Concerned Citizens for Nuclear Safety

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By email to: WCS_CISF_EIS@nrc.gov

Ms. Cindy Bladey, Office of Administration
Mail Stop: OWFN-12-HO8
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Docket No. 72-1050; NRC-2016-0231 – Environmental Impact Statement
Public Scoping Comments about Waste Control Specialists LLC's
Consolidated Interim Spent Fuel Storage Facility Project

Dear Ms. Bladey and the Nuclear Regulatory Commission:

Please find below the public comments of Concerned Citizens for Nuclear Safety (CCNS) about the above-referenced docket. CCNS is a Santa Fe, New Mexico based non-governmental organization that formed in 1988 to address community concerns about the proposed transportation of radioactive and hazardous waste from Los Alamos National Laboratory (LANL) to the Waste Isolation Pilot Plant (WIPP). Our mission is *to protect all living beings and the environment from the effects of radioactive and other hazardous materials now and in the future.*

The application of Waste Control Specialists (WCS) to the Nuclear Regulatory Commission (NRC) for a license to import half of the existing, and potentially future, inventory of irradiated plutonium nuclear fuel from commercial nuclear power plants located mostly in the east of this geographically wide country and store it at a *de facto* parking lot dump at their dump site in Andrews County, Texas, for 40 years (or longer) is inadequate to address the myriad of problems with the proposed project. The application does not protect public health, safety and the environment. The NRC should deny the application and remand it back to WCS.

Furthermore, the National Environmental Policy Act (NEPA) process should be halted until such time as WCS submits an application that addresses the environmental, public health and safety, environmental justice, and short-term and long-term risks as outlined

in these comments and those raised in opposition comments submitted by others, including Deborah Reade on March 12, 2017.

Please know that CCNS does not consent to southeast New Mexico and west Texas to become a national radioactive and hazardous waste dumping ground. New Mexicans, West Texans, and those living along the transportation routes (road, rail and water) across this country, should not have to risk contamination of the land, surface water, aquifers, air or the health of plants, wildlife and livestock for a temporary irradiated fuel "solution." The irradiated fuel should remain where it is. Every time it is moved, it creates more hazard and risk. The irradiated fuel only should be moved once when a geological repository is ready, as required by law.

If the NRC proceeds forward with a defective WCS application, then the scope of the draft Environmental Impact Statement (EIS) for the proposed *de facto* permanent parking lot dump must focus not only on the consolidated interim storage facility (CISF) proposal, but particularly the potential interaction with potential releases from WCS current operations involving low-level radioactive waste, mixed low-level radioactive wastes, byproduct material disposal, storage of 115 drums of unstable nitrate-contaminated transuranic waste packaged at LANL, and soil storage on 800-acres owned by WCS located in New Mexico. It is unknown whether the soil is contaminated.

The draft EIS must include detailed analysis of the potential impacts of all WCS current and potential future activities to the following aquifers: the Dockum, Ogallala, Pecos Valley, and Edwards-Trinity. Over 90% of the people of New Mexico rely on ground water for drinking water. The aquifers and surface water must be protected from radioactive and hazardous waste.

CCNS highlights that the Texas Commission on Environmental Quality (TCEQ) found exceedance violations of surface water permit requirements, beginning in September 2011 and continuing to September 2013. http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.novdetail&addn_id=278355852009106&re_id=596750392002075 Of the six reported violations, five remain "active." It is essential to protect and keep radioactive and hazardous pollution out of our drinking water sources. The NEPA process must provide mitigation requirements now before any more pollution enters the Rio Grande watershed.

