highways at some distance from nuclear reactors in the region, finding that "Each of these individuals . . . have asserted the threatened harm to their health from unwanted doses of ionizing radiation from the MOX fuel that will be transported from the MFFF to the mission reactors over the same public highways the Petitioners' members travel because of their close geographic proximity to the MFFF or the mission reactors. As the intervention petitions indicate, incident-free shipping of plutonium provides a dose of ionizing

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radiation, albeit small, to anyone next to the transport vehicle and a minor exposure to radiation, even one within regulatory limits, is sufficient to state an injury in fact. *See Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-96-7, 43 NRC 235, 247-48 (1996). Further, the asserted harm here — injury to the health and safety of Petitioners' members from ionizing radiation — is clearly encompassed by the health and safety interests protected by the Atomic Energy Act."

The threat of injury from radiation exposure is sufficient to satisfy the "injury in fact" requirement of traditional standing. *See Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Unit 2), CLI-03-14, 58 NRC 207, 216 (2003) ("A threatened unwanted exposure to radiation, even a minor one, is sufficient to establish injury-in-fact.").

Moreover, the Commission ignored its own "proximity-plus" standing rule. Because the ISP license application is a "non-reactor" case, carrying no presumption of standing based upon geographic proximity to the CISF, Commission entertains a petitioner showing that the activity at issue involves geographical closeness to a "significant source of radioactivity producing an obvious potential for offsite consequences." *Sequoyah Fuels Corp. and General Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 75 n.22 (1994). In *Shaw*  *Areva MOX Services*, LBP-07-14 (2007), petitioners opposed to a mixed oxide fuel fabrication facility in South Carolina submitted standing affidavits from members whose residences were within 20 to 32 miles from the facility site. The NRC Staff had included residents as far away as 50 miles from the facility in its calculation of potential population doses, and consequently the licensing board ruled that a significant proximity radius was justified in cases involving large amounts of spent nuclear fuel.

Here, the petitioning organizations' members live, work and recreate near anticipated railroad, highway or barge routes along which canisters containing spent nuclear (SNF) and greater-than-Class-C (GTCC) waste will be traveling. SNF and GTCC waste are inherently dangerous radiotoxic materials. Each transport canister will carry considerably more radioactivity (200 times or more) than was dispersed by the Hiroshima nuclear bomb. SNF "poses a dangerous, long-term health and environmental risk. It will remain dangerous 'for time spans seemingly beyond human comprehension.'" *Nuclear Energy Inst., Inc. v. EPA*, 373 F.3d 1251, 1258 (D.C. Cir. 2004) (*per curiam*). Cesium-137, a very dangerous radioactive element if allowed to enter the atmosphere, is one of dozens of listed hazardous radioisotopes in SNF.

The harms and threats from SNF and GTCC that are set forth by the

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organizational Petitioners' members, or reasonably inferable from their declaration statements, include the potential for radiation exposures as a result of being physically stuck in traffic proximate to (principally) rail lines over which cargoes of SNF will be hauled; exposures to spills and water runoff from accidents or leakage from SNF transport vehicles; downwind airborne radioactive exposure from defective transport containers; and possible radioactive contamination of water resources from accidents.

There is a heightened likelihood of an accident involving spent nuclear fuel near the ISP CISF because the surrounding railroads and highways are heavily used during the current West Texas oil and gas boom. If there is a fire and leakage or surface radioactive contamination on a transport cask or vehicle, Cesium-137 could quite readily volatilize and escape with the smoke, driven by the heat. Radionuclides could be inhaled by emergency responders and members of the public, could be carried downwind as fallout, and could be ingested (via drinking water or contaminated food), and then lodge in and attack human muscle tissue, including the heart, lungs or thyroid gland. Cs-137 and other likely SNF isotopes must be respected in transport accidents, especially those involving fires and leaks into surface waters. It may be difficult to assess the threats of airborne or waterborne radiation from such events with precision, but the threats cannot be

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dismissed out of hand.

The petitioning groups raised proper allegations of threatened harms and scenarios where the health and safety of their members could be impaired. The NRC actually segmented the WCS project by engaging in the pretense that the shipment of thousands of cargoes of SNF and GTCC over hundreds of thousands of rail, highway and water miles somehow is not the *sine qua non* of a massive plan to centralize such dangerous materials in one location in a national transport campaign likely to take 20 years or more.

Applying "proximity-plus," a petitioner must show both that they live, work or recreate within a certain distance of the location of dangerously radioactive materials, but importantly, the petitioner does *not* have the burden of articulating a plausible means through which those materials could cause harm to them. It is the inherent dangers of the radioactive materials that create the obvious potential for offsite consequences. *U.S. Army Installation Command* (Schofield Barracks, Oahu, Hawaii, and Pohakuloa Training Area, Island of Hawaii, Hawaii), CLI-10-20, 71 NRC 216, 218 (2010), citing *USEC, Inc.* (American Centrifuge Plant), CLI-05-11, 61 NRC 309, 311 (2005). Spent nuclear fuel and GTCC waste are highlyradioactive wastes. They are inherently dangerous and hold "obvious potential for offsite consequences," whether in the vicinity of the WCS facility or within a handful of miles from rail lines, highways or waterways in upstate New York, southeast, central and western Michigan, the Chicago region, southern California, or eastern central Texas, as Petitioners' declarations suggest.

In the "Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, Volume I" (February 2002),<sup>2</sup> the U.S. Department of Energy pronounced that the "region of influence for public health and safety along existing transportation routes is 800 meters (0.5 mile) from the centerline of the transportation rights-of-way and from the boundary of rail yards for incident-free (non-accident) conditions. The region of influence was extended to 80 kilometers (50 miles) to address potential human health and safety impacts from accident scenarios." §§ 3.2.1, p. 3-119.

#### SUMMARIES OF STANDING DECLARATION FACTS

The Petitioners have produced 19 individual declarations to support organizational standing. The organizational representative has standing when the interests of its members at stake are germane to the organization's purpose. *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.,* 528 U.S. 167, 181, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000). Guarding against potentially increased

<sup>&</sup>lt;sup>2</sup>https://www.osti.gov/biblio/823255-ophjgk/native/

risks of radiological and associated physical damage to the environment and public health are implicated by WCS's massive transportation and storage scheme. Protection of individual members' health, as well as opposing environmental harms, are within the scope of the missions of the 7 petitioning organizations.

Injury-in-fact in NEPA cases is not the consequence of the proposed federal

action, but rather the "increased risk of environmental harm stemming from the

agency's allegedly uninformed decision-making." Sierra Club v. Corps of

Engineers, 446 F.3d 808 (8th Cir. 2006).

Below are summaries of pertinent facts of standing alleged by Leona

Morgan, individually, and also by various members of the petitioning

organizations.

**Leona Morgan:** Lives 1 mile from main rail line that passes through her home town of Albuquerque, New Mexico which will be the route for transport of SNF from nuclear plants west of her home in Arizona and California. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

#### <u>Citizens for Alternatives to Chemical Contamination (central Michigan locus)</u>

Chambre Beauvais: Lives 3 miles from main trunk rail line over which nuclear

waste from Fermi 2 nuclear power plant likely to travel. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that he or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**John T. Benetti**: Lives 3 miles from main trunk rail line over which nuclear waste from Fermi 2 nuclear power plant likely to travel. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that he or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

## **Citizens Environmental Coalition (Upstate New York)**

**Lynda Schneekloth:** Lives 1.5 miles from main trunk rail line over which nuclear waste from multiple nuclear power plants east of her home in Buffalo are likely to travel. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Charley Bowman**: Lives 8.2 miles from main trunk rail line over which nuclear waste from multiple nuclear power plants east of his home in Getzville are likely to travel. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that he or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Thomas Ellis**: Lives 10 miles from main trunk rail line over which nuclear waste from multiple nuclear power plants east of his home in Albany are likely to travel. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that he or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Joanne E. Hameister**: Lives 10 miles from main trunk rail line over which nuclear waste from multiple nuclear power plants east of her home in East Aurora are likely to travel. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

## Don't Waste Michigan (Locus in southeastern and western Michigan)

**Hedwig Kaufman:** Lives 5 miles from Fermi 2 nuclear power plant near Monroe, where SNF shipments will originate and move away by rail. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Martin Kaufman**: Lives 5 miles from Fermi 2 nuclear power plant near Monroe, where SNF shipments will originate and move away by rail. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that he or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Michael Keegan**: Lives 4 miles from Fermi 2 nuclear power plant near Monroe, where SNF shipments will originate and move away by rail. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that he or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate

routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

Alice Hirt: Lives .25 mile from Lake Michigan, source of her drinking water in Holland, MI. Estimated 453 shipments of SNF from various Michigan and Wisconsin nuclear plants will travel on the Lake. Lives one mile from highway possibly will be used for heavy haul trucks moving SNF to a rail head. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Jessie Pauline Collins**: Lives 3 miles from rail line over which Fermi 2 nuclear power plant SNF will be transported en route to Chicago area and points south. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

