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NUCLEAR ENERGY INSTITUTE

Steven P. Kraft
Director, Waste Management

Via Fax: 1-800-967-0739

June 1, 2004

Ms. Robin Sweeney
EIS Document Manager
Office of National Transportation
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Re: Notice of Intent to Prepare an Environmental Impact Statement for
the Alignment, Construction, and Operation of a Rail Line to a
Geologic Repository at Yucca Mountain, Nye County, NV.
(69 Fed. Reg. 18565, April 8, 2004)

Dear Ms. Sweeney:

The Nuclear Energy Institute (NEI),¹ on behalf of the nuclear energy industry, is
pleased to comment on the above referenced Department of Energy's Notice of
Intent (NOI) to Prepare an Environmental Impact Statement (Nevada rail EIS).

Nuclear energy supplies 20 percent of the nation's electricity efficiently and reliably
without emitting any greenhouse gases. Nuclear technology is vital to both our
national and energy security. And safe disposal of the byproducts of both
commercial and defense nuclear activities is essential to the national interest.
Shipment of materials for disposal at a Yucca Mountain repository in a safe and
secure manner is part and parcel of a comprehensive nuclear waste disposal
program.

Used nuclear fuel has been shipped safely and securely for more than four decades
in the United States and abroad. Following a rigorous regulatory regimen, more
than 3,000 used fuel shipments have been made in the United States and more than
70,000 metric tons of uranium (MTU) have been shipped in other countries.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy
industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States,
nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other
organizations and individuals involved in the nuclear energy industry.

Without exception, these shipments have been made safely and securely with no injuries occurring due to the radioactive nature of the cargo. Applying the same rigorous program for shipping to Yucca Mountain will continue this exemplary public safety record.

Nuclear Energy Industry Policy on Used Fuel Transportation

In anticipation of DOE's specific planning for transportation of used nuclear fuel from nuclear power plants to Yucca Mountain, the nuclear energy industry in February 2003 adopted a policy (copy attached) entitled "Industry Policy on the Transportation of Used Nuclear Fuel to a Federal Facility," which provides guidance for achieving the "...continuation of an exemplary safety record transporting used nuclear fuel during the past four decades. Achieving this safety record can be accomplished by adopting the historically proven transportation principles of the commercial nuclear power industry." The nuclear energy industry expects that the DOE and its contractors will adopt similar policies to ensure that used nuclear fuel and other material are moved safely, securely, and effectively to Yucca Mountain.

"Mostly-rail" scenario is the appropriate shipping mode

The "mostly rail" scenario is the appropriate shipping mode for DOE to move used nuclear fuel and high-level radioactive waste to Yucca Mountain. (Record of Decision (ROD), 69 Fed. Reg. 18557, April 8, 2004).² Based on the analyses in the Yucca Mountain Final Environmental Impact Statement (FEIS)³ and the ROD, transport by rail can be undertaken with greater efficiency and fewer shipments. In addition, this is a particularly positive development for the state of Nevada and its citizens. The "mostly rail" shipment scenario within Nevada will be safe and secure and corresponds to what Nevadans want, based on an April 2004 survey of Nevadans conducted by MRC Group Research Institute of Las Vegas. A clear majority of Nevadans—60 percent—said they find rail shipments of used nuclear fuel to Yucca Mountain acceptable if they avoid major cities like Las Vegas and Reno.

The Caliente Corridor is the appropriate alternative within Nevada

Based on the analyses in the Yucca Mountain FEIS and the ROD, the Caliente Corridor is the appropriate rail transportation route (with the Carlin Corridor as

² Record of Decision on Mode of Transportation and Nevada Rail Corridor for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV.

³ Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (DOE/EIS-0250F, February 2002)

Ms. Robin Sweeney
June 1, 2004
Page 3

040397

back-up) within Nevada. The environmental impacts of the alternatives studied show that there was little difference among the alternatives to make one more obviously desirable than the others (ROD at 69 Fed. Reg. 18563). However, the more remote location and the potential compatibility of rail with existing land use for both the Caliente and Carlin corridors appear to best assure the safe, secure, and timely transport of materials to Yucca Mountain.

DOE appears to be on schedule for beginning construction of a rail line to have rail transportation available for used fuel shipments to Yucca Mountain beginning in 2010, assuming that Yucca Mountain is licensed by the NRC. DOE must now expeditiously conduct the environmental and engineering analysis necessary to select a specific rail alignment within the Caliente corridor.

