

DON'T RELY ON HOLTEC!

Holtec International's *Environmental Report*¹ in December 2017 is the basis for the Nuclear Regulatory Commission (NRC) Draft Environmental Impact Statement (DEIS) to support the license to store ALL the nation's highly radioactive commercial spent fuel in New Mexico.

There are many factual errors, unsupported assertions that are contrary to law, and important omissions that cast severe doubt on the reliability of Holtec's application documents, its ability to be truthful and transparent to the public, and its nuclear safety culture. Some examples:

Factual errors

1. "The PFS facility was never licensed or constructed." (p. 16). On February 21, 2006, NRC issued a 20-year license to Private Fuel Storage (PFS) on the Skull Valley Goshute tribal land in Utah to store 40,000 metric tons of commercial spent fuel.² In addition to being a significant factual error, the existence of an already licensed site is clearly a reasonable alternative to be considered in the DEIS. It is correct that the facility has not been constructed – because significant public and tribal opposition resulted in Congress creating the Cedar Mountain Wilderness Area³ (which NRC ignored in granting the license), the Bureau of Land Management did not issue a Right-of-Way Permit to build a rail line to the site,⁴ and the Bureau of Indian Affairs would not approve the lease on tribal land.⁵

2. "FEP/DUP. Located approximately 23 miles northeast of the proposed CIS Facility, the FEP/DUP will de-convert depleted uranium hexafluoride (DUF6) into fluoride products for commercial resale and uranium oxides for disposal. Construction of that facility is expected to begin before the end of 2016." (p. 228). The Fluorine Extraction Process and Depleted Uranium De-conversion Plant (FEP/DUP) is not under construction. About a year after the 2016 date, Holtec was incorrectly stating that a nuclear construction project is underway.

Unsupported assertions that are contrary to law

1. "The U.S. Department of Energy (DOE) would be responsible for transporting SNF to the CIS [Holtec] Facility in transportation casks licensed by the NRC pursuant to 10 Part CFR 71." (p. 198 – also p. 155). Holtec cites no legal authority for the assertion. On the contrary, the Nuclear Waste Policy Act allows DOE to transport waste to a geologic repository, not to a private storage site.⁶

2. "By agreement with the applicable third parties, the oil drilling and phosphate extraction activities have been proscribed at and around the site and would not affect the activities at the site." (p. 46). Holtec cites no legal authority for the assertion. By what legal authority are such agreements binding on all owners for 120 years or longer – the proposed operational lifetime of

the site? What are the impacts, including amounts of lost economic activity and jobs that are being “proscribed? What would be the impacts of drilling and mining if they did occur?

3. “There is no air force base or a major civilian airport in the vicinity of the site and the area is ostensibly not used for any aerial training exercises by the U.S. military.” (p. 46). By what legal authority can Holtec prevent aerial training exercises or civilian air flights over the site for 120 years? What would be the impacts of plane crashes into the Holtec site?

4. “There are no chemical plants in the area that would spew aggressive species into the environment.” (p. 46). Holtec cites no legal authority to assure that there will be no chemical plants in the area for 120 years. What are the impacts, including lost economic activity and jobs that a chemical plant would generate? What are the impacts of chemical plant(s)?

5. “The Federal government, through DOE, is responsible for providing emergency training to states, tribes, and local emergency responders along the transportation routes where SNF would be transported to the CIS Facility.” (p. 198). Holtec cites no legal authority for the assertion. On the contrary, there appears to be no legal authority or authorization to provide such training for a private storage site, while there is for a geologic repository.

Important omissions

1. What is the amount of radioactivity in each canister? To analyze possible impacts from routine exposures, leaks, and accidents, the maximum amount and median amount of radioactivity in each canister must be known. Holtec does not provide that essential data.

2. “Phase 1 construction would begin after issuance of the license and after Holtec successfully enters into a contract for storage with the U.S. Department of Energy (DOE).” (p. 13). Holtec provides no information about the matters that would be included in the contract. By what legal authority would DOE enter into such a contract? On the contrary, the Nuclear Waste Policy Act does not provide authorization for DOE to enter into a contract to operate or pay the costs of a private consolidated storage facility.

¹ <https://www.nrc.gov/docs/ML1802/ML18023A904.pdf>

² <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML060450438>

³ Public Law 109-163, January 6, 2006. Section 384. <https://www.wilderness.net/NWPS/wildView?WID=680>

⁴ 71 *Federal Register* 57005-6 (September 28, 2006).

⁵ 71 *Federal Register* 58629-30 (October 4, 2006).

⁶ Public Law 97-425 (January 7, 1983, amended by Public Law 100-203 (December 22, 1987), Sec. 302(d)(4). The law also states: “the generators and owners of high-level radioactive waste and spent nuclear fuel have...the responsibility to pay the costs of, the interim storage of such waste and spent fuel.” Sec. 111(a)(5).