

Yucca Mountain News

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DOE Formalizes Nuclear Waste Plan

WASHINGTON -- The Department of Energy announced it has formalized a decision to ship most nuclear waste by railroad across the country and through rural Nevada to a proposed repository at Yucca Mountain.

The decision marks an early milestone as the government shapes a plan to move 77,000 tons of spent nuclear fuel and government radioactive waste from 39 states to be buried in Nevada starting in 2010.

It means we now are going to go forward with transportation planning based on rail," said Allen Benson, spokesman for DOE's Office of Repository Development in Las Vegas.

DOE planning includes construction of a Nevada railroad along a 319-mile corridor from Caliente to the Yucca repository. That segment also took a step forward with the announcement of public scoping meetings in May.

The DOE announcement also opened the government to fresh criticism from Nevada elected leaders.

Sen. Harry Reid, D-Nev., said DOE "is grasping at straws in its haste to ram the project through."

"The agency doesn't even know if it can build an entirely new rail line, yet says that's what it intends to do," Reid said. "There is absolutely no way that they can safely transport nuclear waste regardless of how

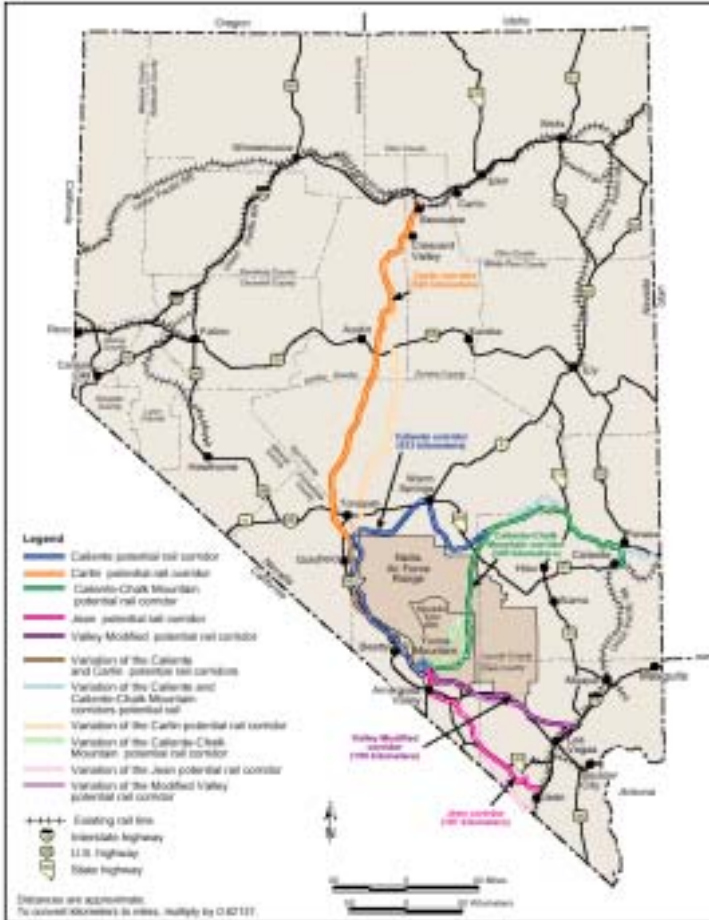


Figure S-13. Potential Nevada rail routes to Yucca Mountain.

they want to do it."

Sen. John Ensign, R-Nev., said DOE's plan to move ahead while a half dozen lawsuits against the project are pending in federal court "is indicative of the department's arrogance."

Outside Nevada, nuclear waste shipping routes across railroad networks in key parts of the country won't be specified for several more years, DOE officials have said.

Under the "mostly rail" scenario DOE has decided to adopt, an estimated 1,079 nuclear waste shipments over 24 years still would be sent to Nevada by truck because some nuclear utilities do not have access to rail, according to the government.

Although DOE managers have said for months they were leaning toward a rail plan, an official designation was greeted by the nuclear industry as a step forward for a key element of the Yucca Mountain Project.

