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NWSC
Nuclear Waste Strategy Coalition

January 10, 2008

RRR000117

Dr. Jane R. Summerson
EIS Document Manager
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Dear Dr. Summerson:

Re: Comments of the Nuclear Waste Strategy Coalition to the Draft Supplemental 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.
(Docket: DOE/EIS-0250F-SID) (Repository SEIS).

Re: Comments of the Nuclear Waste Strategy Coalition to the Draft Supplemental 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 – Nevada Rail Transportation Corridor
(Docket: DOE/EIS-0250F-S2D)
and
Comments of the Nuclear Waste Strategy Coalition to the Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada
(Docket: DOE/EIS-0369D).

Dear Dr. Summerson:

The members of the Nuclear Waste Strategy Coalition (NWSC) thank you for the opportunity to provide comments on the above referenced NEPA documents for the geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain, Nye County, Nevada.

The NWSC has been over the years a strong advocate for the continued progress with the civilian waste disposal program. We strongly urge DOE to stay focused and submit its license

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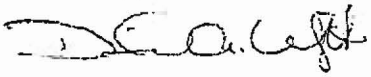
application to the Nuclear Regulatory Commission in June 2008 in order to meet its latest projected 2017 deadline for the spent nuclear fuel and high-level waste acceptance at the permanent repository.

The NWSC is an ad hoc group of state utility regulators, state attorneys general, electric utilities and associate members representing 46 member organizations in 26 states. The Coalition was formed in 1993 out of frustration with the DOE's lack of progress in developing a permanent repository for spent nuclear fuel and high-level radioactive waste, as well as Congress' failure to sufficiently fund the nuclear waste disposal program since 1982.

Sincerely,



David Wright,
Commissioner, South Carolina Public Service Commission, and
Chairman, Nuclear Waste Strategy Coalition

COMMENTS OF THE NUCLEAR WASTE STRATEGY COALITION SUBMITTED TO THE UNITED STATES DEPARTMENT OF ENERGY

Draft Supplemental 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. (Docket: DOE/EIS-0250F-SID) (Repository SEIS).

Draft Supplemental 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 – Nevada Rail Transportation Corridor.
(Docket: DOE/EIS-0250F-S2D)
and
Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada.
(Docket: DOE/EIS-0369D).

INTRODUCTION:

In October 2007, the Department of Energy (DOE) released the Draft Repository SEIS, a supplement to the Yucca Mountain Final EIS issued by DOE in 2002, evaluating the potential environmental impacts of constructing and operating the Yucca Mountain Repository under the repository design and operational plans that have been developed since the Yucca Mountain final EIS was issued.

The DOE also issued a second, two-part document, relating to the transportation of spent nuclear fuel (SNF) and high-level radioactive waste (HLRW) in Nevada. The first part, the Draft Nevada Rail Corridor SEIS, considers the potential environmental impacts of transport along the Mina corridor that was analyzed in response to public comments and update analyses of the Carlin, Jean, and Valley Modified rail corridors. The document also updates information and analysis for other Nevada rail corridors evaluated in the Yucca Mountain Final EIS. The second part, the Draft Rail Alignment EIS, evaluates the potential environmental impacts of constructing and operating a railroad along specific alignments for both the Mina and Caliente corridors, the preferred route of DOE.

DISCUSSION

Draft Repository SEIS Report:

This report evaluates the potential environmental impacts of constructing and operating the Yucca Mountain repository under the current repository design and operational plans, the purpose of which is to assist the U.S. Nuclear Regulatory Commission (NRC) in adopting, to the extent practicable, any EIS prepared pursuant to Section 114(f)(4) of the Nuclear Waste Policy Act, as amended, (NWPA).

On February 14, 2002, the Secretary of Energy transmitted his recommendations to the President of the United States for approval of the Yucca Mountain site for development of a geologic repository. The President considered the site qualified for application to the NRC for construction and authorization and recommended the site to the U.S. Congress. Subsequently, Congress passed a joint resolution designating the Yucca Mountain site for development as a geologic repository for the disposal of SNF and HLRW. On July 23, 2002, the President signed the joint resolution into public law. Subsequently, the DOE submitted its License Support Network for approval to the NRC in preparation for the submittal of a license application seeking authorization to construct the permanent repository, as required by the NWPA.