## Nuclear Information and Education Service (Chicago and northern Illinois)

**Joyce Harant**: Lives 5.4 miles from main rail line through Peoria area which will transport SNF waste from a dozen or more nuclear power plants north and east of her home. Concerned for personal safety and that of family from radiation

exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Arlene Hickory:** Lives 2 miles from main rail line through her home town of Lake Bluff which will transport SNF waste from nuclear plants in Wisconsin, north of her home. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Patricia Walter**: Lives 2 miles from main rail line through her home town of Glenview which will transport SNF waste from nuclear plants in Wisconsin north of her home. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

#### Public Citizen, Inc. (Texas)

**Rev. James Caldwell**: Lives 1 miles from main rail line through his home town of Houston, which will carry SNF waste from nuclear plants across the Southeast through eastern Texas. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that he or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

## San Luis Obispo Mothers for Peace (California)

**Lucy Jane Swanson**: Lives 12 miles from main rail line near San Luis Obispo over which SNF from the Diablo Canyon nuclear plant will travel. Heavy haul trucks will have to deliver the SNF to rail cars via a heavy duty highway 3 miles from her home. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Jill ZamEk:** Lives 12 miles from Diablo Canyon nuclear plant and rail line for hauling SNF from the plant is between 4 and 5 miles from her home in Arroyo Grande. If heavy haul trucks have to deliver the SNF to rail cars, the nearest heavy duty highway is 2 miles from her home. Concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or

waterborne emissions from a breached cask during transport, concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

#### Sustainable Energy and Economic Development (SEED) Coalition (Texas)

**Brigitte Gardner-Aguilar**: Lives in Eunice, New Mexico, 5 miles from the WCS site. The rail line passing through Eunice is 1.5 miles from her home, and 100% of all rail deliveries of SNF must travel on that rail line through Eunice. There will be at least 3,000 cargoes delivered to the WCS CISF, 95% of which will come via rail. Brigitte frequently must cross the rail trucks to travel north to Hobbs, New Mexico for dance lessons for her child as well as medical appointments and groceries. She is concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, she concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also she is concerned at chance encounters, as at rail crossings, with SNF or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

**Patricia Mona Golden:** Lives in Van Horn, Texas, along the principal rail line that will be delivering SNF to WCS CISF from Arizona and California. Her workplace is 100 feet (100') from that rail line, and her home is one (1) city block from it. She is concerned for personal safety and that of family from radiation exposure in the event of a serious transport accident, vandalism or terrorist attack on an SNF or GTCC shipment. If there are airborne or waterborne emissions from a breached cask during transport, she concerned that she or family members might be exposed to radiation and suffer health consequences and serious property damage. Also she is concerned at chance encounters, as at rail crossings, with SNF

or GTCC cargoes that will emanate routine, cumulative radiation on people, plants and property from even uneventful transports of SNF and GTCC wastes along anticipated rail routes.

November 12, 2021

/s/ Terry J. Lodge

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## **APPENDIX 1: STANDING DECLARATIONS**

Leona Morgan

# **<u>Citizens for Alternatives to Chemical Contamination</u>**

Chambre Beauvais John T. Benetti

# **Citizens Environmental Coalition**

Lynda Schneekloth Charlie Bowman Thomas Ellis Joanne E. Hameister

#### **DECLARATION OF LEONA MORGAN**

I, Leona Morgan, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 725 Tijeras Ave. NW, Albuquerque, NM 87102.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted granting a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. A main rail line in that grid passes within 1 mile of my home. That is a main rail line route and such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility from nuclear power plant sites in California and Arizona.

'https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

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5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load

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failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste through vicinity of my home suggets that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I seek for the Court to hear my petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

11/08/2021 Date

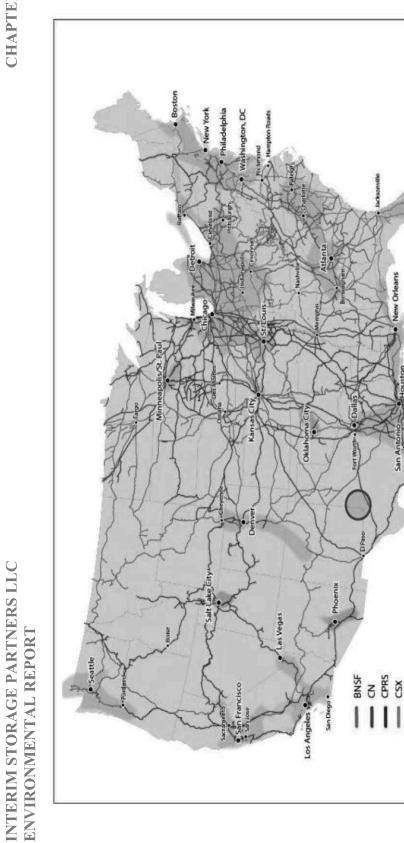
Leona Morgan

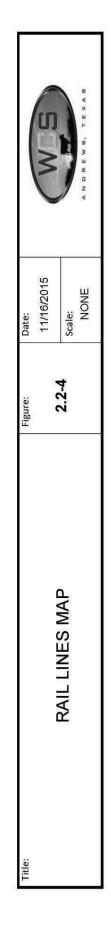
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**CHAPTER 2** 

USCA Case #21-1048

Document #1922236





NS UP U.S. Megaregions

¥CS

**Revision 3** 

Filed: 11/12/2021

p.1

#### DECLARATION OF CHAMBRE BEAUVAIS

I, Chambre Beauvais, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 13031 Center Road, Bath, MI 48808.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. A main rail line in that grid passes within 3 miles of my home. That is a main rail line route and such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility from the Fermi 2 and Big Rock Point nuclear power plant sites in Michigan.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a

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<sup>&</sup>lt;sup>t</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

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terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

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Beauvau

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9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste through vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Citizens for Alternatives to Chemical Contamination (CACC), a grassroots environmental organization of which I am a member which is located in Bath, Michigan, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless CACC is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

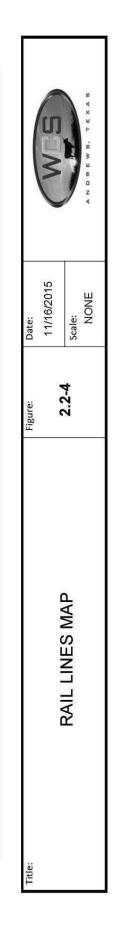
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Chambre Beauvais

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NS UP U.S. Megaregions

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#### **DECLARATION OF JOHN T. BENETTI**

I, John T. Benetti, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 515 East Jefferson, Dimondale, MI 48821.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. A main rail line in that grid passes within 3 miles of my home and places where I recreate. That is a main rail line route and such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility from the Fermi 2 and Big Rock Point nuclear power plant sites in Michigan.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a

Page 1 of 3

<sup>&</sup>lt;sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

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terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

Page 2 of 3

people, plants and property from even uneventful transports of SNF and GTCC and safety and that of people and animals in my household. The prospect of highway near a cask containing SNF or GTCC causes me concern for my health wastes along the proposed rail routes. home suggests that there may be routine, cumulative radiation effects on me, other hundreds or thousands of transports of radioactive waste through vicinity of my 9) The potential of my being stuck in traffic at a rail crossing or on a parallel

environment with only spotty and incomplete investigation and analysis. right to make transportation decisions that put at risk our public health and the 10) The U.S. federal government or private industry should not have the

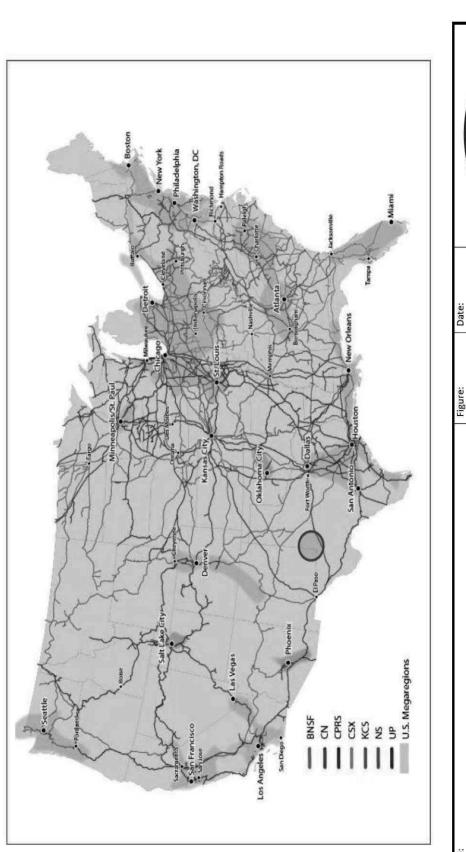
Statement for the project. My interests will not be adequately represented unless my behalf challenging the ISP project and issuing a Final Environmental Impact the decision of the Nuclear Regulatory Commission denying contentions raised on is located in Bath, Michigan, to represent my interests in a petition for review of CACC is allowed to participate as a full party in this proceeding on my behalf. (CACC), a grassroots environmental organization of which I am a member which 11) I hereby designate Citizens for Alternatives to Chemical Contamination

true and correct to the best of my knowledge and belief. 12) I hereby state under penalty of perjury that the foregoing statements are