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YUCCA MOUNTAIN: DOE formalizes nuclear waste plan *(continued)*

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"We see this as an important building block, another encouraging sign that (the department) is serious about implementing a national transportation program," said David Blee, spokesman for the U.S. Transport Council, an association of nuclear waste shipping firms.

Nevada leaders also have been waiting for the transportation decision, for different reasons. They said the rail designation opens up a new segment of the Yucca program to formal scrutiny and possibly more lawsuits.

Bob Loux, executive director of the Nevada Nuclear Projects Agency, intends to meet with the state's lawyers to determine if any legal actions will be taken.

In comments to the Bureau of Land Management about withdrawing public land for the Caliente rail corridor, state officials raised questions about what they view as DOE's reluctance to follow the National Environmental Policy Act in forming a transportation strategy.

"I personally remain of the belief that in the end this is going to be 100 percent truck," Loux said about DOE's strategy to ship the waste mostly by rail instead of by heavy haul trucks.

"Rail will be too costly and take too much time to build, and there are logistical problems in the rail plan itself that will be too difficult to manage and overcome," he said.

Benson said formal notification of the "mostly rail" strategy will be published by Thursday in the Federal Register, along with a notice that the department plans to de-

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Bob Loux, executive director of the Nevada Nuclear Projects Agency

velop an environmental impact study of the rail corridor through rural Nevada.

The Federal Register notice will kick off a 45-day public comment period that will include scoping meetings in Amargosa Valley, Goldfield and Caliente. It will take about a year to finalize an environmental study, Benson said.

No meetings are scheduled in Clark County. Benson said the sessions were scheduled for locations along the rural Nevada corridor.

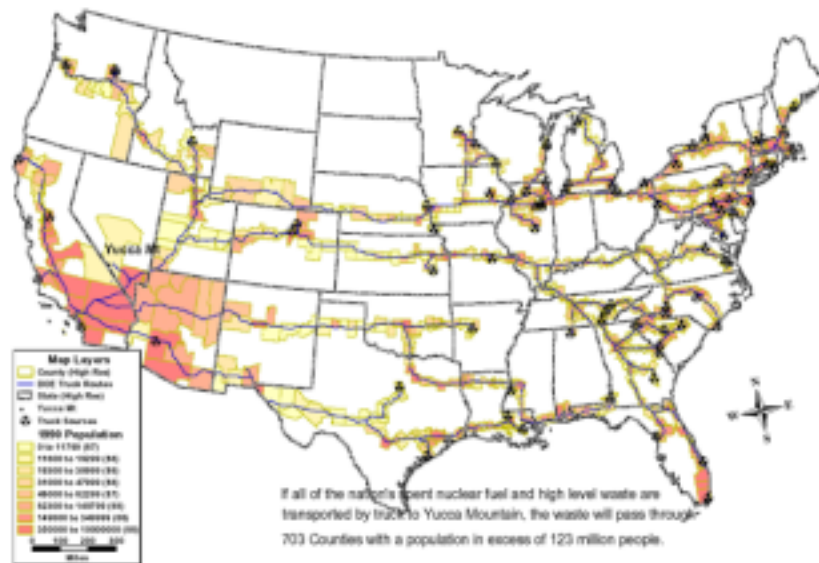
Among topics for discussion at the scoping meetings is whether the Nevada railroad should be used to transport commercial goods when it is not being used for nuclear waste, DOE said.

Reid and Ensign charged DOE was moving ahead prematurely as questions mount about a strategy that includes building a rail line across rugged terrain and at costs estimated by the state to top \$1 billion.

DOE officials confirmed last week they have analyzed a backup plan if a railroad can't be built on time for a planned 2010 repository opening. That plan envisions shipping nuclear waste by rail to Caliente, then trucking the material to the Yucca site.

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Counties Affected by Truck Transportation to Yucca Mt.



Yucca Critics Cite Possible Vulnerability

Nuke waste adds to rail security concerns

WASHINGTON -- As Spain continues to mourn for the 190 people killed in the terrorist train bombings on March 11, U.S. government and railroad officials said that their nation's passenger and freight rail lines need security improvements.

They did not address the potential for increases in nuclear waste shipments on the rails.

