



Nuclear Energy Information Service

Illinois' Nuclear Power Watchdog since 1981

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Subject: COMMENT TO the NRC on

Docket ID NRC–2018–0052: Holtec International’s HI–STORE Consolidated Interim Storage Facility Project

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“...As part of the EIS development process, the NRC is seeking comments on the scope of its environmental review.” – *Federal Register*, Vol. 83, No. 62 / Friday, March 30, 2018 / Notices 13802

Nuclear Energy Information Service (NEIS), is a Chicago-based, safe-energy advocacy, anti-nuclear organization. We submit the following comments to the NRC on the matter of the NRC’s EIS consideration of Holtec’s license submittal to construct a centralized interim storage (CIS) facility for high-level radioactive waste (HLRW) in southeast New Mexico.

1.) NRC’S ATTITUDE TOWARDS SAFETY AND SAFETY-CULTURE

As we stated in our oral remarks to NRC on April 25th, NEIS fully expects the NRC to live up to the standard that its own staff and management have set for other nuclear licensees, and which they have public touted as the definition of “safety culture” to which NRC allegedly adheres and advocates:

- NRC’s Definition of “nuclear safety culture” from NRC viewgraph, Sept. 12, 2012, in South Haven, Michigan (while giving Entergy a public dress down for lack of an NSC): “...*the core values and behaviors resulting from a collective commitment by leaders and individuals to emphasize safety over competing goals* to ensure protection of people and the environment.” (emphasis ours);
- At the same meeting former Region III Director Chuck Casto’s remarks defined a safety culture as, “...*going beyond what’s required*...” with NRC actions and decisions;
- NRC’s mandate to regulate merely to an “adequate” level of public protection and safety is clearly inconsistent with this definition, and with Mr. Casto’s remark;
- As stated in our remarks on April 25, 2018, NEIS will hold NRC and the actions of its staff to this, its own self-professed level of performance – going beyond what’s merely REQUIRED in existing regulations -- throughout this entire licensing proceeding, to guarantee the safety of the public and protection of the environment. We would hope that NRC would voluntarily accept this standard of performance and conduct itself in that manner. However, conducting a merely “check-box exercise” evaluation of the application will not be acceptable. Should NRC not elect to “go beyond what’s [merely] required,” NEIS and other stakeholders may have to take this performance issue to entities outside of NRC’s jurisdiction.

2.) NATIONAL IMPLICATIONS OF THE HOLTEC APPLICATION MUST BE INCLUDED, RESEARCHED AND ADDRESSED IN EXAMINING THE EIS

Holtec's license request for this facility triggers actions and has effects that extend far beyond the limited geographic boundaries of the Holtec site in New Mexico, and in many areas:

TRANSPORTATION: The opening of the Holtec facility to accept HLRW, stated to eventually accept as much as >100,000 tons of HLRW in as many as 10,000 individual canisters, sets into motion (literally and figuratively) a massive transportation program the effects of which affect the entire nation – effects which would NOT occur if the Holtec application were denied, or alternative methods of HLRW storage such as “hardened onsite storage” (HOSS) were adopted. (see below). Therefore, the scope of NRC's evaluation must extend beyond the New Mexico site boundaries.

This is a perfect example of where a *genuine* safety culture would “go beyond what's required” in emphasizing public (in this case NATIONAL) safety and security over competing goals.

This issue is of great significance for Illinois, which historically has been identified as one of the top four states likely to see the most HLRW shipments go into and through the state on its way to Yucca Mt. The same would likely be the case for a CIS facility, whether in New Mexico or Texas.

Additionally, a March 9, 2017 American Society of Civil Engineers report gives Illinois “D” and “D-“ ratings for its roads and rail lines respectively - both higher than the national average. This indicates that conditions elsewhere are **worse – failing** in some cases. These ratings – coupled with the spate of oil-train derailments occurring in the past two years – does not inspire confidence that now is the proper or safe time to begin moving up to 100,000 tons of HLRW.

To that end, NEIS recommends the following:

- Additional public hearings need to take place at major communities along the proposed and/or likely transport routes. These hearings should actively involve evaluators from the American Society of Civil Engineers as expert witnesses.
- A thorough independent, public review of available emergency responder capability along all proposed and/or likely truck, train or barge transport routes, involving the agencies affected should be conducted prior to license issuance. Results of this review should be made publicly available.
- HLRW will have to be moved/transported a second time when a permanent disposal site is found. NRC needs to conduct a thorough analysis of the effects on fuel rods of on-/off-loading of fuel twice, and whether this would have any implications for transport and emergency response, if needed.
- NRC needs to publish a list of vendors who manufacture portable “hot-cells”, how many are in existence, where they are located along the intended transportation routes, and how long it would take to move this equipment around in the event of necessary off-loading of HLRW spent fuel rods.

