Blue Ridge Environmental Defense League

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Mail Stop: TWFN-7-A60M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
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RE: Docket ID NRC-2016-0231, Interim Storage Partners proposed consolidated interim storage facility, Environmental Impact Statement

On behalf of the Blue Ridge Environmental Defense League and the signatories attached to this document, I write to submit comment on the environmental impact scoping process for the proposed consolidated interim storage site for irradiated fuel, captioned above.[1] For the reasons outlined in these comments, we oppose the proposed Interim Storage Partners dumpsite for high level radioactive waste in Andrews County, Texas.

Overview

The Blue Ridge Environmental Defense League was founded in 1984 in response to the federal plan—The Nuclear Waste Policy Act—to construct a national high-level nuclear waste dump and an interim storage site.[2] Nevertheless, because of public opposition in 1987 the Crystalline Repository Project, which would have sited a dump in the eastern United States, came to an effective end when Congress rewrote the law.

There have been many attempts to establish centralized interim storage: the Monitored Retrievable Storage program in east Tennessee, the industry's privatized storage program targeting Native Americans, the Mescalero Apache Nation in New Mexico and the Skull Valley Goshute Reservation in Utah.

We have continued to oppose such radioactive waste dumps wherever they are proposed, including Yucca Mountain, Nevada. Likewise, we oppose so-called consolidated interim storage schemes—including the Holtec International/Eddy-Lea Energy Alliance site in New Mexico and the Waste Control Specialists site in Andrews County, Texas—because nuclear waste shipments to those sites would unnecessarily place millions of people at risk from accident, sabotage, and routine exposure.

Background

Currently, Interim Storage Partners LLC (ISP) has proposed to build and operate a so-

[1] In these comments, I will use the term "irradiated fuel" instead of "spent nuclear fuel." The radioactive waste which is the subject of this inquiry is nuclear fuel rods which have been installed in a nuclear reactor core until the byproducts of nuclear fission render the fuel unusable. The fuel is by no means spent, because much nuclear energy is still present. The toxic byproducts are the problem.
[2] P.L. 97-425, 96 Stat. 2201, 42 U.S.C. §108, Signed into law by President Reagan Jan. 7, 1981

called consolidated interim storage facility (CISF) for irradiated nuclear fuel, to be located on the Waste Control Specialists LLC (WCS) site in Andrews County, Texas. According to the Environmental Report, The ISP licensing plan calls for the ultimate disposal of 40,000 metric tonnes of uranium and greater than Class C waste for at least 60 years or until the Nuclear Waste Policy Act of 1982 is amended. The waste would be transported at first from 12 decommissioned commercial nuclear power stations, and ultimately from every nuclear reactor in the nation.[3]

> Not only would the CISF serve the needs of the 12 shutdown reactors, it would also be available to serve the needs of the existing 99 operating commercial nuclear reactors in the US…until a permanent repository becomes available. (ER p. 1-6)

On April 28, 2016, Waste Control Specialists submitted its initial license application to the NRC for a proposed consolidated interim storage facility in Andrews County.[4] In 2017 NRC suspended review of the application at the request of the WCS company during the comment period.[5] On June 8, 2018, Interim Storage Partners LLC (a joint venture between WCS and Orano CIS LLC)[6] submitted a revised license application.[7] On July 19, 2018, ISP provided an update to its application.[8] On August 28, 2018, NRC reopened the EIS public scoping comment period on ISP's application with a deadline of October 19, 2018, for members of the public to submit comments. The NRC staff plans to issue the first round of safety requests for additional information (RAIs) beginning in November 2018 and ending in January 2019. If necessary, a second round of safety RAIs could be issued by NRC staff beginning in May 2019 and ending in July 2019. Additionally, the schedule provides for the NRC staff to issue environmental RAIs in January 2019, and, if needed, a second round of RAIs in May 2019. The NRC staff expects to complete its safety, security, and environmental reviews in August 2020.

Comments

The management of irradiated nuclear fuel is bedeviled by the long-term risks posed by radioactive fission products, such as Technetium-99 with a half-life 220,000 years and Iodine-129 with a half-life of 17 million, and transuranic elements, such as Neptunium-237 with a half-life two million years and Plutonium-239 with a half-life 24,000 years.