The Energy Department has not decided how it would ship 77,000 tons of nuclear waste to Yucca Mountain, 90 miles northwest of Las Vegas, so the Federal Railroad Administration cannot officially say how it will handle security. It was also immediately unclear how nuclear waste fits into overall rail security assessments.

If the department chooses to ship the waste mostly via rail, a new line would be built in Nevada, but the department outlined potential routes in February 2002 that would use existing freight rail lines to bring waste concentrated mainly east of the Mississippi River to Nevada.

Specific rail routes have not been named but are among the nationwide systems that need a security evaluation and possible improvements, especially on tunnels and bridges, based on comments at a Senate Commerce Committee hearing Tuesday.

"In a lot of ways, our nation's rail infrastructure is probably as vulnerable today as it was prior to 9-11," said Sen. Tom Carper, D-Del.

The General Accounting Office said the responsibilities for freight shipments are still not clear between the Transportation Department and the Transportation Security Administration, which could lead to duplication or gaps in preparations.

Sen. Barbara Boxer, D-Calif., said "We've learned from the aviation attacks that if you're not ready the results can be devastating, and now we've seen the tragedy that can come from attacks on rail.

"There are so many targets of opportunity here," she said.

The attacks in Spain earlier this month spurred Senate questions about railroad security similar to the questions that state officials and critics of the Yucca Mountain project have been asking for years about the plans to move nuclear waste across the country to Nevada.

The nuclear industry and Energy Department main-

tain the shipments can be done safely.

Without specifically addressing the potential nuclear aspects, the Homeland Security Department, the Federal Railroad Administration and the Association of American Railroad outlined what security goals have been accomplished but said there is still work that needs to be done.

Committee Chairman John McCain, R-Ariz., aims to look at a bill introduced in the wake of the Madrid attack by the committee's top Democrat, Ernest Hollings, D-S.C., and 12 other senators, that would earmark \$515 million in security grants for rail lines. The plans would be determined by a Homeland Security Department assessment of how to protect infrastructure, tunnels, bridges and other at-risk areas.

Sen. John Ensign, R-Nev., who sits on the Commerce Committee but was not at the hearing, but is still reviewing the legislation, spokesman Jack Finn said. Sen. Harry Reid, D-Nev., also has not yet taken a position on the bill.

Asa Hutchinson, undersecretary for border and transportation security, said "obviously we would never guarantee" that U.S. trains are safe from attack, but he said there are no specific threats against trains at this time.

Boxer asked Hutchinson about the security and the number of shipments that would move nuclear waste to Yucca Mountain.

"I am familiar with it (Yucca Mountain), but don't know that level of detail," Hutchinson said. After the hearing he said he could not comment on the project's security risks.

It was unclear if nuclear waste transport to Yucca would be considered in a current study of the nation's freight rail infrastructure. Calls to Hutchinson's office were not returned.

Rep. Shelley Berkley, D-Nev., introduced a bill last year that calls for a comprehensive study on the risks of transporting high-level nuclear waste to Yucca Mountain by train, truck or barge. Reps. Jim Gibbons, R-Nev., Jon Porter, R-Nev., and four other House members have co-sponsored the bill, but no further action has taken place.

Energy Department spokesman Joe Davis said the agency follows regulations set by the Department of Transportation and Nuclear Regulatory Commission on the shipment of spent nuclear fuel but will consult

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Visit Churchill County's Nuclear Waste Oversight Programs website www/http://churchillnwop.com to watch videos of waste cask testing.

Visit DOE's Office of Civilian Radioactive Waste Management website to access the following documents.

http://www.ocrwm.doe.gov/wat/mode_decision.shtml

- ◆ Environmental Impact Statement for the Alignment of a Rail Line in the Caliente Corridor
- ◆ Public Scoping workshops for the Environmental Impact Statement for the Alignment of a Rail Line in the Caliente Corridor
- ◆ Public Scoping Comment Form for the Rail Alignment Environmental Impact Statement

Federal Register Notices

- ◆ 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 (PDF file)
- ◆ 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 (PDF file)
- ◆ Federal Register Notice of Preferred Nevada Rail Corridor (PDF file)
- ◆ Federal Register Notice of Proposed Withdrawal and Opportunity for Public Meeting; Nevada (PDF file)

