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Re: Disposal of GTCC Low-Level Radioactive Waste and GTCC-Like Waste

Dear Mr. Edelman:

New York
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Tel: 212.482.2320

On behalf of the Council of State Governments' Midwestern Radioactive Materials Transportation Committee, we are writing to submit comments on the U.S. Department of Energy's (DOE) draft *Environmental Impact Statement for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste (DOE/EIS-0375-D)*. The committee includes gubernatorial and legislative appointees from the 12 Midwestern states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Our comments reflect the input of the committee members; individual Midwestern states may provide additional comments separately.

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We appreciate the opportunity to provide comments on DOE's preliminary and evolving plans for disposing of GTCC low-level radioactive waste and GTCC-like waste. If you have any questions regarding our comments, please contact Lisa Janairo at CSG Midwest at 920.458.5910.

Sincerely,

Paul Schmidt
Co-Chair, CSG Midwestern Radioactive
Materials Transportation Committee

Tim Runyon
Co-Chair, CSG Midwestern Radioactive
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Enclosure

The Council of State Governments
Midwestern Radioactive Materials Transportation Committee

Comments on the U.S. Department of Energy's Draft *Environmental Impact Statement (EIS) for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste*
(DOE/EIS-0375-D) (February 2011)

General Comments

Transportation Planning: The draft EIS does not provide details regarding the requirements that would apply to shipments of GTCC low-level radioactive waste (LLRW) and GTCC-like waste to one or more facilities for disposal. The Midwestern states expect shipments to follow the recommended practices in the region's *Planning Guide for Shipments of Radioactive Material through the Midwestern States*.

In addition, the states are concerned that DOE's "Radioactive Material Transportation Practices Manual" (DOE-M-460.2-1A) does not explicitly reference shipments of GTCC low-level radioactive waste. Much of the "GTCC-like" material is actually transuranic (TRU) waste and should be shipped according to the TRU waste transportation plan that the Carlsbad Field Office has developed. Other GTCC LLRW and GTCC-like waste shipments – many of which will be HRCQ shipments – should meet a higher standard than the manual's requirements for LLW shipments. At a minimum, the large number of shipments anticipated would point to a need for DOE to prepare a transportation plan and informational fact sheets; provide long-term planning information to affected states (e.g., through the Prospective Shipment Report); coordinate with states on mode and route selection; and assist states with training and conducting exercises.

Rail Shipments: Shipping by rail would have clear benefits stemming from the significant reduction in shipment numbers (a reduction by nearly two thirds, regardless of the alternative). The advantage of rail in terms of fewer shipments will have to be compared to the disadvantages of some sites not having rail access, rail operations being less flexible than is the case for truck shipments, and there being fewer options available for routing. Above all, as stated in the Midwest's *Planning Guide*, "safety must be the primary consideration in evaluating and, ultimately, selecting a mode." Regardless of the mode, the affected states should be consulted in the route-selection process.

The analysis assumes GTCC LLRW and GTCC-like waste would travel in a single car in general freight. Did DOE consider the use of dedicated trains from generator sites that have large inventories of waste? If so, the draft EIS should address the results of that analysis. If DOE did not consider the use of dedicated trains, it should do so. In the region's *Planning Guide*, the Midwestern states have expressed a preference for rail shipments to take place using dedicated trains instead of general freight service.

Generator Locations: It would be helpful to provide maps showing the locations of the major inventories of GTCC LLRW and GTCC-like waste in the U.S. The draft EIS does provide a map of nuclear power plant locations and a map of possible sites for locating disposal facilities. Facilities such as West Valley, Los Alamos, the Missouri University Research Reactor, and others should also be shown on the maps. In addition, is DOE anticipating consolidation of sealed sources or treatment of activated metals from nuclear power plants? Because sources will originate in "various states," there may be transportation efficiencies from consolidating sources at a few sites before shipping to the final disposal facility. Treatment of activated metals (e.g., recycling) may reduce the inventory of such material requiring disposal.

Shipment Numbers: The draft EIS mentions the use of the TRUPACT II, RH-72B, and 10-160B containers for shipments. Is the TRUPACT III an option for shipping large waste boxes containing GTCC LLRW or GTCC-like waste? If so, DOE should assess the impacts of using this new high-capacity container.