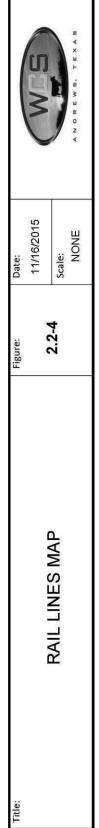
11.8.2021 John T. Benetti 12ene

Date





Document #1922236



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Page 2-71

### **DECLARATION OF LYNDA SCHNEEKLOTH**

I, Lynda Schneekloth, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 601 West Ferry St., Buffalo, NY 14222.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. A main rail line in that grid passes within 1.5 miles of my home and the places where I recreate. That is a main rail line route and such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility from nuclear power plant sites east of my home in New York as well as from plant sites in New Hampshire, Connecticut and Massachusetts.

<sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

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5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load

Page 2 of 3

failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Citizens Environmental Coalition (CEC), a grassroots environmental organization of which I am a member which is located at 422 Oakland Valley Road, Cuddebackville, NY 12729, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless CEC is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

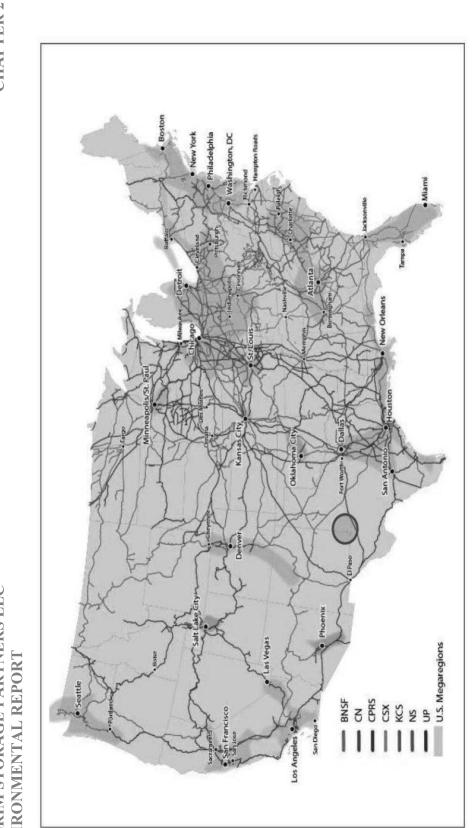
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Lynda Schneekloth

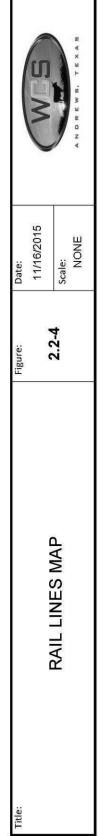
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**CHAPTER 2** 

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INTERIM STORAGE PARTNERS LLC ENVIRONMENTAL REPORT

## DECLARATION OF CHARLES L. BOWMAN

I, Charles L. Bowman, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 48 Sandelwood Drive, Getzville, NY 14068.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3), <sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. A main rail line in that grid passes within 8.2 miles of my home and workplace. That is a main rail line route and such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility from nuclear power plant sites southeast of my home in New York as well as from plant sites in New Hampshire, Connecticut and Massachusetts.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a

concerned that scenarios not contemplated by ISP/WCS in its application

<sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

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9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

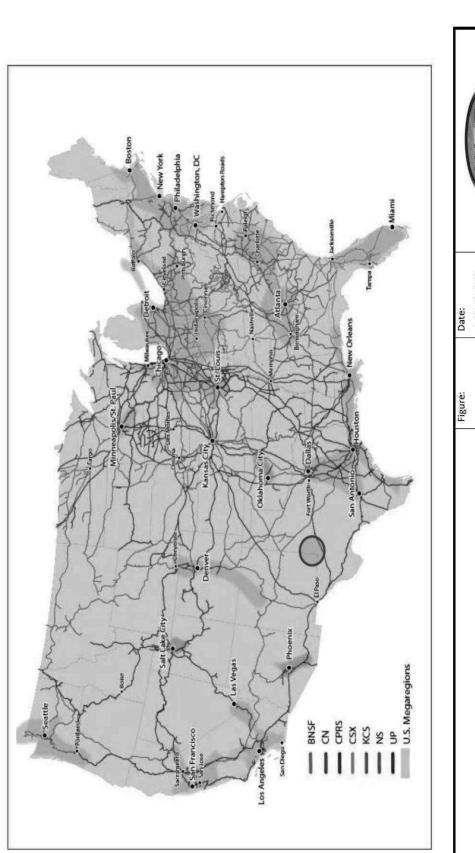
11) I hereby designate Citizens Environmental Coalition (CEC), a grassroots environmental organization of which I am a member which is located at 422 Oakland Valley Road, Cuddebackville, NY 12729, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless CEC is allowed to participate as a full party in this proceeding on my behalf.

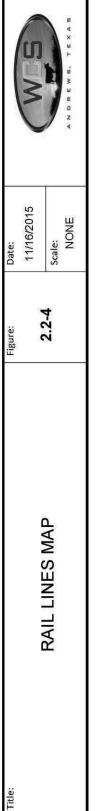
12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

1172021 Charles L. Bowman

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**Revision 3** 

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# **DECLARATION OF THOMAS ELLIS**

I, Thomas Ellis, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 43 N. Pine Avenue, Albany, NY 12203.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

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5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne omissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

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7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

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failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Citizens Environmental Coalition (CEC), a grassroots environmental organization of which I am a member which is located at 422 Oakland Valley Road, Cuddebackville, NY 12729, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless CEC is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

2021

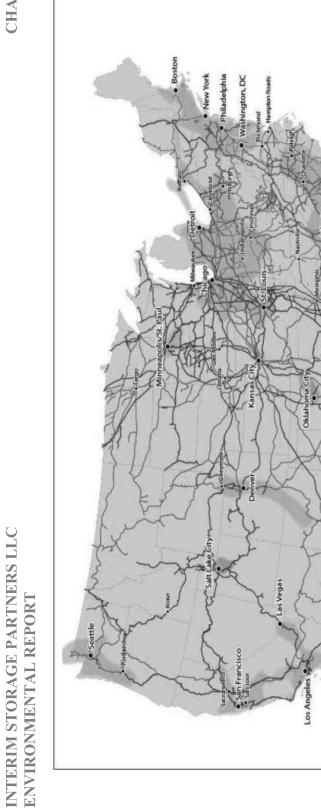
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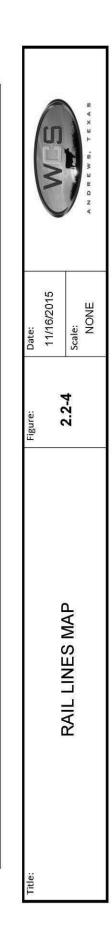
Thomas Ellis

**CHAPTER 2** 

USCA Case #21-1048

Document #1922236





NS UP U.S. Megaregions

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CSX

KCS

Filed: 11/12/2021

**Revision 3** 

### **DECLARATION OF JOANNE E. HAMEISTER**

I, Joanne E. Hameister, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 1051 Sweet Rd., East Aurora, NY 14052.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. A main rail line in that grid passes within 15 miles of my home and my workplace. That is a main rail line route and such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility from nuclear power plant sites southeast of my home in New York as well as from plant sites in New Hampshire, Connecticut and Massachusetts.

<sup>&</sup>lt;sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E15 2.pdf

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a

truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Citizens Environmental Coalition (CEC), a grassroots environmental organization of which I am a member which is located at 422 Oakland Valley Road, Cuddebackville, NY 12729, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless CEC is allowed to participate as a full party in this proceeding on my behalf.

