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To: EISRYM/RWDOE
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FEB 09 2000

Subject: EIS Comment

February 09, 2000 09:53:49

IP address: 204.131.236.93

The Commentors Name:

--->Mr. James B. Reed

The Commentors Address:

--->1560 Broadway, Suite 700

--->Denver, Colorado 80202

Email Information:

--->jim.reed@ncsl.org

---> Add commentor to the mailing list : yes

Contact Information:

---> fax number : 3038638003

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---> organization : National Conference of State Legislatures

---> position : Program Director, Transportation

Comment Text :

--->February 9, 2000

Wendy Dixon
Yucca Mountain Site Characterization Office
US DOE-OCRWM
PO Box 30307, Mail Stop 010
North Las Vegas, NV 89036-0307

RE: DEIS for Proposed Yucca Mountain Repository

Dear Ms. Dixon:

The legislators and staff of the National Conference of State Legislatures have monitored the high-level waste management program for 16 years through an oversight task force, attendance at DOE meetings and the reporting of repository related activities in a quarterly newsletter. As a stakeholder in finding a solution to the safe disposal of spent fuel and high-level waste, NCSL has consistently commented on DOE documents in relation to these topics, making known the position of NCSL. Of particular interest is transportation, since this issue affects a large majority of the 50 states. The relevant portion of NCSL's policy position on spent fuel and high-level waste transportation is included at the end of this letter. Below are some additional specific concerns we raise in relation to the DEIS.

- 1... Safe transportation of spent fuel and high-level waste is a concern of every state legislator though whose state this material will pass. In our previous letter during the EIS scoping process dated December 5, 1995, we asked that route and mode specific analysis of transportation impacts be conducted to exhaustively evaluate the risks associated with spent fuel and high-level waste transportation. Other commentors made similar requests. The DEIS does not contain this analysis and is therefore, significantly flawed. We continue to believe that specific modes and routes entail

- 1 con. different risks, thus the generalized analysis contained in the DEIS is not adequate for determining risks and making an informed judgement as required under the National Environmental Policy Act.
- 2 We asked that specific and realistic mixes of truck and rail shipments be evaluated, and stated that "all truck or all rail is not a reasonable evaluation." The mostly truck and mostly rail scenarios in the DEIS are in direct contradiction to our scoping comments. Certainly we can agree that uncertainty exists in knowing what the ultimate modal mix might be, but that does not preclude a comprehensive evaluation of various "probable" scenarios. Simply put, without such information as part of the final EIS, its utility as a decision-making document will be severely compromised.
- 3 Further, as part of the route and mode analysis, we requested that emergency response capabilities be evaluated along these routes. The specter of an accident involving a nuclear waste shipment is of great concern to the states and communities through which it may pass. These jurisdictions must know how they stand in response capability in relation to the risk they face. Yes, such an evaluation will be difficult and expensive, but ignoring the issue only fuels the fear of unknown risks associated with a nuclear waste shipment mishap and can lead additional citizens to express opposition to such shipments. A credible evaluation as we have suggested can identify the adequacy or inadequacy of emergency response capacity along routes and allow DOE and state and local authorities to deploy the necessary resources. Related to this was our previous request that the impact of transportation incidents on public agencies be addressed including costs of clean up and liability. The DEIS sidesteps this issue. It
- 4
- 1 cont. Transportation to a proposed Yucca Mountain repository is of critical concern to state legislators. The final EIS must credibly address the legitimate transportation concerns we have raised and those of other state and local officials.

Thank you for the opportunity to comment and contribute to an improved final EIS. Please contact me if there is need for further clarification. NCSL looks forward to ongoing interaction with DOE on the waste management program.

Sincerely,

James B. Reed
Program Director, Transportation

Attachment: NCSL's Policy Position on Transportation of radioactive Waste and Spent Fuel

NCSL Policy Position for 1999-2000
Transportation of Radioactive Waste and Spent Fuel

- intro The DOE is responsible for transporting high-level radioactive waste and spent fuel to the proposed high-level waste repository and to an interim monitored retrievable storage facility, as well as for shipments of transuranic waste to the Waste Isolation Pilot Plant (WIPP). To assure a technically superior transportation system and to help attain public confidence in the safe transportation of nuclear waste, NCSL urges Congress and DOE to:
- 5  Fully fund or allow states to assess fees to assure coordinated emergency
- 15 response in case of a transportation accident involving nuclear waste. DOE should seek to enter into a memorandum of understanding with each corridor state to spell out responsibilities, liability, compensation, response time, cleanup and other duties connected with emergency situations.
- 6  Assure highway accident prevention through the use of superior drivers; carrier compliance with shipping contracts and all applicable state and local regulations; independent safety inspections of drivers, vehicles and shipping containers; designation of safe parking areas during abnormal conditions; advance notice to the appropriate state and local agencies regarding shipments; and state access to information on shipments' status.
- 7  Apply special criteria to the shipment of spent fuel, including the development of guidelines for routing when shipping by rail, the use of special trains (unit or dedicated trains; moving at designated safe speeds) for rail shipments, safety inspections at origin and enroute, and full-scale testing of casks used for spent fuel transport.

- 8 ¶61623; Provide opportunities and funding for training of state and local emergency responders to radiological accidents that are coordinated with ongoing programs for emergency preparedness. DOE is to be commended for initiating an open discussion with states and affected parties on how to meet the Section 180(c) requirements of the NWPA that require technical assistance and funding for training of state and local public safety officials along routes for DOE shipments of high-level waste with respect to state routine transportation of these materials and emergency response situations.
- 9 ¶61623; DOE should consult with NCSL and the states on how to best communicate with and involve the general public and government officials as to shipment methods, accident prevention approaches, and emergency response plans.

Spent Nuclear Fuel Transportation

intro NCSL calls upon the federal government to.

- 10 ¶61623; Involve state, local and tribal governments in a meaningful manner in the development of cask designs, support facilities, transportation equipment and other elements of the transportation system;
- 11 ¶61623; Consult with all affected parties regarding cask compliance with radiation emissions standards. Because cask integrity and safety is of paramount concern in a transportation system, all affected parties must be involved in a consultation process including, but not limited to, states, local governments, Indian tribes, carriers, labor, the Nuclear Regulatory Commission, the Department of Transportation, the Occupational Safety and Health Administration, the Federal Emergency Management Agency and the Environmental Protection Agency;
- 12 ¶61623; Proceed to develop dual-purpose (transportation and storage) and universal casks (transportation, storage and disposal) to reduce the handling of spent fuel and, thus reduce the risk of mishaps and lessen worker exposure;
- 13 ¶61623; Utilize to the maximum extent unit or dedicated trains for spent fuel shipments to enhance safety and to increase public acceptability; and
- 14 ¶61623; Encourage development of and help fund sophisticated state emergency management communications centers in corridor states to enhance emergency preparedness and response along potential routes.