REASONABLE ALTERNATIVES TO BE CONSIDERED IN DEPTH “HOSS”:

*“V. Alternatives To Be Evaluated: The EIS will analyze the environmental impacts of the proposed action, the no-action alternative, **and reasonable alternatives**.... the NRC seeks public input to help the NRC determine the appropriate scope of the EIS, including significant environmental issues to be analyzed **in depth**....” – Federal Register Notice*

Both NEPA and the Federal Register notice indicate that the “no-action” and “reasonable alternative” actions must be considered.

There is no more important or viable “reasonable alternative” action to consider than that of “hardened on-site storage” (HOSS) of HLRW at reactor sites prior to permanent disposal, as an alternative to CIS.

With HOLTEC petitioning for a license to accept >100,000 tons of HLRW, NRC MUST conduct a thorough, independent analysis of the economic cost and environmental impact of establishing HOSS nationally as opposed to granting a license to HOLTEC to build its proposed CIS facility.

Such an analysis must include (but not be limited to) investigating:

- The costs and risks of having to package, load, transport, and off-load HLRW TWICE for the CIS facility, vs. a single phase required if HOSS were implemented.
- The cost of having to decommission the CIS facility or facilities compared to the HOSS sites at reactors.
- Quantifying the alleged increase in safety and security of the HLRW double-transported and managed at a CIS facility vs. the safety and security of single-transported waste from a HOSS facility.

3.) SOCIO-ECONOMIC AND ENVIRONMENTAL JUSTICE CONCERNS

“The following resource areas have been tentatively identified for analysis in the EIS:...

... socioeconomics...environmental justice, and cumulative impacts.” – *Federal Register Notice*

Numerous socio-economic and environmental justice considerations emerge that must be addressed **prior** to licensing the HOLTEC facility:

- So as to not replicate the economic impacts and deficiencies becoming apparent with nuclear reactor decommissioning, a vendor must agree to a post-closure plan that provides the following:
 - Payments by the vendor into an escrowed “just-transitions” account during the years of facility operation that would be made available to local taxing bodies and communities upon site closure or de-licensing, for the purposes of protecting local tax base, school district funding, and continuation of essential public services. These funds could also be used to attract new employment opportunities, or provide job transition training for the workforce.
 - Establishment of a local oversight panel consisting of members of the public from affected communities, which would be granted access to health, safety, and financial documents relating to the site during the period of operation and decommissioning of the proposed site.
 - Numerous other employers, industries and economic engines are sited near the proposed facility or along the transportation routes: ranchers, oil and gas fields, tourist destinations among them. These industries provide substantial economic value to the locality and the state which could be adversely impacted in the event of an accident at the site or along the transportation routes. An analysis must be done that would determine the negative economic effects of an accident at the facility or along the transportation route to the facility that would include a calculation of all potential lost revenues, wages, taxes, decreased real estate values, and other significant economic indicators of these other affected industries/employers; compared to the value added by the operation of the proposed HOLTEC CIS facility over the course of its license.
 - These communities must not become *de facto* HLRW long-term storage or disposal site victims. A firm termination date for the facility license or ability to continue to manage onsite or accept HLRW must be set prior to opening the facility, and as part of granting the operating license. HOLTEC must agree to pay penalties to the communities and host state

for managing, storing or accepting HLRW for any reason, regardless of responsibility, past this termination date.

4.) CLIMATE CONCERNS:

Climate analysis indicates that the U.S. Southwest will general become hotter and drier in a continued climate-disrupted world. Thorough and independent analysis of the effects of climate change on the proposed facility must be conducted to include examination of:

- Effects of drier soils and hotter temperatures on canisters and surrounding overpacks.
- Severe weather effects expected for the region, both in terms of the facility and the transport routes proposed for use.

NEIS believes that CIS is a flawed, expensive, less-safe, unnecessary and politically expedient program to address the legitimate problem of HLRW management and disposal. While we understand NRC's legal obligation to conduct this EIS scoping process, we again urge NRC to reflect on our #1 concern above, and adopt a more critical and analytic approach to this process, one that serves the public best by emphasizing safety over competing goals by going beyond what's required in a mere check-box analysis.

Thank you for consideration of our views.

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