Further Information

- ◆ DOE Sets Dates, Locations, and Times for Yucca Mountain Caliente Rail Corridor EIS Scoping Meetings (PDF)
- ◆ DOE Says it will use Rail for Transportation to Yucca Mountain Repository; selects proposed Caliente Corridor as Nevada Route (PDF)
- ◆ Supplement Analysis for Transportation (PDF)
- ◆ Caliente Corridor Land Use and Ownership (PDF)

Yucca Licensing Process Could Be Delayed

NRC criticizes DOE's Documentation

WASHINGTON -- A nuclear waste repository at Yucca Mountain could be delayed if the Energy Department does not provide better documentation of its technical analysis, the Nuclear Regulatory Commission said Tuesday.

After reviewing three reports intended to be included with the department's license application, a commission team concluded in a 30-page report that the license process could take longer than the expected four years if the department does not improve how it submits information.

The department anticipates submitting its license application for the proposed nuclear waste storage site at Yucca Mountain, 90 miles northwest of Las Vegas, by the end of this year. The commission has three years, with a possible fourth year if approved by Congress, to review the application to determine if the department can build the repository.

"If DOE (the Energy Department) continues to use their existing policies, procedures, methods and practices at the same level of implementation and rigor, the staff's review of the license application could be significantly extended because of the need for a large volume of requests for additional information in some areas," Martin Virgilio, director of the commission's Office of Nuclear Material Safety and Safeguards, wrote to the project's top official, Margaret Chu.

"This could, as a consequence, prevent NRC from making a timely decision regarding issuance of a construction authorization," Virgilio wrote.

That could push back the Energy Department's plan of having the repository open by 2010.

The department maintains it will meet its December deadline to submit the application. It aims to open the site by 2010.

"We will provide the NRC with all of the information needed to evaluate our license application," Yucca Mountain Project spokesman Allen Benson said in an e-mail. "There is nothing in the report which questions the underlying soundness of our science."

The Energy Department had planned for a three-year NRC review of the repository and expects to

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Yucca Licensing could be Delayed (Continued)

(Continued from page 4)

build the facility in 18 months to two years. If the department meets its schedule, the site would open by 2010.

However, lawsuits, the lack of funding and the licensing process could all delay the timetable.

When it reviews the license application, the commission needs to understand the department's technical explanations and determine if it has given enough information to justify that explanation, according to the report.

C. William Reamer, director of the commission's High Level Waste Repository Safety Division, who approved the report, emphasized the report's findings do not determine the adequacy of the department's documents to get a license. The license itself will be reviewed as a whole once submitted.

The report says the Energy Department has improved the way information is compiled and submitted, but more changes need to be made or else the process will go on longer.

The report found that in some cases, the department did not explain clearly enough how it reached a conclusion and in other instances the department had a clear explanation of an answer but not enough information to support it.