The WCS site is located in one of the largest karst lands in the world. Water runs underground because the surface is too porous to hold the storm water run-off and permitted discharges of up to 170,500,000 gallons per day (gpd) that will eventually infiltrate into shallow perched aquifer that rises and falls inexplicably. Monitoring wells are often saturated. *See* Texas Pollutant Discharge Elimination System Permit No. WQ0004857000 (Byproduct Material Disposal Facility) Texas Pollutant Discharge Elimination System Permit No. WQ0004038000 (Radioactive Material License (RML)

No. R04100 with Amendment 22); and draft New Mexico Environment Department Ground Water Quality Bureau, draft discharge permit No. 1817 at https://cloud.env.nm.gov/water/resources/_translator.php/3wdGf2YvWP7JR8htsQErkMxbvE56mnoqDRp2BQAIXXbigeEtSCEhgT9cBlqLEUu1aPYvo6Tx0DAdZPyUuvP3kPGrmexKDVRHGvLfmibxhDGAxPC8dKOArHtk9Zer+JrPTirl2aNnIC4=.pdf The NEPA analysis must address the karst lands, as well as the impact of such large quantities of water flowing through the Rio Grande watershed.

The NEPA analysis must address releases and moving waste at the site. It must address the myriad of issues in the event of a release from the storage pad or from moving waste at the WCS site, including the contingency plans for release events and moving waste accidents. The draft EIS must review and provide response comments about the recommendations of the Texas Commission on Environmental Quality (TCEQ) Radioactive Materials Division to deny a license for "low-level" radioactive waste at the WCS site due to the proximity of groundwater.

The NEPA analysis must address the possible interactions with other waste, including LANL drums containing explosive plutonium-contaminated waste that are buried outside. We highlight that the same drums stored at LANL are being kept in air-conditioned rooms in order to reduce the risk of explosion. The LANL drums at WCS are not stored in air-conditioned structures.

The draft EIS must include a state-by-state designation of water, rail and road transportation routes and the array of potential impacts of accidents and/or terrorism incidents that could occur along the routes over the proposed 24 years of operations. It should also include accident and terrorism incidents at the WCS site. Even one small accident would be one too many. Despite assurances that accident damage would be minimal, real life disasters have been known to exceed the worst anticipated scenarios: witness the February 14, 2014 release at WIPP; the March 16, 2011 Fukushima-Daiichi nuclear disaster in Japan which continuously spews radiation into the air and into the Pacific Ocean, as well as the April 26, 1986 Chernobyl nuclear disaster; March 26, 1979 Three Mile Island disaster, and the 1957 Kyshtym disaster, which released over 2,000,000 Curies of radioactivity, contaminating a thousand square kilometer and forced the evacuation of more than 10,000 residents. *See,* "An Assessment of the Flammability and Explosion Potential of Transuranic Waste," Matthew Silva, June 1991, Environmental Evaluation Group New Mexico.
https://www.nrc.gov/docs/ML0319/ML031910324.pdf

A single rail car could haul waste containing as much plutonium as the U.S. bomb dropped on Nagasaki on August 9, 1945. There have been serious train accidents in the region. Just last year, two trains collided head-on in West Texas at 65 mph. Although testing of the transportation casks have been conducted for accidents up to 60 mph, this scenario has already been exceeded in the region with great consequences. The draft EIS must address the increased transportation risks by barge, rail and road. Specific

analysis of the impacts to rail transportation routes must be done in consultation with potential shippers.

A 2014 TCEQ report warned of potential sabotage of radioactive waste shipments and suggested that such an incident would most likely occur in a large city rather than in a rural area. Terrorist actions involving irradiated nuclear fuel in the metropolitan areas along the routes would be an unimaginable nightmare anywhere. The draft EIS must address sabotage, as well as a comparison of an incident in a metropolitan area (of which there are many) along the transportation routes, as well as in rural areas. The analysis of impacts in rural areas must include harm to agricultural, farming, ranching, infrastructure, schools, and transportation systems.

Homeowners' insurance does not cover radioactive contamination. The draft EIS should explain how homeowners and renters along the transportation routes across the U.S. and near the WCS site will be covered in case of an accident and/or terrorism incident.