In the current scoping process for and environmental impact statement, we believe that the Nuclear Regulatory Commission must include a broad range of alternatives, including the cessation of commercial nuclear power in the United States. This alternative would include a moratorium on all new construction and operating licenses considered by the Nuclear Regulatory Commission under 10 CFR Part 52, the cessation of renewal or

[3] WCS Consolidated Interim Spent Fuel Storage Facility Environmental Report, Docket No. 72-1050, R2
[4] Nuclear Regulatory Commission ADAMS Accession No. ML16132A533
[5] See NRC Accession No. ML17110A206 and 82 FR 14039
[6] Orano, previously named Areva, is a French multinational group specializing in nuclear power headquartered in Paris La Défense. Areva is majority-owned by the French state.
[7] NRC Accession No. ML18166A003
[8] NRC Accession No. ML18206A482

extension of existing operating licenses under 10 CFR Part 50, and the replacement of these units with forms of electric power which create no back-end nuclear waste problems. Under this alternative, an orderly transition to nuclear free commercial electric power generation would take place over a period of years without disruption to industry, commerce or public safety. Further, the transition, if done properly, would provide ample opportunities for economic growth and job development with beneficial impacts on environmental quality and public health. This non-nuclear future for the nation would have the smallest possible requirement for storage and disposal of high-level nuclear waste of all the alternatives under consideration. Also, loan guarantees and other nuclear subsidies should be rescinded and redirected to wind and solar energy and other clean and economical sources of electric power. Finally, present storage of irradiated fuel at nuclear reactor sites must be responsive to the communities where the power plants are located. The concerns of these communities are presented in "Community Principles for Safeguarding Nuclear Waste at Reactors,"[9] which is still available.

The principle of Environmental Justice incorporates 1) the equitable distribution of environmental risks and benefits; 2) the meaningful participation in environmental decision-making; 3) the recognition of community life, local knowledge, and cultural difference; and 4) the capability of communities and individuals to function in society.[10] It means avoiding disproportionate adverse environmental impacts on low income populations and minority communities.

In a study done by the State of Nevada, a nationwide irradiated fuel shipping process carried out without an accident would result in the following levels of routine radiation exposure:[11]

- Truck safety inspectors would receive 2,500 millirems per year (mrem/yr);
- Occupants of a vehicle next to a spent fuel truck in a traffic situation lasting one to four hours would receive 10 - 40 mrem per person per incident;
- Members of the public along potential legal weight truck routes in Nevada could receive between 150 - 260 mrem/yr.

Malevolent acts against nuclear fuel and high-level waste shipments are a major threat, made clear by the September 11, 2001 terrorist attacks on the United States. The Nuclear and Radiation Studies Board, unable to perform an in-depth technical examination of transportation security because of classified information constraints, nevertheless made the following recommendation:

> An independent examination of the security of spent fuel and high-level waste transportation should be carried out prior to the commencement of large-quantity shipments to a federal repository or to interim storage. This

[9] Posted June 4, 2007 at: http://www.citizen.org/documents/PrinciplesSafeguardingIrradiatedFuel.pdf
[10] *Defining Environmental Justice: Theories, Movements, and Nature*, Schlosberg, David (2007) Oxford University Press.
[11] *Risky Transit–The Federal Government's Risky and Unnecessary Plan to Ship Spent Nuclear Fuel and Highly Radioactive Waste on the Nation's Highways and Rail Roads*, A Report by the Nevada Agency for Nuclear Projects, Accessed 10/9/18 at www.state.nv.us/nucwaste/news2001/nn11313.pdf

> examination should provide an integrated evaluation of the threat environment, the response of packages to credible malevolent acts, and operational security requirements for protecting spent fuel and high-level waste while in transport. This examination should be carried out by a technically knowledgeable group that is independent of the government and free from institutional and financial conflicts of interest. This group should be given full access to the necessary classified documents and Safeguards Information to carry out this task. The findings and recommendations from this examination should be made available to the public to the fullest extent possible.[12]

A comprehensive review of nuclear fuel and high-level waste transportation security should have unrestricted access to the information necessary to do this analysis.

The application of the profit motive to waste management of all types introduces an insoluble dilemma; which is, if you want more of something (e.g., ball point pens or frying pans), a profit-making enterprise is logical, but if you want less of something (like nuclear waste), the profit motive poses a direct and fundamental conflict. A for-profit enterprise must grow to satisfy the reason the business exists.

Compared to the benefits of a clean energy plant—manufacturing solar panels, wind turbine blades and the like—the development of a private radioactive nuclear power waste site is detrimental. The stigma of waste dump would persist because the legacy of all such sites has been contamination of the most pernicious type.

Conclusion

We oppose the continued generation of radioactive waste – whether by extending the licenses of the existing reactors, expansion of the existing sites with the addition of new reactors, or from new reactor sites. Further, federal and state agencies should not walk but run from any involvement sanctioning a private initiative for so-called interim storage of irradiated fuel from nuclear power plants. The interim storage concept should be abandoned. Moreover, the storage of waste at power plants should be upgraded to hardened on-site storage (HOSS). For the foreseeable future the least-bad option for management of radioactive waste produced by nuclear power plants is storage at nuclear power plant sites where it is generated.

Respectfully,

Louis A. Zeller
Executive Director

Attachment: list of organizations and individuals signing in support

[12] *Going the Distance? The Safe Transport of Spent Nuclear Fuel and High-Level Radioactive Waste in the United States* (2006) Nuclear and Radiation Studies Board, http://dels.nas.edu/nrsb