April 30, 2009

Frank Moussa
U.S. Department of Energy,
OCRWM Office of Logistics Management
1000 Independence Avenue, SW
Washington, DC 20585-0001

Re: National Transportation Plan: DOE/RW-0603, Revision 0

Dear Mr. Moussa:

We are writing on behalf of the undersigned three State Regional Groups (SRGs). The SRGs have reviewed OCRWM’s National Transportation Plan both as individual committees or task forces and in several joint conference calls and meeting discussions. Though each group will submit its individual comments, we find that these share several broad themes, outlined below.

Our shared observations point to some significant deficiencies in the plan. We understand that the plan is intended to outline “DOE’s current strategy and planning for developing and implementing a system to ship spent nuclear fuel (SNF) and high-level radioactive waste (HLW).” It is clear, however, that the current strategy and plan are inadequate. A great deal of work remains to be done before the plan will be the “comprehensive national transportation plan” committed to by former OCRWM director Edward Sproat and envisioned by the SRGs.

To meet with success and broad stakeholder acceptance of the transportation system, OCRWM should address the following joint comments as it proceeds with SNF/HLW transportation system design.

1. Consultation Process in Transportation System Design

DOE appears to understand “consultation and cooperation” to consist largely of a review-and-comment function involving the states, through the regional groups, and other stakeholders. This limited view is not consistent with the states’ vision of what consultation and cooperation mean, nor is it consistent with the views of other knowledgeable sources (Secretary of Energy Advisory Board, National Academies of Science). DOE should look to the 1986 OCRWM Transportation Institutional Plan as a guide for managing its institutional program. That federal-state consultation is central to SNF/HLW transportation, and how DOE plans to promote cooperation with states should be evident in all aspects of the NTP.

2. Maximize Public Acceptance As Well As Minimize Public Risk

As DOE observed in the 1986 Transportation Institutional Plan, the success of the Civilian Radioactive Waste Management System “depends not only on safety, but on broad-based public understanding and confidence in program activities and objectives.” In its mission statement and its actions, DOE needs to acknowledge the need for all program activities, including transportation, to “merit public confidence.” This phrase appears in many DOE documents,
including the *Strategic Plan for the Safe Transportation of Spent Nuclear Fuel and High-Level Radioactive Waste to Yucca Mountain* (November 2003). Other Office of Logistics Management (OLM) transportation documents, however, omit this reference. Especially given the current situation with Yucca Mountain — a problem caused in significant part by a failure to earn public confidence — DOE needs to be unwavering in its commitment to develop a transportation system that is not only safe, secure, and efficient, but does all of that in a way that merits public confidence. Successful SNF/HLW transportation system design must have paired objectives to minimize public risk and maximize public confidence. To simply aim to “meet or exceed DOT and NRC safety and security requirements and standards applicable to commercial shippers” (pg. 2) will not lead DOE to success in this unprecedented transportation campaign. Public confidence in WIPP shipments was largely due to the WIPP transportation safety program that was developed in partnership with states.

3. **Best Practice In Transportation System Design**

DOE needs to commit to “best practice” transportation. The WIPP program has set the standard for how to conduct a large-scale campaign to move radioactive waste across the nation. Regarding commercial spent fuel shipments we expect DOE not only to meet the standard set by WIPP but to go beyond those requirements — to adopt whatever reasonable measures necessary to minimize public risk and maximize public confidence in the transportation program. The states, the public, and elected officials at all levels will expect no less, given the greater risk of spent fuel shipments and the much higher profile of the program. In consultation with states and others, DOE should conduct a series of inquiries to determine the elements of best practice, and should then seek policy measures needed to implement these elements. If the consultation process is well-designed and robust, DOE can expect support from states.

4. **Resources for Transportation System Design**

For the benefit of the successor to the OCRWM transportation program, DOE should prepare a listing of all the critical decisions that need to be made, their status, and the work that has gone into supporting the decisions. In addition, DOE should create a map or organization chart showing all the transportation-related documents — past, present, and planned for the future — and their interrelationships. These compilations would go a long way toward helping stakeholders and future transportation staff to understand the complexities of the transportation program and what work remains to be done.

5. **Timeline Required for Transportation System Design**

DOE should provide a detailed “best-case” timeline for assembling the essential components of a transportation system under at least two scenarios, such as: 1) operating a repository in the 2020 timeframe with full operation of the transportation system to support the opening date, and 2) conducting limited shipments in the near-term to an interim site to help reduce the taxpayers’ liability over DOE’s failure to begin accepting spent fuel in 1998.

6. **Topics for Transportation System Design**

The draft transportation plan needs to provide much more in the way of detail. Despite decades of work to develop the transportation system, a great number of decisions have yet to be made — such as the order of the shipping queue, the mode of shipping from each site, and whether there will be a seasonal shipping schedule to avoid predictable bad weather delays in northern states. At a minimum, the plan should cover the 14 topics identified in DOE’s Radioactive Material Transportation Practices Manual as information that departmental transportation plans should address. In addition, similar to DOE’s final and supplemental environmental impact statements, stakeholders should have access to all relevant data upon which the NTP is based. These data should be available in a readily-accessible form — updated periodically — that clearly presents key sources and assumptions along with alternative sources and assumptions.
7. Scope of Application

Ideally, DOE’s transportation plan would be applicable to any large-scale campaign to move spent fuel, regardless of the origins and destination. Such a plan would make the work valuable not just for the limited case of a Yucca Mountain repository but also for whatever alternative plan or plans Congress and the current administration develop (e.g., alternatives that utilize public or private regional storage facilities). In addition, the plan should consider the movement of quantities of spent fuel in excess of the current 70,000 MTU cap imposed by the NWPA.

8. Transportation Technology: Applications and Implications

The NTP should include a component that evaluates potentially applicable technology in transportation equipment, infrastructure, monitoring and tracking, and that considers the potential implications for all levels of government and carriers in transportation operations. Updated periodically, the initial review should begin with the technologies that DOE would use if shipments were to begin today.

We regret that OCRWWM has made the decision to solicit input on the NTP formally through the Federal Register but not to respond to stakeholder comments with a comment-response document or with further stakeholder discussion. It is also troubling that OCRWWM does not currently plan to post the comments received on the program website so that a record of the input received will be available to stakeholders and to future federal staff tasked with completing the transportation plan. We strongly urge you to reconsider these decisions.

Thank you for your attention to these comments. We look forward to your timely response.

Sincerely,

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