The draft EIS must include analysis of how WCS will be monitored for radiation, toxic and hazardous releases to the air, soil and water. It must include a detailed analysis about the independent community and state of New Mexico and state of Texas entities will be conducting the monitoring. Further, given the number of nuclear facilities in the area, including the Urenco uranium enrichment facility, the proposed Eddy-Lea Energy Alliance – Holtec site, as well as the Waste Isolation Pilot Plant (WIPP), oil and gas refineries, oil and gas operations (recalling the August 2000 pipeline explosion on the Pecos River killing 10 campers, including five children, at http://www.independent.co.uk/news/world/americas/new-mexico-pipeline-explosion-kills-10-campers-711283.html), the cumulative impacts of releases from the multiple facilities must be addressed.

NRC must address the environmental justice and cumulative effects issues for the communities surrounding not only WCS, but also the other polluting facilities, such as WIPP, URENCO, Lea County Landfill, massive oil and gas development, and the potential permitting of Triassic Park as a hazardous waste (and potentially a low-level waste dump) by the New Mexico Environment Department.

CCNS remains concerned about the lack of adequate outreach by the NRC to the Spanish-speaking and Low English Proficiency (LEP) residents of the area. Many residents are poor and already have health issues that have been exacerbated by the industrial, hazardous and radioactive facilities in the area. It is unclear whether NRC and WCS have translated key documents into Spanish and posted them and their English versions both online and in printed copies in local libraries and community facilities. What outreach has been done? CCNS knows from our experience with the NRC process involving the Louisiana Energy Services (LRC) outreach, that unless pressured to do so, NRC and polluting facilities do not conduct adequate outreach to

address the concerns of residents. NRC must document their outreach, as well as investigate WCS outreach, to local and regional residents in the draft EIS.

The following items must be analyzed in detail in the draft EIS. The NRC analyses of each must be provided in the Reference Documents, with links, in the draft EIS.

1. Site security;
2. WCS being hit by a tornado during the annual tornado hitting the area;
3. Engineering adequacy of the storage pads;
4. Adequacy, maintenance and service life of the crane that would move the irradiated nuclear fuel. NRC must review the maintenance protocols for the crane and provide detailed information in the draft EIS;
5. Probabilistic Seismic Hazard Analysis (PSHA) and provide reference to its analyses in the draft EIS;
6. Public notification mechanisms; and
7. Financial viability of WCS given their recent request to NRC to suspend the license review until the end of summer 2017 when they anticipate the Department of Justice antitrust lawsuit will be completed; they would have won; and Energy*Solutions* would have purchased WCS. This wishful planning is based on speculation.

The draft EIS should explain in detail, along with cites to the applicable regulatory requirements, how radioactive waste from a cracked and/or leaking canister would be handled. It appears that the WCS license application omits construction and operation of a wet pool or hot cell for such transfers. WCS and NRC should explain how transfers would be done and omit statements that they will figure it out when the problem arises. Such statements are inadequate.

Above-ground casks would be exposed to the weathering effects of temperature extremes, and natural disasters, including wildfires, tornadoes and earthquakes. The draft EIS should address these issues and answer the following questions:

- At what point could the irradiated fuel go critical?
- What interactions and contact with other radioactive waste, and with the toxic and hazardous materials stored and disposed of at the WCS site, could occur?
- What are the cumulative impacts of waste storage and disposal and the proposed storage of irradiated nuclear fuel at WCS and at nearby sites to workers, local people and the environment?
- How could natural disasters add to the cumulative risks and impacts?
- What are the impacts of a highly unlikely, but significant, release of radioactivity at the site?

CCNS respectfully request that NRC hold a series of public meetings in southeast New Mexico and west Texas upon the release of the draft EIS. CCNS respectfully requests that NRC hold a public hearing on the draft Environmental Impact Statement in our region. CCNS would appreciate a written response to our comments.

Sincerely,

Joni Arends, Executive Director