

FD 35106

**Testimony of Paul Seidler
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**Surface Transportation Board
Las Vegas, NV
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My name is Paul Seidler, and I am a Senior Director for the Nuclear Energy Institute. Thank you for permitting our testimony on the Department of Energy's application for a Certificate of Public Convenience and Necessity. I'm joined today by Dr. Everett Redmond who will follow with a technical discussion of the used fuel transportation safety system and a brief overview of our experience in transporting used fuel.

NEI is the policy organization of the nuclear energy and technologies industry and participates in both the national and global policy-making processes. Its more than 300 corporate members include operators of nuclear power plants, design and engineering firms, fuel suppliers and service companies, companies involved in nuclear medicine and nuclear industrial applications, radionuclide and radiopharmaceutical companies, universities and research laboratories, and labor unions. NEI works to foster and encourage the continued safe utilization and development of nuclear energy to meet the nation's energy, environmental, and economic goals. Its objective is to ensure the formation and implementation of policies that promote the beneficial uses of nuclear energy and technologies in the United States and around the world.

NEI and its members, which include all companies operating commercial nuclear power plants in the United States, have a direct interest in the construction of the proposed rail line. Used nuclear fuel from these nuclear plants, owned and operated by NEI members, would be transported along the proposed rail line and disposed of at the Yucca Mountain repository if the site is licensed by the Nuclear Regulatory Commission. Transportation and disposal of used nuclear fuel in this manner would further the integrated, three-pronged strategy which NEI and its members have long supported for the safe and efficient management of such fuel.

This fuel management strategy involves centralized interim storage of used nuclear fuel at power plants and central facilities until recycling or permanent disposal or both are available, research into and development and demonstration of advanced recycling technologies to close the nuclear fuel cycle, and development of a permanent disposal facility for used fuel and/or residual waste from reprocessing. A major component of this strategy—disposal in a permanent geologic repository—would be realized by the Yucca Mountain Project. DOE's application helps achieve that goal by providing the groundwork for the rail transportation of used nuclear fuel to the proposed Yucca Mountain geologic repository.

At NEI, I am responsible for activities in Nevada. I have been a Nevada resident for the past 20 years and have had the good fortune of working on the used fuel management issue from an industry as well as a local, state and federal government perspective. I hold a Masters degree from the University of Chicago in Public Policy with a focus on public health issues, and I started my career working for the State of Illinois Department of Nuclear Safety. Illinois has world class programs for managing the transportation of used fuel, including programs for inspecting and escorting all shipments through the State. Illinois premier mobile communication, mobile command and mobile radiological laboratories were key to creating both public confidence and local emergency responder trust in the State's ability to safely manage routine and potential emergency situations involving used fuel shipments. These programs resulted in a high degree of public confidence in the safety of the many used fuel shipments that traversed major population centers of Illinois via both rail and highway. I also had hands-on experience escorting used fuel shipments early in my career. Later, I had the opportunity to deal with used fuel transportation from a federal perspective working on the Yucca Mountain Project for Science Applications International Corporation. Starting in 1989, I directly engaged local officials and the public in evaluating routes to Yucca Mountain. I led the effort that resulted in DOE adopting the concept of sharing the railroad with others for local economic development.

Even though shipments routinely go through other major population centers of the U.S., federal policy makers decided that the cumulative impact of transporting and disposing of used nuclear fuel and defense waste material at Yucca Mountain justified evaluating less direct and more costly options that would avoid larger population centers in Nevada. The remaining options included the Caliente route, which was determined to be eminently buildable, albeit less direct and more costly than others. While there may be scenarios that require a small number of shipments through heavily populated areas of Southern Nevada, the Caliente route goes a very long way towards limiting the need to ship through populated areas.

The comment submitted by NEI on July 15, 2008, provides a detailed discussion of the considerations that weigh strongly in favor of approval of the application. In summary, we find that DOE's FEISs satisfy the Board's obligations under NEPA and provide ample satisfaction of NEPA requirements for discussion of environmental mitigation, and provide an adequate basis for any environmental mitigation imposed by the Board. The Board should adopt the FEISs and close the environmental record. DOE's application clearly meets the statutory standard and the Board's requirement for approval, and a thorough record on all relevant environmental issues has been prepared and completed. Regarding the routing issue, we concur with previous Board findings that the role of the Board is not to reshape or develop the proposal, but "rather to determine if the proposal submitted . meets the statutory criteria." Its duty is not to "second guess applicants or to chose between alternatives." Therefore, while some parties may prefer changes in the proposal, and we respect their economic development intentions, it is neither necessary nor appropriate for the Board to attempt to determine whether variations of the proposed project might in the view of some

better serve the public interest. Nor should the Board assume responsibility for reshaping the proposal. The Board's only decision is whether DOE's application as submitted meets the statutory requirements for approval. NEI therefore respectfully requests that the Board grant DOE's Application so that the rail line will be available for receipt of used nuclear fuel once the repository is licensed by NRC, and further requests that the Board do so expeditiously so that the rail line can be used for the construction of the repository and local communities can begin to realize the economic benefits of the proposed line as soon as possible.

Thank you for the opportunity to speak today. The U.S. and international safety record associated with shipping used nuclear fuel speaks for itself. The DOE shipping campaign to WIPP also speaks to DOE's capability to develop a safe well planned large scale transportation program. We commend DOE's effort concerning rail routing and its extensive effort through the Transportation External Coordinating Group and other forums to involve State, local and tribal governments and other stakeholders in developing training and emergency management programs, and to address all of the other policy and infrastructure issues associated with safely transporting used fuel to Yucca Mountain. The construction of the Caliente railroad plays an important role in these future plans and NEI's vision of an integrated used fuel management strategy involving interim storage, recycling and ultimate disposal of the byproducts. Dr. Redmond will now testify regarding technical aspects of the transportation system. We look forward to addressing your questions. Thank you.