1 [The NWSC finds no basic disagreement with the Draft Repository SEIS Report which since completion of the Yucca Mountain FEIS in 2002, DOE has continued to develop in response to changes in the repository design and associated construction and operational plans. We are encouraged to learn of the continued evolving and updating of the repository design and associated construction and operation plans that are essential for the safety of the repository, associated facilities and personnel. The new design and associated plans now include the construction of up to eight waste handling facilities over a period of several years, whereas the previous design allowed for a single waste handling building and associated facilities to be constructed at one time. Other details that have developed over the years are the infrastructure required for access road, power lines, and support facilities.]

2 [As now proposed, the newly designed surface and subsurface facilities would allow DOE to operate the repository following a primarily canistered approach in which most commercial SNF would be packaged at the reactor sites in transportation, aging and disposal (TAD) canisters. We are encouraged to learn that in formulating its plan, DOE has taken into consideration that any commercial fuel arriving at the repository in packages other than TAD canisters would be repackaged at the repository into TAD canisters. Although shipping of the fuel from plant sites will be negotiated among the utilities, the NWSC encourages DOE to give higher priority to the shipment of decommissioned plant SNF and HLRW to the Yucca Mountain permanent repository.]

3 [The DOE has an exemplary safety record in the shipping of commercial and naval nuclear fuel and it has proven that it can safely transport SNF and HLRW from plant sites across the nation. Transportation of SNF and HLRW is a key factor to the overall success of the program.]

The 2002 Yucca Mountain FEIS considered the environmental impacts of transportation from commercial and DOE sites by two principal modes – mostly truck and mostly rail. Since the completion of the Yucca Mountain FEIS, DOE has decided to transport most of the SNF and HLRW by rail both nationally and in Nevada. The Repository SEIS transportation analyses has been updated to reflect the mostly rail scenario.

The Repository SEIS states that DOE cannot use rail transport exclusively because some commercial nuclear generating sites do not have the ability to load large-capacity rail shipping casks. These sites would have to use overweight trucks to ship material to the repository. Commercial sites that could load the rail shipping casks but lack rail access could use heavy-haul trucks or barges to ship SNF or HLRW to the nearest rail line.

4 [The DOE's transportation plan has evolved to now take into consideration shipping material in dedicated trains, escorted by security guards. The Yucca Mountain FEIS analyses indicated there would be about 9,600 rail casks and 1,100 truck casks under the mostly rail scenario. Whereas the Repository SEIS analyses shows that there would be approximately 9,500 rail casks and 2,700 truck casks of SNF and HLRW to the repository due to revised information. The NWSC agrees that it is far safer to transport SNF and HLRW in dedicated trains than transporting casks by trucks that could be over the legal weight limit, subject to permitting requirements in each state through which they travel and to possible sabotage by terrorists.]

Several scenarios were taken into consideration in the Repository SEIS, potential environmental impacts of the repository to surrounding land, health and safety of workers, public accidents, and in particular to the providing of optimal security at the permanent repository in response to the terrorist attacks of September 11, 2001.

<u>Nevada Rail Corridor SEIS:</u>

According to DOE, the purpose of the Nevada Rail Corridor SEIS is to analyze the Mina rail corridor which was not previously studied and to update relevant information regarding the Carlin, Jean, and Valley Modified rail corridors.

In the Yucca Mountain FEIS, DOE evaluated five potential rail corridors within the State of Nevada in which the Department could construct a rail line to link an existing rail line to Yucca Mountain: Caliente, Carlin, Caliente-Chalk Mountain, Jean, and Valley Modified rail corridors. The Mina rail corridor was not evaluated at that

time due to the Walker River Paiute Tribe objections to transportation of SNF and HLRW across their reservation. In May 2006, the Tribal Council informed DOE that it would allow it to consider the potential impacts of constructing and operating a railroad across its reservation. Subsequently, on April 17, 2007 the Tribal Council voted to withdraw a resolution supporting the Tribe's participation in the environmental impact statement process.

5 [The Tribe's decision was unfortunate as according to DOE's analyses the Mina rail corridor, in comparison to other rail corridors, offers the advantage of a simplified design, crosses fewer mountain ranges, utilizes existing rail bed, is a shorter distance to the repository, and is less costly to construct.]

6 [We also agree with DOE elimination of the Caliente-Chalk Mountain rail corridor since it crosses part of the Nevada Test and Training Range and thus there is the possible interference with military mission activities.] To fulfill its obligations under the NWPA, DOE also evaluated the potential environmental impacts of constructing and operating a railroad for shipments of SNF and HLRW from an existing rail line in Nevada to the repository at Yucca Mountain, to assist DOE in determining whether to construct and operate a railroad, and if so, within which corridor and alignment in the Yucca Mountain FEIS. As part of that action, DOE evaluated various modes of transporting SNF and HLRW from 72 commercial sites and five DOE sites nationwide to the permanent repository.