Transportation Support Systems: In an attempt to perform a preliminary analysis of possible shipping routes, the committee learned that DOE's TRAGIS routing system is offline as a result of the recent cyber attack involving the servers at Oak Ridge National Laboratory. There is no estimated date for restoring the system, which is the primary tool state agencies, carriers, and DOE personnel use for analyzing shipping routes. It is vital for DOE to maintain support systems such as TRAGIS, for pre-shipment routing analyses, and TRANSCOM, for tracking shipments while en route. These systems, like all information technology, are important assets that DOE should continually maintain and upgrade, when needed, for the benefit of the GTCC program, all other programs that ship or plan to ship radioactive waste and material, and transportation stakeholders.

Preferred Alternative: In the Draft EIS, DOE should identify a preferred alternative. If no such preferred alternative will be identified, DOE should seek public comment on a revised draft EIS or a supplemental EIS when the department is ready to identify a preferred alternative and justify the choice.

Disposal Options: Of the disposal options DOE considers in the draft EIS, the WIPP site appears to have a clear advantage in that it is an existing, operating disposal facility. WIPP also has a well-tested transportation program that the Midwestern states, among others, point to as a model for other large-scale shipping programs. Sites like Savannah River Site or the Barnwell commercial disposal facility do not compare favorably with expanding WIPP, given the high humidity, high ground water, and added costs of constructing new trench or vault disposal facilities.

Specific Comments

Page	Lines	Comment
S-1	17-19	The description of stakeholders in the draft GTCC EIS should include transportation stakeholders – i.e., those that will be affected by shipments of GTCC LLRW or GTCC-like waste traveling to one or more facilities for disposal.
S-1	21-22	The reference to “state agencies” should be revised to say “state agencies and elected officials.”
S-16	9-12	These lines list the activities that must be completed before a disposal facility is operational. It would be helpful to provide more detail on what is included in “other actions necessary.” Also, what is the expected timeframe for obtaining an NRC license for a disposal facility and what steps will be necessary to complete that action?
S-45	Table S-3	The Midwestern states agree that there will be a need for “further evaluation and analysis to optimize the waste shipment configuration...to minimize to the extent possible the number of shipments and potential transportation impacts.”

CSG Midwestern Radioactive Materials Transportation Committee
Comments on DOE's draft EIS on Disposal of GTCC LLRW and GTCC-Like Waste
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- S-56 18-23 According to the Draft EIS, "Many of the sealed sources recovered by the DOE GTRI/OSRP for national security or public health and safety purposes meet the criteria for disposal at existing DOE facilities (when GTRI/OSRP recovers sealed sources, DOE typically takes ownership of the sources and may dispose of them at DOE facilities if they meet waste acceptance criteria for such facilities and manages them as DOE LLRW or TRU waste)." It would be helpful to explain why these sources are in need of a new GTCC disposal facility if DOE already has the ability to dispose of them at existing facilities.
- 5-85 35-38 Is there an existing railcar that can be used to transport six loaded TRUPACT II containers?
- B-26 4-6 The TRUPACT III cask is now available and its possible use should be considered in the Draft EIS.
- B-30 Footnote b It is understood why, for the purpose of analyzing impacts, "rail shipments are assumed to consist of one railcar as part of a general freight train." For the actual shipping campaigns, however, DOE should consider the use of dedicated trains, especially from generator sites that possess large inventories of GTCC LLRW or GTCC-like waste.
- C-33 30-31 This sentence states that "DOT has no railroad routing regulations specific to the transportation of radioactive materials." This statement is not entirely accurate. While there are no specific routing guidelines similar to 49 CFR Part 397, PHMSA regulations in 49 CFR 820(c) require each rail carrier annually to "analyze the safety and security risks for the transportation route(s)" it uses to transport shipments of HRCQ quantities of radioactive material, among other commodities. Carriers are then required to use these analyses to "select the practicable route posing the least overall safety and security risk." Carriers are to consider 27 factors when performing these safety and security risks analyses.
- C-33 36-38 It would be helpful to show the "representative routes" on a map, as has been done in other DOE environmental impact statements (e.g., the EIS for a geologic repository for spent fuel and high-level waste at Yucca Mountain).
- C-46 17-18 It would be helpful to provide a table in this section identifying the "generator sites and some disposal sites [that] do not have direct rail access."