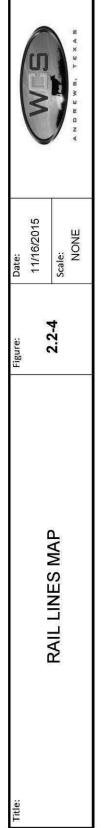
12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

11/6/2021 Joanne E. Hameister Date Joanne E. Hameister

**CHAPTER 2** 



NS UP U.S. Megaregions CPRS BNSF CSX S ¥CS San Di Los Al



**Revision 3** 

## **APPENDIX 2: STANDING DECLARATIONS**

## Don't Waste Michigan

Hedwig Kaufman Martin Kaufman Michael Keegan Alice Hirt Jessie Pauline Collins

# **Nuclear Energy Information Service**

Joyce Harant Arlene Hickory Patricia Walter

## **DECLARATION OF HEDWIG B KAUFMAN**

I, Hedwig B. Kaufman, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 1515 East Hurd Road, Monroe, Michigan 48162.

3 The Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3)<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I note that the rail route spur into and out of Fermi 2 nuclear plant is within 2.5 miles of my home and where I recreate. The rail spur going into and out of Fermi 2 nuclear plant is to meet a rail corridor shared by Norfolk Southern Railway and Canadian National Railway and CSX Transportation before heading north through Detroit, then west toward Plymouth, Michigan. This route will be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility. The Fermi 2 nuclear plant is 5 miles from my home. In addition to the threat from Fermi 2 nuclear reactor, Fermi 2 has on site an independent spent fuel storage installation (ISFSI) containging SNF. My sole source of drinking water for family draws from water

<sup>&</sup>lt;sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

intake pipes 1/4 mile and 1/2 mile from the Fermi 2 site. An accident with SNF while loading could be catastrophic, and affect the entire Great Lake Erie and region.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned

that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer In an area in which I live and recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people in my household. The prospect of hundreds of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Don't Waste Michigan (DWM), a grassroots environmental organization of which I am a member, located at 811 Harrison Street, Monroe, MI 48161, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless DWM is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

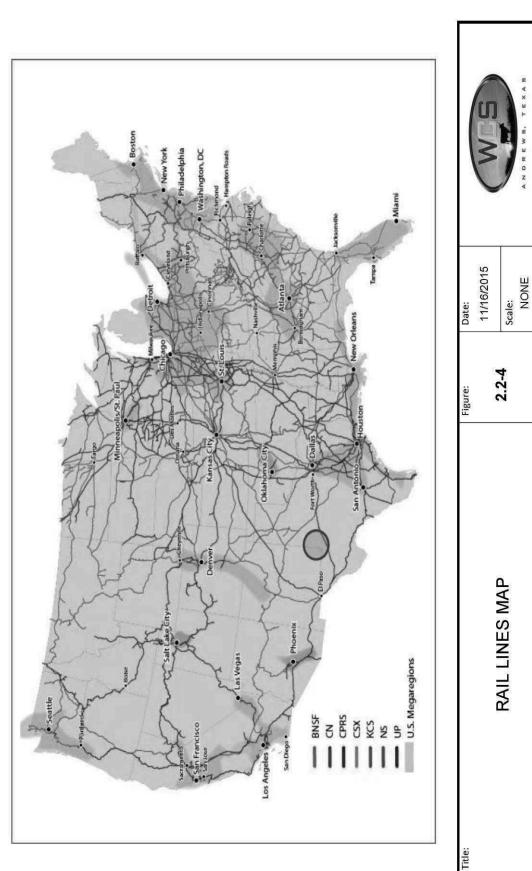
<u>nov. 7, 2021</u> Date

Hedwig B. Kaufman Hedwig B. Kaufman

CHAPTER 2

USCA Case #21-1048





**Revision 3** 

## **DECLARATION OF MARTIN R. KAUFMAN**

I, Martin R. Kaufman, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 1515 East Hurd Road, Monroe, Michigan 48162.

3 The Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3)<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I note that the rail route spur into and out of Fermi 2 nuclear plant is within 2.5 miles of my home and where I recreate. The rail spur going into and out of Fermi 2 nuclear plant is to meet a rail corridor shared by Norfolk Southern Railway and Canadian National Railway and CSX Transportation before heading north through Detroit, then west toward Plymouth, Michigan. This route will be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility. The Fermi 2 nuclear plant is 5 miles from my home. In addition to the threat from Fermi 2 nuclear reactor, Fermi 2 has on site an independent spent fuel storage installation (ISFSI) containging SNF. My sole source of drinking water for family draws from water

<sup>&</sup>lt;sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

intake pipes 1/4 mile and 1/2 mile from the Fermi 2 site. An accident with SNF while loading could be catastrophic, and affect the entire Great Lake Erie and region.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned

that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer In an area in which I live and recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concem for my health and safety and that of people in my household. The prospect of hundreds of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Don't Waste Michigan (DWM), a grassroots environmental organization of which I am a member, located at 811 Harrison Street, Monroe, MI 48161, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless DWM is allowed to participate as a full party in this proceeding on my behalf.

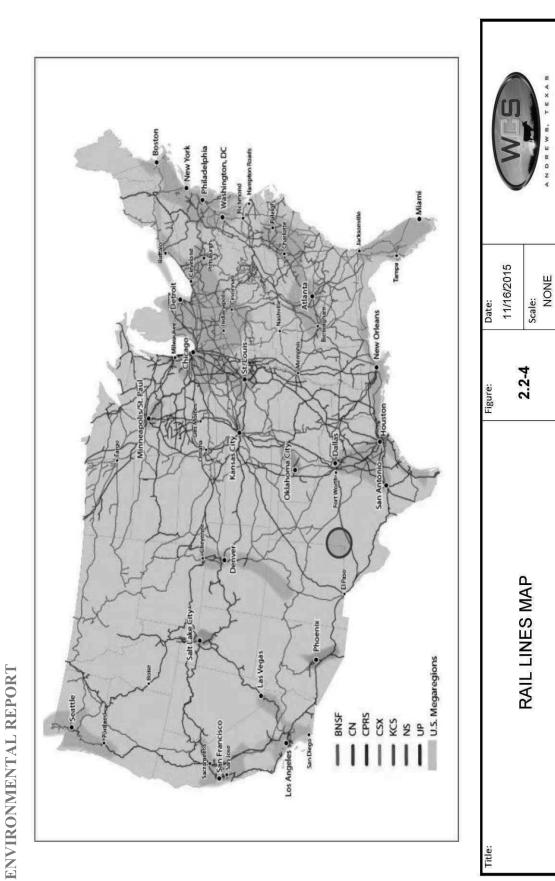
12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

07 NOV ZOZI Date

Martin R. Kaufman

**CHAPTER 2** 

USCA Case #21-1048



Document #1922236

Filed: 11/12/2021

Title:

INTERIM STORAGE PARTNERS LLC

### **DECLARATION OF MICHAEL KEEGAN**

I, Michael Keegan, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 811 Harrison St., Monroe, Michigan 48161.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I note that the rail route spur into and out of the Fermi 2 nuclear plant is within 6 miles of my home and where I recreate. The rail spur going into and out of Fermi 2 nuclear plant meets a rail line shared by Norfolk Southern Railway, Canadian National Railway and CSX Transportation before heading north through Detroit, then west to Plymouth, Michigan. This route will be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility. The Fermi 2 nuclear plant is 4 miles from my home. In addition to the threat from the Fermi 2

<sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

Page 1 of 3

nuclear reactor, Fermi 2 has on site SNF. My sole source of drinking water for family draws from water intake pipes 1/4 mile and 1/2 mile from the Fermi 2 site. An accident with SNF while loading could be catastrophic, and affect the entire Great Lake Erie and region.

