

From: Doug Bender <alfabender@verizon.net>
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To: Holtec-CISFEIS Resource
Subject: [External_Sender] Docket ID NRC-2018-0052

RE Docket ID NRC-2018-0052

My name is Doug Bender. I am retired from a 36 year career in engineering, concluding as Chief Engineer of Guidance and Control for Boeing's space programs.

I'd like to comment on the Holtec Consolidated Interim Storage Facility Draft Environmental Impact Statement.

This proposed storage facility has numerous problems:

(1) Local citizens will be negatively impacted and are opposed to this de facto permanent, surface storage, parking lot dump.

(2) "Permanent" often becomes "temporary". NRC's time-limited focus on just 40 years of "temporary storage" is inappropriately, arbitrarily short, given Holtec's own admission in its license application to NRC that "interim storage" could persist for 120 years; in response to a Request for Information from DOE, Holtec admitted a CISF could operate for 300 years; and in NRC's own 2014 Continued Storage of Spent Nuclear Fuel Rule and Generic EIS, the agency acknowledged away-from-reactor ISFSIs (Independent Spent Fuel Storage Installations) could go on indefinitely.

(3) The transportation issues are not adequately addressed. The National Environmental Policy Act (NEPA) requires that NRC take a "hard look" at the Holtec CISF proposal, including its inextricably linked high-risk transportation component, impacting most states in the Lower 48. NRC's DEIS, and Holtec's ER, essentially exclude the high risks of transport, and are not transparent about transport routes, represents segmentation (the dividing up of a major federal action into smaller parts, so that the proposal doesn't seem so significant or impactful after all). This is a violation of NEPA, as long ruled so by the federal courts.

(4) Inner canisters will have to be transferred (from on-site storage dry casks, to radiation shielding/transfer casks, to transport/shipping casks, to transfer casks, to CISF storage pits (and then, if and when high-level radioactive wastes are exported to a permanent repository, the reverse process) multiple times. Yet, NRC is not requiring Dry Transfer Systems (DTS), so there will be no way to deal with failed fuel or containers, as well as leaks or contamination. (And expert witness Bob Alvarez, a former senior advisor to the U.S. Energy Secretary, has testified in these CISF proceedings that under DOE's latest Yucca dump plans, targeting Western Shoshone land in NV, high-level radioactive wastes can only be buried in TADs -- standardized Transport, Aging, and Disposal containers specially designed for use at the Yucca dump. This would require dividing up the contents of 10,000 containers at Holtec into 80,000 smaller TADs. Nowhere is this addressed in the Holtec ER, nor the NRC DEIS. And yet both Holtec and NRC assume Yucca will be the ultimate dump, itself an outrage. But that repackaging process carries significant risks and potential impacts for health, environment, and safety, and yet could not be done without a DTS. The entire complex, high risk subject matter area is missing from NRC's Holtec CISF DEIS, another violation of NEPA's "hard look" requirement, and even a violation of the Atomic Energy Act, given the inherent, large safety risks.)

(5) NRC staff is willing to overlook this CISF's violation of the Nuclear Waste Policy Act of 1982, as Amended (which prohibits the U.S. Department of Energy from taking ownership of commercial irradiated nuclear fuel at an interim site in the absence of an open permanent repository), while citing in the DEIS that the lack of a legally-binding decision by DOE and Congress re: highly radioactive Greater-Than-Class-C "low-level" radioactive waste, means NRC will choose to refrain from reviewing that aspect of the

proposal any further at this time. NRC is talking out both sides of its mouth, to the benefit of license applicant Holtec, and to the disadvantage of the public interest! And the double standard re: rule of law is also outrageous NRC behavior. NRC must obey, and not violate, all federal laws, including the Nuclear Waste Policy Act of 1982, as Amended. To violate that law is itself a violation of the Administrative Procedure Act.

(6) Holtec and NRC assume that the Yucca Mountain dump in Nevada, targeting Western Shoshone Indian land, will open, allowing re-export of irradiated nuclear fuel from NM to NV for permanent disposal. It's how Holtec and NRC attempt to justify calling the CISF "interim" or temporary. But the Yucca dump should not, and will not, happen, for a long list of reasons. This includes the Yucca dump's illegality (it would violate the Treaty of Ruby Valley of 1863, signed by the U.S. government with the Western Shoshone Indians), as well as the environmental injustice of opening the national high-level radioactive waste dump in the same state that "hosted" nuclear weapons testing for several decades on end, resulting in disastrous radioactive fallout and health damage downwind. But it also includes Yucca's flagrant scientific unsuitability, as well as the fact that well over a thousand environmental groups have been actively opposing the scheme for 33 years. Holtec and NRC are entirely unjustified in assuming the Yucca dump will open someday, or year, or decade, or century. In fact, NRC's doing so reveals its bias in the Yucca Mountain licensing proceeding, in which it is supposed to be a neutral safety regulator, only sitting in judgment of the Yucca site's capability of meeting regulations, not advocating for its opening even in the face of its clear unsuitability. For this reason, there is a very high risk that the Holtec CISF in NM will become de facto permanent surface storage, a parking lot dump, risking catastrophic releases of hazardous radioactivity directly into the environment when containers ultimately fail over a long enough period of time, due to loss of institutional control. (See point #2 above.)

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