22 September 2020

Subject: Docket ID NRC-2018-0052, Draft Environmental Impact Statement, Public Comment

COMMENTS FROM NEIS ON THE DEIS FOR THE PROPOSED ILLEGAL HOLTEC CIS FACILITY IN NEW MEXICO

Dear NRC Commissioners and Staff,

This public comment is in response to the Draft Environmental Impact Statement (Docket ID NRC-2018-0052) regarding Holtec International’s application for a license to build and operate a “Consolidated Interim Storage Facility [CISF] for Spent Nuclear Fuel and High Level Waste” (NUREG-2237).

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

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

2.) Environmental Justice Concerns:
NEIS participated in the online sessions NRC conducted with the people of New Mexico in August and September, 2020. We learned that the NRC had originally promised the State of New Mexico five in-person meetings throughout the state, which would have also allowed for remote online participation; but more importantly, in-person participation of the many individuals and groups who have poor phone and internet connectivity that would otherwise deny them meaningful participation. We found the online sessions conducted by NRC woefully technologically inadequate, and no substitute for the promised face-to-face sessions. Many affected communities and BIPOC individuals and groups lack the kind of phone and internet connections to allow for meaningful public participation. The dreadful quality of the phone and internet connection for the sessions held proved this point. As a result, NEIS feels that NRC has NOT met its obligation to engage in meaningful public participation as is guaranteed by law, and that this has occurred with the people of color communities of New Mexico. As a result we have appealed to our Illinois U.S. Senator Tammy Duckworth to have the Senate Environmental Justice Caucus examine NRC’s inadequate public participation process with the POC communities of New Mexico, requesting that all further NRC action regarding the HOLTEC license be suspended pending the outcome of this investigation.
3.) New Mexico Does Not Consent:
Several years ago NEIS participated in a DOE program dealing with consent-based siting of HLRW. It was clear from that process, and prior to that from the President’s Blue Ribbon Commission on America’s Nuclear Future that any HLRW facility MUST have the consent of the community in which it is proposed. Letters to NRC from both New Mexico Senators and the Governor have made it clear that the State of New Mexico does NOT want this HOLTEC CIS facility. We are therefore baffled why NRC is continuing with a process that so blatantly disregards the consent of the communities involved, and the professional/peer recommendations of legitimate government agencies and commissions.

4.) Holtec’s Project is Illegal:
We suppose that NRC’s disregard for the consent of the affected communities should logically lead to NRC’s similar disregard for U.S. law regarding HLRW storage and disposal. Under current U.S. law, this project is illegal. The Nuclear Waste Policy Act of 1982, as Amended, does not allow the federal government to take title to the HLRW (commercial irradiated nuclear fuel) until a permanent geologic repository is operating. So the federal government cannot pay for transportation and storage of the waste as HOLTEC wants. Legally, the license cannot be issued until a permanent repository is operating.

As an Aug. 18th letter from New Mexico Senators Tom Udall and Martin Heinrich to NRC Chair Kristine Svinicki states:

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

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

We thank you for your consideration of these views,

Be well,

[Signature]

David A. Kraft, Director