5) I am concerned for my personal safety and that of my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Don't Waste Michigan (DWM), a grassroots environmental organization of which I am a member which is located at 811 Harrison Street, Monroe, MI 48161, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless DWM is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

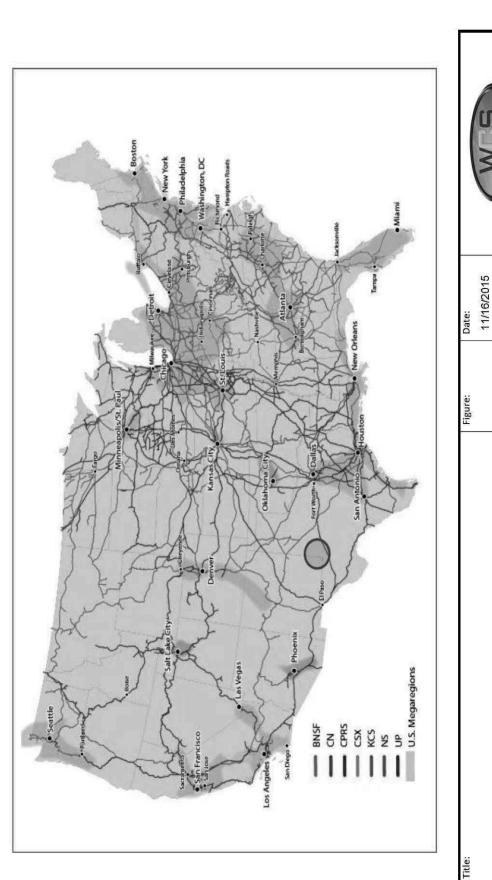
11/6/2021

ichael Keegan

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(Page 60 of Total)



Document #1922236

**Revision 3** 

Filed: 11/12/2021

scale: NONE

2.2-4

**RAIL LINES MAP** 

USCA Case #21-1048

#### **DECLARATION OF ALICE HIRT**

I, Alice Hirt, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 6677 Summitview, Holland, Michigan 49423.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I also have learned that nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment to be able to meet up with rail. I have studied Department of Energy maps of rail and highway transportation routes identified for the Yucca Mountain geological repository case, and note that 453 SNF barge transports via Lake Michigan routes are proposed. My home is 1/4 of a mile from the southeastern shore of Lake Michigan. My source of

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<sup>&</sup>lt;sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

drinking water is Lake Michigan. Any barge shipment of SNF on Lake Michigan impacts the air that I breathe, contingent on wind direction. DOE maps indicate that such barge routes will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility. My home is within one mile of state highways which could be used for heavy haul transport on way to a rail line.

5) I am concerned for my personal safety and that of my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

Page 2 of 3

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8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Don't Waste Michigan (DWM), a grassroots environmental organization of which I am a member which is located at 811 Harrison Street, Monroe, MI 48161, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless DWM is allowed to participate as a full party in this proceeding on my behalf.

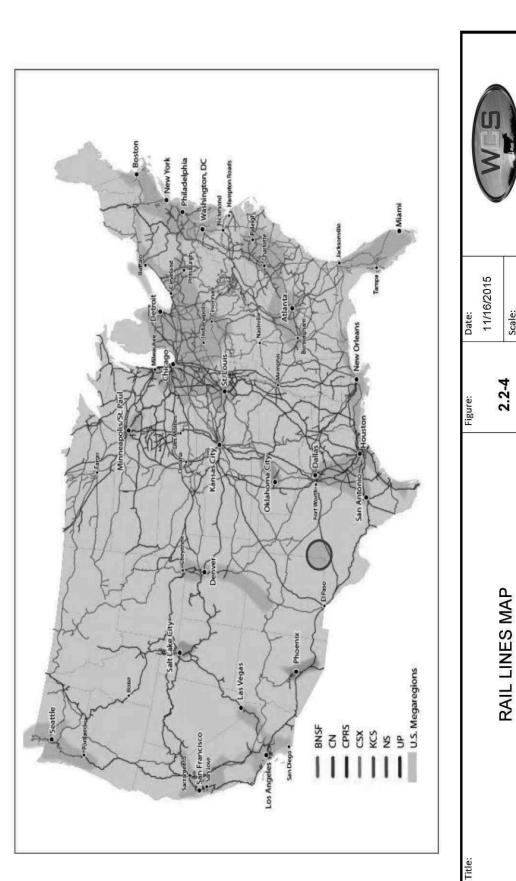
12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

11/6/21 Date

Alice Hit

Page 3 of 3





Document #1922236

scale: NONE

USCA Case #21-1048

**Revision 3** 

#### **DECLARATION OF JESSE PAULINE COLLINS**

I, Jessie Pauline Collins, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 17397 Five Points St., Redford, Michigan 48240.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I note that the CSX trunk rail line that connects to the rail spur into and out of the Fermi 2 nuclear plant is less than 3 miles from my home and neighborhood. This rail line will be used to carry hundreds of cargoes of SNF and GTCC wastes north and west from Fermi 2 through Detroit, then west to Plymouth, Michigan, near my home, heading for the WCS facility in Texas. An accident with SNF while loading could be catastrophic, and affect the entire Great Lake Erie and region.

https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

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failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

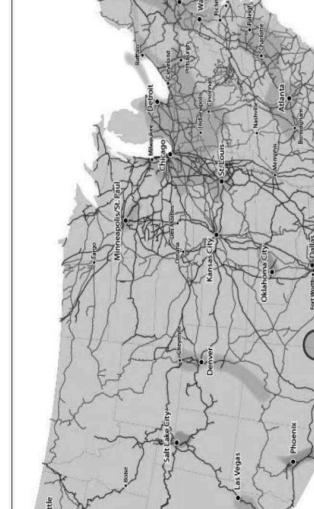
10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

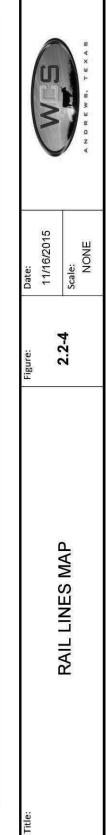
11) I hereby designate Don't Waste Michigan (DWM), a grassroots environmental organization of which I am a member which is located at 811 Harrison Street, Monroe, MI 48161, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless DWM is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Vor, 2021 Jessie Pauline Collins

INTERIM STORAGE PARTNERS LLC ENVIRONMENTAL REPORT





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Filed: 11/12/2021

Page 2-71

USCA Case #21-1048

Document #1922236

**Revision 3** 

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#### **DECLARATION OF JOYCE HARANT**

I, Joyce Harant, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 3914 N. Donna Lane, Peoria, IL 61615.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I also have studied Department of Energy maps of rail and highway transportation routes identified for the Yucca Mountain geological repository case. There is a rail trunk line route that passes within 5.4 miles of my home and such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility, from nuclear power plants located north and east of my north central Illinois residence.

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https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

5) I am concerned for my personal safety and that of my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load

Page 2 of 3

failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Nuclear Energy Information Service (NEIS), a grassroots environmental organization of which I am a member which is located at 3411 W. Diversey, Suite 13, Chicago, IL 60647, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless NEIS is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Page 3 of 3

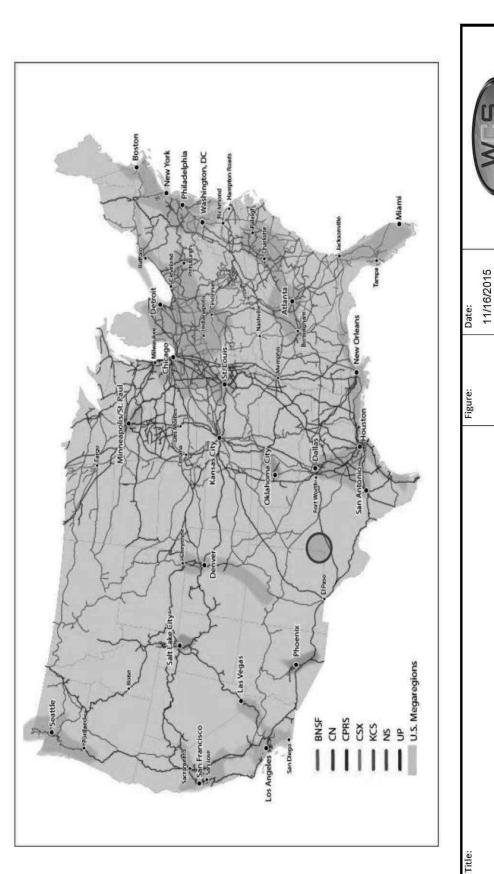
**CHAPTER 2** 



scale: NONE

2.2-4

**RAIL LINES MAP** 



**Revision 3** 

Page 2-71

# **DECLARATION OF ARLENE HICKORY**

I, Arlene Hickory, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 13425 Elm Road, Lake Bluff, IL 60044.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I also have studied Department of Energy maps of rail and highway transportation routes identified for the Yucca Mountain geological repository case. There is a rail trunk line route that passes within 2 miles of my home, which will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility, from nuclear power plants located due north of my residence, in eastern Wisconsin on the Lake Michigan shore.