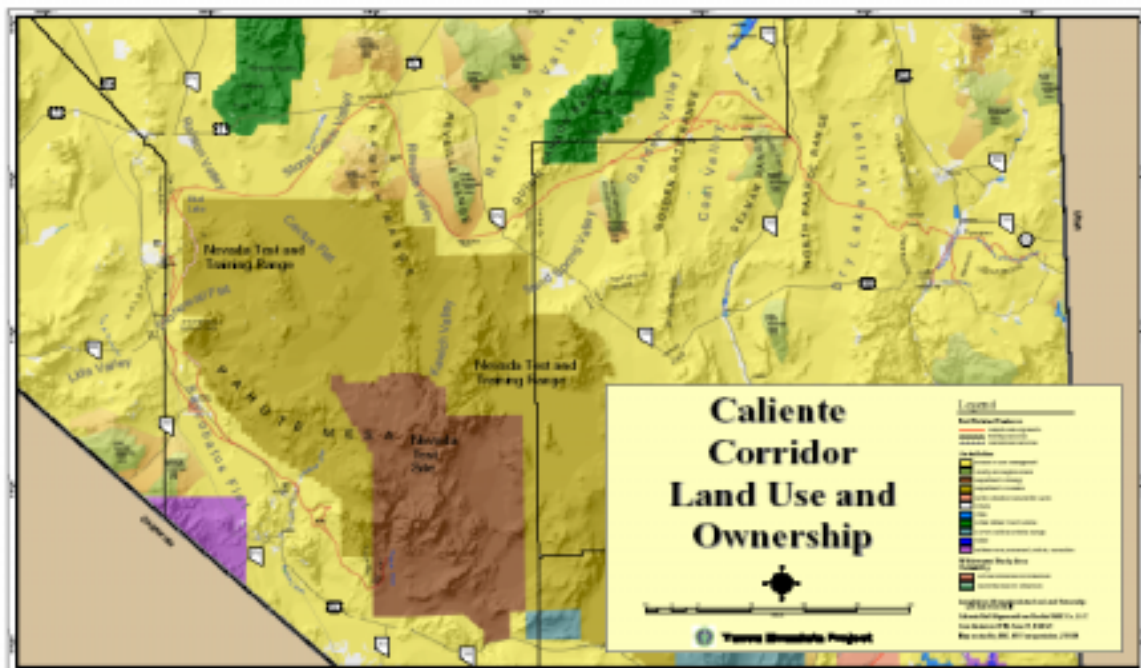
The commission has questioned the department's information documentation process before but this is the first time it has said the review process could go longer.

Nevada attorneys will question the quality of the Energy Department's information during the licensing process, which will have administrative court hearings.

Joe Egan, of Egan, Fitzpatrick, Malsch and Cynkar, the Virginia law firm hired by the state to handle Yucca legal issues, said it is clear from the missing information that the department is "not used to the NRC culture."

He said some of the information the commission would want to see may not exist because the right work cannot or has not been done.

Bob Loux, executive director of the state Office of Nuclear Projects, said this reports asks the department "Where is the meat on the bone?" and plainly says the department has not done an adequate job in its technical documentation.



DOE Map showing land use and ownership along the proposed Caliente Rail Corridor

Public Scoping Workshops for the Environmental Impact Statement for the Alignment of a Rail Line in the Caliente Corridor

The U.S. Department of Energy plans to develop an environmental impact statement to consider alternative alignments within the Caliente corridor for construction of a rail line.

As part of the scoping process, the Department will conduct three workshops for the public to provide information concerning the selected rail corridor, explain the process for developing an environmental impact statement, and provide a forum for the department to gather information about the corridor

Letter to Margaret Chu, DOE/OCRWM, requesting that the comment/scoping period for the April 8th Notice of Intent to prepare an EIS for the proposed Caliente rail line be extended to at least a full 90 days:

While at these workshops, members of the public may submit comments in person or in writing to a court reporter.

If you require special accommodations to participate in the workshop, please call us at 800-225-6972 at least 24 hours in advance.

Workshops are scheduled for: **Tuesday, May 4, 2004**
4:00 p.m to 8:00pm
Goldfield Community Center
301 Crook Street
Goldfield, Nevada

Monday, May 3, 2004
4:00 p.m. to 8:00 p.m.
Longstreet Inn & Casino
Highway 373
Amargosa Valley, Nevada

Wednesday, May 5, 2004
4:00 p.m. to 8:00 p.m.
Caliente Youth Center
U.S. Highway 93
Caliente, Nevada

Margaret Chu, Director
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Request for Extension of the Comment Deadline and for Additional Scoping Meetings on the Notice of Intent to Prepare and Environmental Impact Statement for the Alignment, Construction, and Operation of a Rail Spur to a Geologic Repository at Yucca Mountain

Dear Ms. Chu:

The U.S. Department of Energy's April 8, 2004 Notice of Intent to prepare an EIS for a rail spur to the proposed Yucca Mountain repository provides for a forty-five day period for scoping comments, with a deadline of May 24, 2004. Nevada believes that such a short period does not afford enough time from the public and affected parties to comment on the scope of an EIS for a project with such substantial and long-lasting impacts in Nevada and throughout the country. The only way for DOE to adequately identify and assess the full range of impacts that are likely to occur as a result of decisions involving the alignment, construction and operation of a rail line from Caliente to Yucca Mountain is to provide for an adequate scoping period. I am asking, therefore, that the comment period be extended from 45 days to a minimum of 90 days.