According to the Yucca Mountain FEIS, DOE evaluated two national transportation scenarios, referred to as the "mostly legal-weight truck scenario" and the "mostly rail scenario," and three Nevada transportation scenarios, referred to as the "Nevada mostly legal-weight truck scenario," the "Nevada mostly rail scenario," and the "Nevada mostly heavy-haul truck scenario," alternatives to evaluate potential transportation impacts to human health and the environment. In 2004, DOE identified the mostly rail scenario as its preferred mode of transportation, both nationally and in Nevada, due in part to lower potential impacts on the health and safety of workers and the public. DOE announced in its Record of Decision that it had selected the Caliente rail corridor for further evaluation for the construction and operation of a railroad in Nevada.

Rail Alignment EIS

7 [Under the proposed actions outlined in the analyses, we have no objections to the DOE constructing and operating a railroad along the Caliente rail alignment to run from the site in or near the City of Caliente, Nevada, to Yucca Mountain.] The rail line would range in length approximately 328 to 336 miles, costing approximately $2.20 billion (in year 2005 with no escalation), whereas the Mina rail line would range in length approximately 281 to 312 miles, costing approximately $1.7 billion (in year 2005 with no escalation).

The DOE further proposes the Shared-Use Option allowing commercial shippers the use of the rail line to

8 ship general freight. We don't have any objections to the shared-use option, as during the operations phase, trains carrying SNF and HLRW would have priority over trains carrying commercial material. A Shared-Use Option could also provide economic benefits to the community and surrounding area. Further, other countries such as France have used the shared-use system successfully without any incidents.

In accordance with the Council on Environmental Quality (CEQ) regulations, DOE is required to analyze alternatives in the Rail Alignment EIS to include the No-Action Alternative. Under the no-action alternative, there would be no impacts to land use, natural, human health, social economic, or cultural resources from construction and operation of a railroad in Nevada for shipments of SNF and HLRW, and other materials from an existing rail line to the Yucca Mountain site.

9 We understand that DOE had to consider the CEQ's regulations to include the no-action alternative. We believe that stranding 56,000 metric tons of SNF and HLRW currently stored at operating plants and decommissioned sites in 125 locations in 39 states is not a reasonable solution. Since 1983, the nation's ratepayers have paid more than $29 billion, including interest, into the Nuclear Waste Fund (NWF). Further, more than $750 million continue to be deposited into the NWF annually by nuclear electric consumers for the removal of SNF and HLRW from commercial plant sites to the Yucca Mountain permanent repository.

The Rail Alignment EIS also takes into consideration other scenarios such as impacts to the environment in case of accidents ranging from small to large in scale, land use and ownership, air quality and climate, groundwater resources, socioeconomics in relation to population, housing, employment and income, and sabotage in case of terrorist attacks.

10 Since the DOE analyses indicate that there would be no disproportionately high and adverse human health or environmental impacts to minority or low-income populations from railroad construction and operations along the Caliente rail alignment, the NWSC encourages DOE to continue the path forward with the construction and operation of the Yucca Mountain rail line.

CONCLUSION

There are still several issues to be resolved by the DOE to implement the Nuclear Waste Policy Act's directive to construct and operate a repository, such as the submittal of the license application to the NRC, land withdrawal authorization by Congress, selection of rail alignment and the finalization of the radiation standards at the permanent repository by the Environmental Protection Agency and NRC.

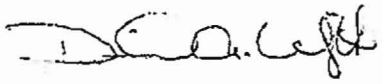
11 The sustained advancement of the permanent repository is paramount. We understand that the FY 2008

appropriations of $390 million severely restrain DOE's capabilities to move forward as projected by the Department. The members of the NWSC strongly urge the DOE to look for the necessary resources and submit its license application no later than June 2008.

We are heartened by the strong leadership and progress made at the Yucca Mountain project. The Coalition encourages the DOE to continue its focus with its current progress towards the Yucca Mountain geologic repository, infrastructure and transportation plans in a manner that accommodates safety and bolsters confidence in the performance of the permanent disposal program.

The NWSC is comprised of state regulators, state attorneys general, nuclear electric utilities and associate members working together to hold the Federal government accountable for its contractual obligation to remove spent nuclear fuel and high-level radio radioactive waste from active and decommissioned nuclear power plants across the nation to an interim storage and to a permanent repository. The NWSC has participants from 46 organizations in 26 states.

Respectfully submitted,



David Wright
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Dated: January 10, 2008