Scope of the Nevada rail EIS

The following comments address the "Environmental Issues and Resources to be Examined" as discussed in the NOI (NOI at 69 Fed. Reg. 18568). As a general matter, the nuclear energy industry endorses the Yucca Mountain FEIS and strongly agrees that DOE should incorporate "...by reference the relevant analyses in the..." Yucca Mountain FEIS.

Land use, ownership, and multiple use: The specific alignments that will be considered in the Nevada rail EIS in the Caliente Corridor will traverse three Nevada counties, several localities, Native American lands and individual properties (ownership and use). The affected jurisdictions and individual properties are well known as the result of five EIS scoping meetings held earlier this year. The Department of Energy has a unique opportunity to work directly with all affected jurisdictions and individual property owners and users to identify the specific, desired alignment. DOE should encourage all jurisdictions to cooperate with each other in this effort, using cooperative grants and other measures. These interactions should begin immediately and proceed throughout the EIS, planning, construction, and operating and maintenance phases of the Nevada rail project.

Radiological impacts: The Yucca Mountain FEIS presented a complete and thoughtful analysis of the transportation alternatives for both mode and route within Nevada. The analysis included the potential public health impacts to the public and workers resulting from both incident-free shipments and potential shipping accidents. These health impacts were determined to be acceptably very low and resulted in no hindrance to select any of the five rail corridors studied (ROD at 69 Fed. Reg. 18563). The radiological impacts of the routing alternatives will be the same as that

040397

Ms. Robin Sweeney
June 1, 2004
Page 4

identified in the Yucca Mountain FEIS. Consequently, unless scoping studies show that a specific alignment would result in greater public health impacts, there is no need for additional consideration of radiological impacts in the Nevada rail EIS.

No-action alternative: The no-action alternative described for the Nevada rail EIS states that "...these materials would be shipped by legal-weight and heavy-haul truck within the State of Nevada to a repository at Yucca Mountain." (NOI at 69 Fed. Reg. 18568) These alternatives were fully and completely analyzed in the Yucca Mountain FEIS and should not be analyzed again.

Allow private entities access to rail spur: A rail line through the Caliente Corridor for the primary purpose of moving used nuclear fuel and high-level radioactive waste to Yucca Mountain for disposal also has the advantage of providing economic development opportunities for communities in the host counties. DOE should take appropriate actions to ensure that the rail line is available for multiple commercial use, provided that these uses do not jeopardize the movement of material to Yucca Mountain. In addition to the rail line itself, other infrastructure improvements will be needed to aid in transportation, including communications for operations and emergency response. As appropriate, public access to these facilities should also be included.

Emergency Preparedness: The history of used nuclear fuel shipments shows that these shipments are extremely safe and secure. However, regardless of how improbable and how low the predicted impacts, accidents can happen. That is why the nuclear energy industry and local emergency response organizations have engaged in emergency planning, preparedness, and response training. The industry urges that DOE conduct similar comprehensive training giving host communities time and resources to train in emergency response capabilities. It is not necessary to know the exact alignment to know what jurisdictions will be responsible for emergency response. Therefore, DOE can begin working with the host jurisdictions to plan and carry out such activities, including coordinated communications along the corridor, which is a primary success criteria for emergency response as well as an opportunity for economic development in the host communities.

National security issues: If the rail line is designed and used nuclear fuel shipments are conducted in accordance with the applicable security and safeguards regulations of the U.S. Nuclear Regulatory Commission, the U.S. Department of Transportation, U.S. Department of Homeland Security, as

Ms. Robin Sweeney
June 1, 2004
Page 5

040397

well as DOE's own internal requirements, the shipments will pose no national security threat and further analysis is unnecessary. It is not required that such analysis be included in an environmental impact statement as governed by the National Environmental Policy Act.

In conclusion, the nuclear energy industry supports the selection of the "mostly rail" scenario and the Caliente Corridor (with the Carlin Corridor as backup). NEI strongly urges DOE to complete the required environmental and engineering work to determine the specific rail alignment and proceed to construction to support a 2010 opening of the Yucca Mountain repository. In doing so, DOE should begin working as soon as possible with the affected jurisdictions and individual property owners and users. Such efforts will result in a rail line and other needed infrastructure that will best meet the Yucca Mountain program needs as well as the needs of the affected jurisdictions, and the commercial and personal needs of the affected individuals.

Lastly, NEI reserves the right to offer additional comments once we have had the opportunity to review the record compiled in response to this NOI.

If you have any questions regarding NEI's views on this matter, please do not hesitate to contact us.

Sincerely,



Steven P. Kraft

c: The Honorable Margaret S. Y. Chu, PhD
Theodore J. Garrish, Esq.
Mr. W. John Arthur
Mr. J. Gary Lanthrum

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