The three scoping meetings in rural Nevada that were announced in the Notice are likewise insufficient. In addition to meetings in Amargosa Valley, Goldfield, and Caliente, Nevada, DOE must schedule scoping sessions in the state's major population centers, Las Vegas and Reno/Sparks, since the impacts of a nuclear waste rail line across Nevada will be felt statewide.

Since states and cities around the country also stand to be substantially affected by DOE's choice of a Nevada rail spur, DOE should also schedule scoping meetings in strategic locations nationwide. Such locations should be chosen based on an analysis of how shipments from reactors and generator sites would be routed to a Caliente rail spur. There must be a sufficient number of such meetings to adequately cover key impacted states/cities throughout the Yucca Mountain transportation system.

Thanks you for your immediate attention to this matter. Sincerely,

Robert R. Loux,
Executive Director
RRL/cs
cc Governor Guinn
Attorney General Sandoval
Nevada congressional delegation
Affected local governments and tribes & Robin Sweeney, DOE Office of National Transportation

Yucca Critics Cite Possible Vulnerability *(Continued)*

the Homeland Security Department when it plans the fuel shipments and high-level waste in five years.

Yucca critics say it creates an inviting scenario for terrorists while the nuclear industry believes more appealing targets exist and points to numerous successful shipments with little incident.

"The shipments right now are not attractive targets to attackers," said Bob Halstead, the state's transportation consultant on the project. "But once daily shipments start going to one location, on a highly predictable route, it becomes a target situation."

Nevada filed a petition in June 1999 with the Nuclear Regulatory Commission asking for it to update its security rules for moving nuclear fuel based on terrorism concerns, Halstead said. The petition is still pending at the commission, a spokeswoman said, but classified improvements have been made to security plans.

"It's never been taken seriously," Halstead said. "We've been worrying about this for a long time. Take the Madrid rail incident as a wake-up call, if you need a wake-up call."

But John Vincent, senior project manager for Waste Management at the Nuclear Energy Institute, said the Madrid tragedy is not a fair comparison since a passenger train is easier to access by the public. A nuclear waste shipment has controlled access, from

the people on the train to the schedule.

Vincent said computer models allow for "thousands of tests" for the casks, or containers, used to move the waste, and there have been improvements in what casks can withstand over the last five years.

He said the best scenario is that "dedicated trains" would ship the waste since only a few cars would hold it. The Energy Department, however, has not decided whether waste will be shipped by trains moving only spent nuclear fuel or among cars on trains transporting anything toward Nevada.

An attack on a transportation cask would actually provide the "reverse" effect of what happened in Madrid, Vincent said, since "there would be no immediate deaths, no sensationalism; the casks are robust by design."

"They (the terrorists) will probably try to find another target that will do what they want to do," Vincent said.

The most explosive tests on the casks broke a uranium pellet inside a shipping case and caused 28 grams of material to come out. Vincent said in this rare case, the material is too heavy to be airborne and would be able to be contained and not cause any long-term problems.

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This newsletter is a publication of the Churchill County Repository Planning and Oversight Program. Churchill County is one of ten Affected Units of Local Government (AULG) involved in the proposed Yucca Mountain Repository. Funding provided to Churchill County is paid by users of electricity generated by nuclear power plants, under a general contract with nuclear generating utilities. The federal government collects a fee of one mill (one-tenth of a cent) per kilowatt-hour from utility companies for nuclear generated electricity. The money goes into the Nuclear Waste fund which is used to fund all program related activities.

For more information on Churchill County's program contact Churchill County Nuclear Waste Oversight Program at 85 North Taylor, Fallon, NV 89406, (775) 428-1592. Additional information on the repository program can be obtained from the U.S. Department of Energy. Yucca Mountain, Site Characterization Project Office at (702) 794-1444 or contact them at www.ymp.gov, or the Nevada Agency for Nuclear Project, Nuclear Waste Project Office, Capital Complex, Carson City, Nevada 89570, (775) 687-3744 or visit them at their web site at www.state.nv.us/nucwaste