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NWSC
Nuclear Waste Strategy Coalition

April 16, 2008

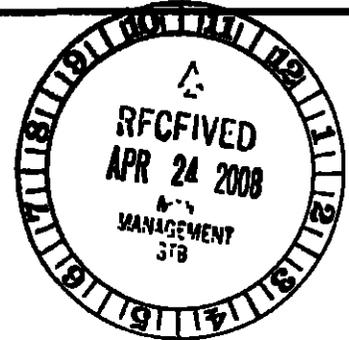
The Secretary
Surface Transportation Board
395 E Street, S W
Washington, D C. 20423-0001

Re Finance Docket No 35106

Dear Madam or Sir

The members of the Nuclear Waste Strategy Coalition (NWSC) thank the Surface Transportation Board (Board) for the opportunity to provide comments on the above referenced docket regarding the Department of Energy's (DOE) application for a Certificate of Public Convenience and Necessity to construct and operate approximately 300 miles of new rail line connecting existing rail line near Caliente, Nevada, to a proposed geologic repository at Yucca Mountain, Nevada. The NWSC believes the extensive documentation and analyses that DOE provided in its application will allow the Board to conduct a thorough review and make a timely decision, and we encourage the Board to grant DOE the Certificate of Public Convenience and Necessity.

In October 2007, the DOE, with the Board as a cooperating agency, prepared 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*, DOE/EIS-0250F-S2D ("Draft Nevada Rail Corridor SEIS") 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*, DOE/EIS-0369D ("Draft Rail Alignment EIS"). This two-part document assessed the environmental impacts of the proposed rail line in accordance with DOE's obligations under the National Environmental Policy Act regarding the transportation of spent nuclear fuel (SNF) and high-level radioactive waste (HLRW) in Nevada. The DOE also analyzed a number of options concerning the transport of SNF and HLRW to the proposed repository at Yucca Mountain, one of which is the Shared-Used Option that allows commercial shippers the use of the rail line to ship general freight.



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The NWSC does not object to the Shared-Use Option, since commercial railcars would be hauled with trains that are separate from trains carrying SNF and HLRW, but could be hauled with trains carrying other repository-related materials such as construction materials, water and fuel. Based on a study of potential commercial users, DOE estimates that approximately eight one-way commercial trains could run per week along the Caliente rail alignment. Further, trains carrying SNF and HLRW would have priority over trains carrying commercial material during the operations phase. A Shared-Use Option could also provide economic benefits to the community and surrounding area. Other countries such as France successfully use the shared-use system without any incidents.

DOE also considered several suggestions to new alternative segments, added some alternative segments and adjusted or eliminated some alternative segments to the proposed rail line due to comments received during its scoping period between April and June 2004. Some commenters expressed concern over the environment, land use issues, air quality, socioeconomics, health and safety. Consequently, extensive analyses were conducted to encompass these issues.

Some commenters expressed support, while others expressed opposition, for public or commercial use of the proposed rail line. DOE therefore analyzed a Shared-Use Option. Various commenters suggested best management practices and mitigation of impacts associated with the construction and operation of the railroad on livestock, waterways and washes, and mining, for example. Consequently, DOE developed a series of mitigation measures to avoid, minimize, rectify, reduce and/or compensate for potential impacts, such as limiting fencing on public lands to those areas where grazing permittees might request it for livestock safety, temporary pipelines, local mining and other aspects during the construction period. The DOE analyses further indicated 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 Draft Rail Alignment EIS also took 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.

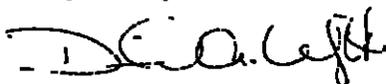
The Department has an exemplary safety record in the shipping of commercial and naval nuclear fuel, and it has proven that it can safely transport SNF and HLRW from DOE research facilities and nuclear plant sites across the nation. For instance, more than 3,000 shipments of SNF from nuclear power plants, government research facilities, universities and industrial facilities have crossed the United States, "without a single death or injury due to the radioactive nature of the cargo."¹ Shipments include 719 containers from the Naval Nuclear Propulsion program between 1957 and 1999, and 2,426 highway shipments and 301 railway shipments from the U.S. nuclear industry between 1964 and 1997. Since 1996, shipments of SNF have been safely transported to the United States from 41 countries to the DOE facilities,² again, without a single death or injury. Furthermore, the DOE has safely and successfully received 6,432 transuranic waste shipments at the Waste Isolation Pilot Plant in New Mexico as of April 14, 2008.³

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Taking into account DOE's transportation safety record and its extensive analyses and consideration of safety factors during the studies of the proposed Caliente railroad, the NWSC encourages the Board to grant DOE the Certificate of Public Convenience and Necessity

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 statutory and contractual obligation to move spent nuclear fuel and high-level radio radioactive waste from active and decommissioned nuclear power plants across the nation to a permanent repository. The NWSC has participants from 46 organizations in 26 states.

Respectfully submitted,



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

**C Mr Ward Sproat, Director, DOE/OCRWM
Mr Gary Lanthrum, Director, DOE/Office of Logistics Management
Bradley Levine, Esq., Assistant General Counsel for Civilian Nuclear Program, DOE**

¹ National Conference of State Legislatures' Report, January 2000

² U S Department of Energy Report to the Committees on Appropriations, January 2001

³ U S DOE/Waste Isolation Pilot Plant Shipment Figures, March 2007