QH

<sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

Page 1 of 3

5) I am concerned for my personal safety and that of my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load

failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

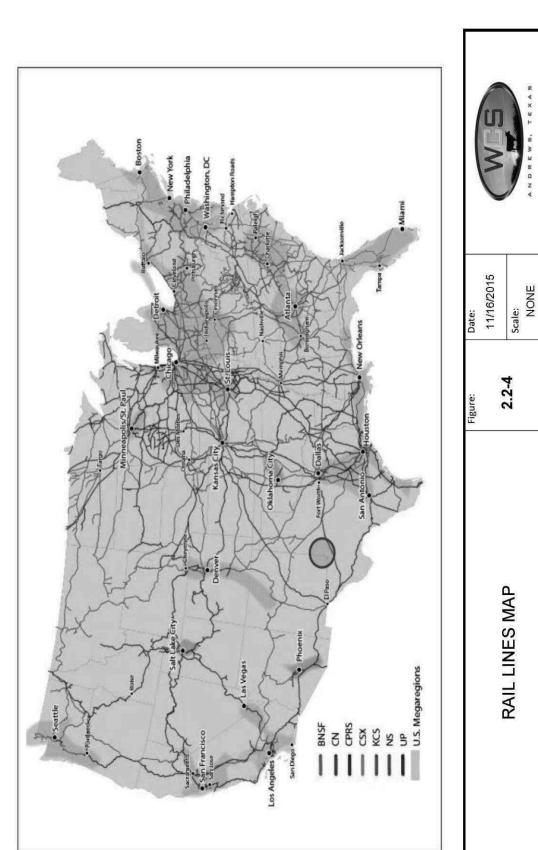
11) I hereby designate Nuclear Energy Information Service (NEIS), a grassroots environmental organization of which I am a member which is located at 3411 W. Diversey, Suite 13, Chicago, IL 60647, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless NEIS is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Nor 6, 2021

Arlene Hickory





USCA Case #21-1048

**CHAPTER 2** 

Title:

#### Page 29 of 32

### **DECLARATION OF PATRICIA WALTER**

I, Patricia Walter, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 1829 Wildberry Drive, Unit G, Glenview, IL.

3) The Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I also have studied maps of rail and highway transportation routes identified for the Yucca Mountain geological repository case. There is a rail trunk line route that passes within 1 to 2 miles of my home, which will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility, from nuclear power plants located due north of my residence, in eastern Wisconsin on the Lake Michigan shore.

<sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

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5) I am concerned for my personal safety and that of my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and places where I seek recreation. I believe that there will be risks of a radiation accident from leaking, damaged or contaminated casks. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load

Page 2 of 3

failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Nuclear Energy Information Service (NEIS), a grassroots environmental organization of which I am a member, located at 3411 W. Diversey, Suite 13, Chicago, IL 60647, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless NEIS is allowed to participate as a full party in this proceeding on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

<u>//-07-2</u> Date

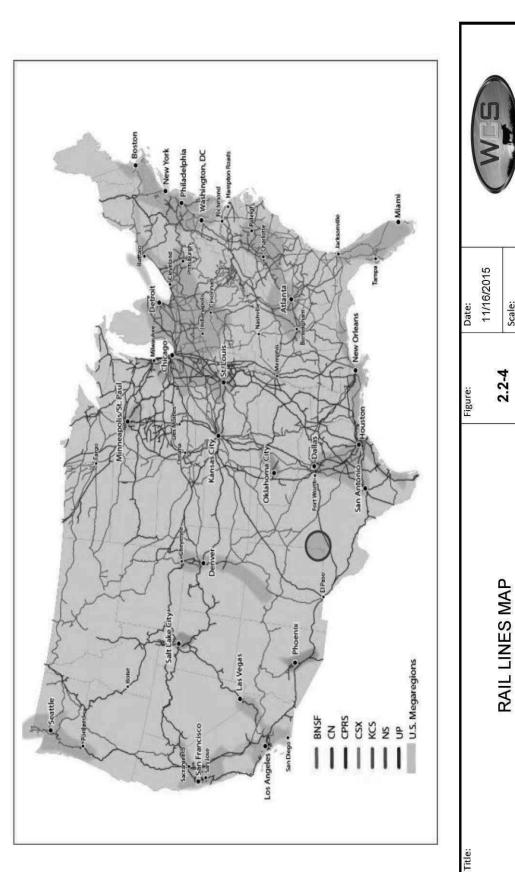
Patricia Walter

(Page 79 of Total)

**CHAPTER 2** 



scale: NONE **Revision 3** 



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## **APPENDIX 3: STANDING DECLARATIONS**

## Public Citizen, Inc.

Rev. James Caldwell

# San Luis Obispo Mothers for Peace

Lucy Jane Swanson Jill ZamEk

## Sustainable Energy and Economic Development (SEED) Coalition

Brigitte Gardner-Aguilar Patricia Mona Golden



### **DECLARATION OF JAMES L. CALDWELL**

I, Reverend James L. Caldwell, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) I am African American, and my residence address is 5901 Market St. #15310, Houston TX 77020.

3) The Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3)<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC. I note that one major rail trunk route is within one (1) mile of my home. This route will be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism, or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I Page 1 of 3

<sup>&</sup>lt;sup>1</sup>https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage, or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live and recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health

and safety and that of people in my household. The prospect of hundreds of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants, and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate Public Citizen, Inc., a nonprofit consumer advocacy organization that champions the public interest, of which I am a member, which is located at 1600 20th Street NW, Washington, D.C. 20009, to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. I request that Public Citizen, Inc. be accorded standing to proceed on my behalf. My interests will not be adequately represented unless Public Citizen, Inc. is allowed to participate as a full party on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

<u>9 November 2021</u> Date

Ru James & Caldwell

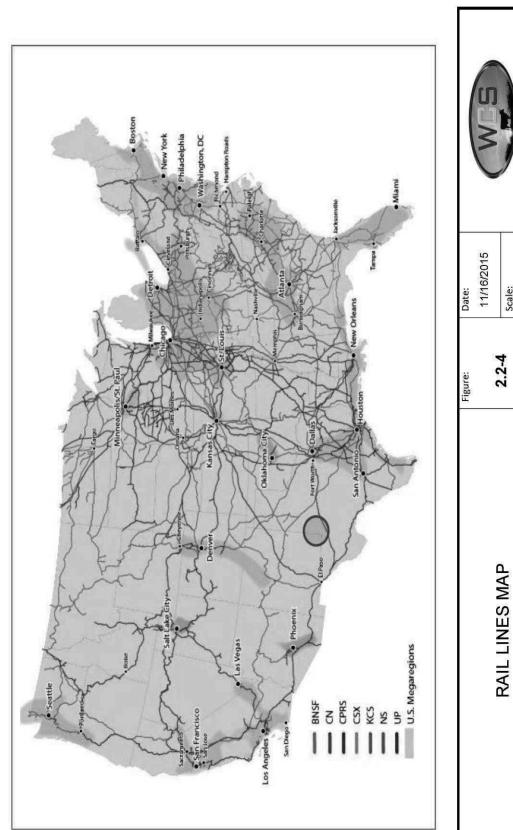
Reverend James L. Caldwell

**CHAPTER 2** 

scale: NONE

Title:

**Revision 3** 



INTERIM STORAGE PARTNERS LLC

ENVIRONMENTAL REPORT

## **DECLARATION OF LUCY JANE SWANSON**

I, Lucy Jane Swanson, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 475 Squire Canyon Road, San Luis Obispo, CA 93401.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 24 years and literally will involve rail, highway and water transport.

4) I live near the Diablo Canyon Nuclear Plant in California. I have learned that all or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Department of Energy maps of rail and highway transportation routes identified for the Yucca Mountain geological repository case, and note that one or more rail transport routes are within 12 miles of my (home/place of work/place of recreation) and that such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility. But it will be necessary to haul those wastes by truck from the Diablo plant to the railroad, and the intersection of the only road leading away from the Diablo Canyon plant to the Highway 101 freeway or its frontage roads is within three miles of my home, as verified by the map posted on the website of the San Luis Obispo County Office of Emergency Services at http://www.slocounty.ca.gov/Departments/Office-of-Emergency-Services.aspx. It

appears that the hundreds of loads of SNF and GTCC waste will have to travel three miles from my home.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned

that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate the San Luis Obispo Mothers for Peace (SLOMPF), a grassroots environmental organization of which I am a member which is located in San Luis Obispo, CA (P.O. Box 3608, San Luis Obispo, CA 93403), to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless SLOMPF is allowed to participate as a full party in this proceeding on my behalf.

