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Docket: NRC-2016-0231

Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

Comment On: NRC-2016-0231-0317

Interim Storage Partners Consolidated Interim Storage Facility Project

Document: NRC-2016-0231-DRAFT-0373

Comment on FR Doc # 2020-09795

Submitter Information

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Government Agency Type: State

Government Agency: TCEQ

General Comment

On behalf of TCEQ, please find our comments regarding the Notice by the Nuclear Regulatory Commission: Interim Storage Partners Consolidated Interim Storage Facility Project.

If you have any questions concerning the enclosed comments, please contact Mr. Brad Broussard of the Radioactive Materials Division, at (512)239-6380, or at brad.broussard@tceq.texas.gov.

Thank you,

Chikaodi Agumadu
Texas Commission on Environmental Quality
Intergovernmental Relations Division

Attachments

NRC Comments_11032020

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 3, 2020

Office of Administration
Mail Stop: TWFN-7-A60M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Program Management, Announcements and Editing Staff

Subject: Draft Environmental Impact Statement for Interim Storage Partners License Application to Construct and Operate a Consolidated Interim Storage Facility for Spent Nuclear Fuel and Greater-Than Class C Waste (Docket ID NRC-2016-0231)

Dear Office of Administration Staff:

The Texas Commission on Environmental Quality appreciates the opportunity to comment on the U.S. Nuclear Regulatory Commission Draft Environmental Impact Statement (EIS) for Interim Storage Partners' License Application to Construct and Operate a Consolidated Interim Storage Facility for Spent Nuclear Fuel and Greater-Than Class C Waste. Enclosed please find the TCEQ's detailed comments relating to the NRC's draft EIS referenced above. If you have any questions concerning the enclosed comments, please contact Mr. Brad Broussard of the Radioactive Materials Division, at (512) 239-6380, or at brad.broussard@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Baker".

Toby Baker
Executive Director
Texas Commission on Environmental Quality

AF/bb

**Texas Commission on Environmental Quality (TCEQ) Comments on the U.S.
Nuclear Regulatory Commission (NRC) Draft Environmental Impact
Statement (EIS) for Interim Storage Partners (ISP's) License Application to
Construct and Operate a Consolidated Interim Storage Facility (CISF) for
Spent Nuclear Fuel (SNF) and Greater-Than Class C (GTCC) Waste
(Docket ID NRC-2016-0231)**

General Comments

The Texas Commission on Environmental Quality (TCEQ) is a unique Texas stakeholder as we have subject matter expertise, but no regulatory authority over the licensing of this proposed consolidated interim storage facility (CISF). This authority resides with the federal government, specifically the Nuclear Regulatory Commission (NRC).

The TCEQ has significant policy concerns as they pertain to the adjacent low-level radioactive waste disposal facility. The CISF proposal has unprecedented implications as it has created significant unease with the public. Continuing with this licensing action jeopardizes public consent and presents significant challenges as we carry out our responsibility to regulate the low-level radioactive waste disposal facility.

Specific Comments

1. **Page 2-2, Line 4** – The EIS states “In its license application, ISP has requested that NRC license the proposed CISF to operate for a period of 40 years (ISP, 2020). ISP stated that it may seek to renew the license for an additional 20 years, for a total 60-year operating life (ISP, 2020). Renewal of the license beyond an initial 40 years would require ISP to submit a license renewal request, which would be subject to an NRC safety and environmental review at that time.”

Comment: The TCEQ understands that the initial licensing period for a CISF is 40 years with the ability for an additional renewal period of 40 years. Based on the requirements in 10 Code of Federal Regulations (CFR) Part 72, the applicant is only required to provide technical and design analyses for the term of the license being requested. Because 10 CFR Part 72 appears to only allow one 40-year license renewal term, how will the NRC ensure that interim storage does not extend beyond the second 40-year license term, or in this case a 20-year term? Since the U.S. Department of Energy has been unsuccessful in developing a permanent geologic repository, the TCEQ is concerned that a CISF in Texas will become the permanent solution for dispositioning the nation’s spent nuclear fuel (SNF).

2. **Page 2-2, Line 9** – The EIS states “By the end of the license term of the proposed CISF, the NRC staff expects that the SNF stored at the proposed facility would have been shipped to a permanent geologic repository. This expectation of repository availability is consistent with the NRC’s analysis in Appendix B of NUREG-2157, “Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel,” (NRC, 2014). In that analysis, the NRC concluded that the reasonable period for the development of a repository is approximately 25 to 35 years (i.e., the repository is available by 2048) based on experience in licensing similarly complex

facilities in the United States and national and international experience with repositories already in progress (NRC, 2014).

Comment: The NRC did not address an alternative or contingency for stored SNF in the event that a permanent geologic repository is not developed and licensed at the end of a CISF license term. The assumption is speculative and may result in the State of Texas becoming the permanent solution for disposition of SNF.

3. **Page 2-2, Line 36** – The EIS states “The Federal Waste Disposal Facility. This facility serves the U.S. Department of Energy 36 (DOE) and is also authorized to dispose Class A, B, and C LLRW and Mixed Low-Level Waste (MLLW) under Texas Radioactive Materials License No. R04100, Amendment No. 30 (TCEQ, 2016a).”

Comment: The Federal Waste Disposal Facility is authorized to receive both LLRW and MLLW. The MLLW is authorized by both Radioactive Material License R04100 and Hazardous Waste Permit No. 50397. The TCEQ respectfully suggests revising to add the hazardous waste permit number.

4. **Page 2-7 line 10** - “Southeastern” does not match the location of Phase 1 on Figure 2.2-5.

Comment: Suggest revising location to match Figure 2.2-5.

5. **Page 2-10 line 16** - Description of rail car movement in “Rail Sidetrack” paragraph does not match Figure 2.2-1 and Figure. 2.2-5.

Comment: Suggest revising paragraph to match Figures 2.2-1 and 2.2-5.

6. **Page 4-22 line 36** - Reference to “town of Deaf Smith, Texas” should be “county of Deaf Smith, Texas.”

Comment: Suggest revising reference to read county instead of city.