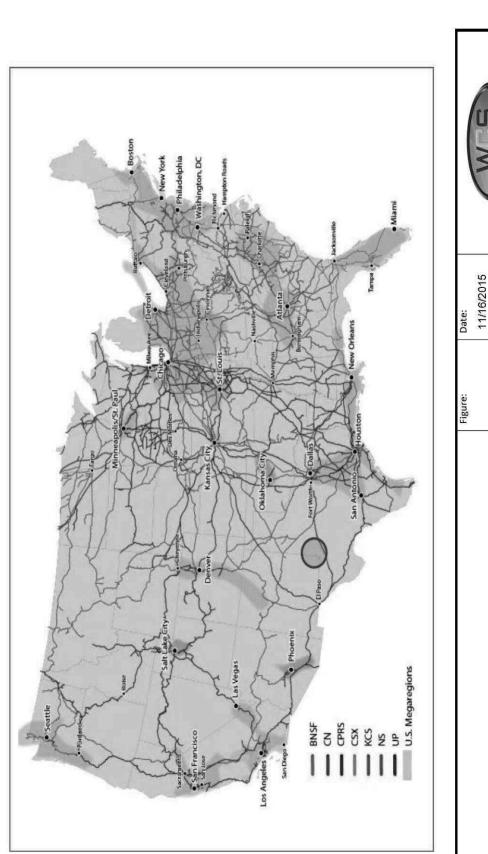
12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

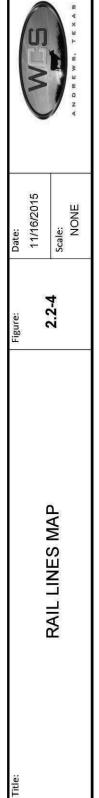
11. 5.2021 Lucy Jane Swanson

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**CHAPTER 2** 







### **DECLARATION OF JILL ZAMEK**

I, Jill ZamEk, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, am not under disability, and make the following statements voluntarily.

2) My residence address is 1123 Flora Road, Arroyo Grande, California 93420.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 24 years and literally will involve rail, highway and water transport.

4) At least 95% of the planned shipments to WCS in Texas will be railroad deliveries. I have studied Department of Energy maps of rail, water and highway transportation routes, and I have made some observations about the routes which will likely be used to transport dozens of cargoes of SNF and/or GTCC wastes from the Diablo Canyon nuclear plant to the WCS facility. The Diablo Canyon plant is approximately 12 miles from my home. If transport of SNF/GTCC is by rail, the only rail line for at least 10 miles in any direction from Diablo Canyon passes within 4 to 5 miles of my home. The major U.S. highway nearest the plant, on which truck transports of SNF/GTCC, passes within 2 miles of my home. If the SNF/GTCC is loaded on a barge to be sent elsewhere by water, the barge loading area for Diablo Canyon is 10 miles from my home.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a

terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

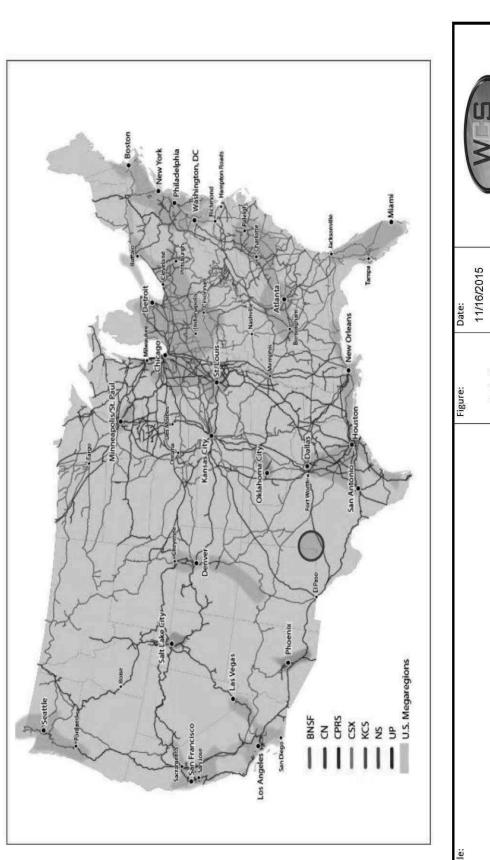
11) I hereby designate the San Luis Obispo Mothers for Peace (SLOMPF), a grassroots environmental organization of which I am a member which is located in San Luis Obispo, CA (P.O. Box 3608, San Luis Obispo, CA 93403), to represent my interests in a petition for review of the decision of the Nuclear Regulatory Commission denying contentions raised on my behalf challenging the ISP project and issuing a Final Environmental Impact Statement for the project. My interests will not be adequately represented unless SLOMPF is allowed to participate as a full party in this proceeding on my behalf.

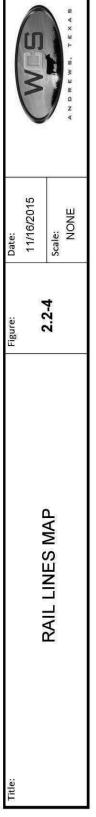
12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Jill ZamEk 11.5.2021

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#### DECLARATION OF BRIGITTE GARDNER-AGUILAR

I, Brigitte Gardner-Aguilar, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

 I am an adult citizen of the United States, of Hispanic and African-American descent, am not under disability, and I make the following statements voluntarily.

2) My residence address is 1301 Avenue A, Eunice, New Mexico, 88231.

3) The Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC, and Department of Energy maps of rail routes identified for the proposed Yucca Mountain geological repository. and note that one or more rail line transport routes are within a mile and a half of my home. I believe it is likely that such route would be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility. I also travel two times per week to and from Hobbs, New Mexico so my daughter can attend dance class via a route that routinely takes me across railroad

https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

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tracks that go to the WCS site. I also do most grocery shopping and family medical visits in Hobbs, adding 1 to 2 additional trips across that rail line each week. From Figure 2.2-5 Rail Corridor map on Page 2-72<sup>2</sup> of the ISP/WCS Environmental Report, it is clear that rail shipments must come through Eunice before going east to the WCS site. In particular, I have read the contents of page 2-3 of the WCS Environmental Report, which describe a "railroad loop" encompassing the WCS site that "is currently used to transport radioactive waste to the site."<sup>3</sup> I note that WCS proposes to deliver SNF shipments "routed eastward from Eunice, New Mexico to the CISF on the railroad loop which is controlled and maintained by ISP joint venture member Waste Control Specialists." In particular, I have read the contents of page 2-3 of the WCS Environmental Report, which describe a "railroad loop" encompassing the WCS site that "is currently used to transport radioactive waste to the site." I note that WCS proposes to deliver SNF shipments "routed eastward from Eunice, New Mexico to the CISF on the railroad loop which is controlled and maintained by ISP joint venture member Waste Control Specialists."4 I have seen trains travel through Eunice on that line, headed to the WCS site. The ER states that "no highways or railroad lines cross the CISF site."<sup>5</sup> I have viewed the maps showing rail access to the WCS CISF on Figures 2.2-4 and 2.2-5 of the ER, and of a proposed rail sidetrack into the CISF as shown in Figure 2.2-6,6 and confirm that those represent the only rail access to the site.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I am of child-bearing age and wish to have additional children. If there are airborne or waterborne emissions from a breached cask during transport that those in my family members and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear

<sup>2</sup>Id. <sup>3</sup>Id. at p. 2-3. <sup>4</sup>Id. <sup>5</sup>Id. <sup>6</sup>Id.

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Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste to ISP/WCS, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit. Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) I understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks, and similarly will be unusually heavy loads on the specially-built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails and sits for days or longer in an area in which I live/work/recreate; or a truck trailer load failure that requires transfer of the transport cask onto another trailer occurring near me or others in my household.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of

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hundreds or thousands of transports of radioactive waste in the vicinity of my home suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate the Sustainable Energy and Economic Development (SEED) Coalition, an environmental organization of which I am a member, which is located at 605 Carismatic Lane, Austin, TX, to represent my interests in a petition to intervene against granting an NRC license to ISP/WCS Consolidated Interim Storage Facility. I request that SEED Coalition be accorded standing to proceed on my behalf. My interests will not be adequately represented unless SEED Coalition is allowed to participate as a full party on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

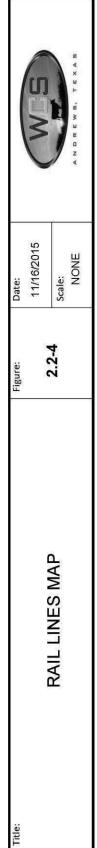
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Brigitte Gardner-Aguilar

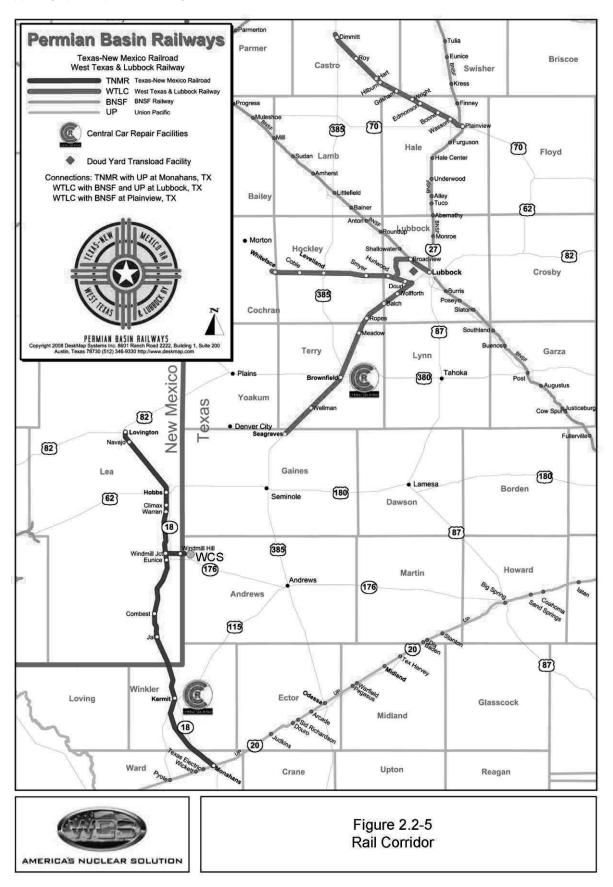
**CHAPTER 2** 

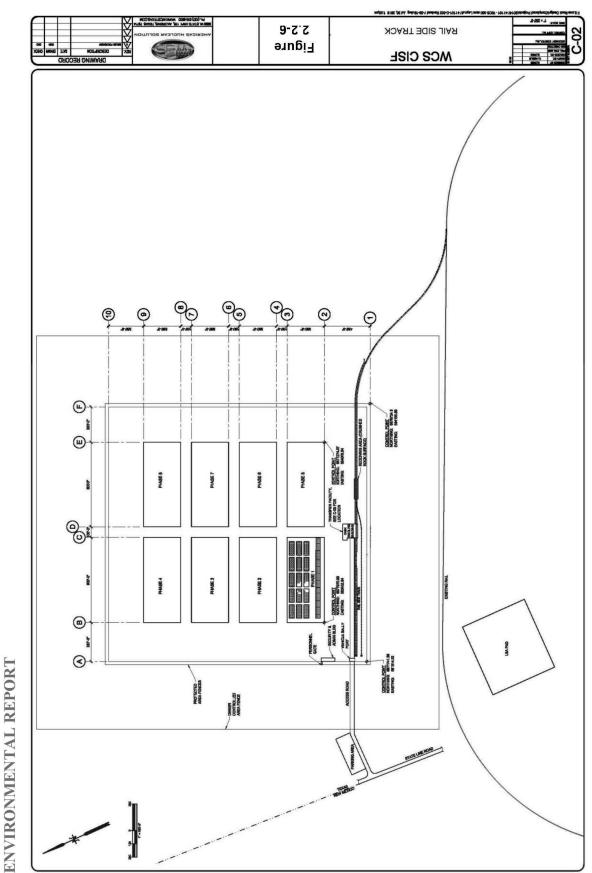


NS UP U.S. Megaregions CPRS BNSF CSX S ¥CS San Di Los Al



#### USCA Case #21-1048 Document #1922236 Filed: 11/12/2021 **INTERIM STORAGE PARTNERS LLC ENVIRONMENTAL REPORT**





Document #1922236

USCA Case #21-1048

**Revision 3** 

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### DECLARATION OF PATRICIA MONA GOLDEN

I, Patricia Mona Golden, am the Declarant herein, and I hereby make the following statements under the penalty of perjury:

1) I am an adult citizen of the United States, of Japanese, Dutch and Native American descent, am not under disability, and make the following statements voluntarily.

2) My residence address is 500 West 2<sup>nd</sup> Street, Van Horn, TX 79855.

3) I have investigated into the case where the Nuclear Regulatory Commission considered and then granted a license to Interim Storage Partners for the construction and operation of WCS Consolidated Interim Spent Fuel Storage Facility in Andrews County, Texas. This radioactive waste facility will be developed for the purpose of storing up to 40,000 tons of high-level nuclear waste in the form of spent nuclear fuel (SNF), and greater-than-Class-C (GTCC) wastes for at least 80 years, and possibly for centuries. The facility will receive delivery of at least 3,000 shipments up to 8,000 shipments of SNF-filled or GTCC waste-filled casks. These dangerous radioactive wastes will be transported by truck, barge and/or rail to WCS. I understand that the deliveries to WCS will take place over 20 years and literally will involve hundreds of thousands of miles of railroad travel.

4) All or nearly all of the planned deliveries of SNF and GTCC waste to WCS are presently planned to be via railroad. Some may involve barge shipment and highway transport over earlier stages of shipment. I have studied Figure 2.2-4 on p. 2-71 of the WCS Environmental Report (Rev. 3),<sup>1</sup> which is a U.S. national map of main trunk line rail routes that will be used by WCS to transport SNF and GTCC, and Department of Energy maps of rail routes identified for the proposed Yucca Mountain geological repository. I note that a main rail trunk line route is within 100 feet of my workplace and one block of my residence, and believe it is likely that such route will likely be used to transport many cargoes of SNF and/or GTCC wastes to the WCS facility. The Figure 2.6-1 map of rail routes in the

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https://www.nrc.gov/docs/ML2005/ML20052E152.pdf

Environmental Report<sup>2</sup> shows the route for waste that would come from San Onofre Nuclear Power Plant site to WCS. The orange/red line mirrors the path of Interstate Highway 10 (I-10) and the major railroad lines that run along it. Van Horn is clearly on this route, between El Paso and Monahans, Texas, where rail transport would turn toward the north to deliver SNF and GTCC waste to WCS.

5) I am concerned for my personal safety and that of others in my household from radiation exposure in the event of a serious transport accident, vandalism or a terrorist attack on a shipment. I believe that if there are airborne or waterborne emissions from a breached cask during transport that those in my household and I might be exposed to radiation and suffer health consequences and serious property damage. I disagree with the rosy projections of error-free transport predicted by ISP and the Nuclear Regulatory Commission in the Draft and Final Environmental Impact Statements and Safety Evaluation Report, which are parts of the ISP proposal.

6) There is no planned public health impact assessment of the effects on public health and the environment of the expected 20+ years of transports of SNF and GTCC waste, and only a superficial analysis of the risks from unbreached casks in transport.

7) I note that the NRC has approved a policy of "start clean/stay clean," where if a cask is delivered to the facility with a radiation leakage problem, it will supposedly be wiped down and the rail car with the cask will be moved to a storage platform at the site for indefinite storage. There seem to be no provisions for dealing with casks with serious exterior radioactive contamination, leakage, structural damage or structural failure upon their arrival at WCS, or with casks where problems develop after they've been received at WCS. I am concerned that actively-leaking or damaged casks or casks with damaged spent fuel in them will travel close to my home, place of employment and/or places where I seek recreation. I believe that the risks of a radiation accident from leaking, damaged or contaminated casks will be present. I note that the WCS application documents contain no analysis of the potential scenarios involving a breached cask in transit.

<sup>2</sup>*Id.* at p. 2-78.

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Further, there is no analysis in them that addresses the potential contamination of land, water and property resources or the threat to public health and the environment from such a practice.

8) 1 understand the casks, once set on rail cars, will be extremely heavy and concentrated loads on the tracks or on specially built truck trailers used to transport them on highways. I am concerned that scenarios not contemplated by ISP/WCS in its application documents could occur, such as a radioactive cask being so overweight that it derails or the truck trailer collapses and the cask sits for a length time in the area where I live and work. These are real possibilities. A derailment did occur not long ago in our area. On January 30, 2017 a cargo train derailed in Kent, Texas, east of Van Horn, closing Interstate-10 in both directions for three hours.

9) The potential of my being stuck in traffic at a rail crossing or on a parallel highway near a cask containing SNF or GTCC causes me concern for my health and safety and that of people and animals in my household. The prospect of hundreds or thousands of transports of radioactive waste in the vicinity of my home and workplace suggests that there may be routine, cumulative radiation effects on me, other people, plants and property from even uneventful transports of SNF and GTCC wastes along the proposed rail routes.

10) The U.S. federal government or private industry should not have the right to make transportation decisions that put at risk our public health and the environment with only spotty and incomplete investigation and analysis.

11) I hereby designate the Sustainable Energy and Economic Development (SEED) Coalition, an environmental organization of which I am a member, which is located at 605 Carismatic Lane, Austin, TX, to represent my interests in a petition to intervene against granting an NRC license to ISP/WCS Consolidated Interim Storage Facility. I request that SEED Coalition be accorded standing to proceed on my behalf. My interests will not be adequately represented unless SEED Coalition is allowed to participate as a full party on my behalf.

12) I hereby state under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

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 $\frac{|| |08| 202|}{Date}$ 

atricia M. Bolden

Patricia Mona Golden

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**CHAPTER 2** 

scale: NONE

2.2-4

**RAIL LINES MAP** 

11/16/2015 Date: Figure: NS UP U.S. Megaregions CPRS BNSF CSX S ¥CS San Di Los Al Title:

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