



Midwestern Office

May 8, 2006

Timothy A. Frazier  
NEPA Document Manager  
Office of Nuclear Energy Science and Technology  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
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Dear Mr. Frazier,

On behalf of the Council of State Governments' Midwestern Radioactive Materials Transportation Committee, I am writing to provide the collective comments of the Midwestern states on the U.S. Department of Energy's (DOE) Advance Notice of Intent to Prepare an Environmental Impact Statement for the Global Nuclear Energy Partnership (GNEP) Technology Demonstration Program, published March 22<sup>nd</sup> in the *Federal Register*. Our detailed comments are attached.

The committee represents the 12 Midwestern states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. The majority of our states will be traversed by shipments of commercial spent nuclear fuel headed to a GNEP demonstration site and any subsequently built reprocessing sites. As a result, the Midwestern states have vested interest in the both the impact of such shipments on the Midwestern states and the development of the transportation system for these shipments.

The committee continues to work closely with DOE's Office of Civilian Radioactive Waste Management to develop a comprehensive transportation plan for the eventual shipment of spent nuclear fuel and high-level radioactive waste to a national repository at Yucca Mountain, Nevada. We expect the same commitment to the cooperative planning process and state preparedness for all transportation aspects of GNEP. We also expect the continuation of planning for Yucca Mountain shipments regardless of the outcome of the GNEP Demonstration Program.

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The impact of the GNEP transportation program on the Midwestern states will be profound and we appreciate the opportunity to comment on DOE's plans to proceed with the GNEP Technology Demonstration Program. If you have any questions regarding the committee's comments, please contact Sarah Wochos at The Council of State Governments' Midwestern Office (630-925-1922).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Owen", with a long horizontal flourish extending to the right.

Robert Owen, Chief  
Bureau of Radiation Protection  
Ohio Department of Health, and  
Chair, CSG Midwestern Radioactive Materials  
Transportation Committee

**The Council of State Governments’  
Midwestern Radioactive Materials Transportation Committee**

**Comments on DOE’s Advance Notice of Intent to Prepare an Environmental Impact  
Statement for the Global Nuclear Energy Partnership Technology Demonstration Program**

The Midwestern states believe the following issues should be addressed in the GNEP NEPA analysis:

*Impact on Yucca Mountain:* GNEP does have the potential to reduce or eliminate the need for a second repository; however, it should be noted that DOE has not yet developed the *first* repository. GNEP will almost certainly place a strain on DOE’s annual budget from now on. Absent a change in DOE’s access to the Nuclear Waste Fund, this strain will almost certainly have an impact on the funding available for the Yucca Mountain project and the transportation program. DOE should only pursue the GNEP Demonstration Program if work on Yucca Mountain continues at an adequately funded level. DOE needs to demonstrate that it can design, construct, and operate a national disposal facility, supported by a safe, secure, and publicly acceptable transportation program. In addition, wastes unsuitable for reprocessing, including defense and naval spent fuel, will need a permanent disposal site long before DOE can gauge the success or failure of the GNEP program. The “no-action alternative” should candidly assess the benefits to the existing Civilian Radioactive Waste Management System of not having to compete with GNEP for funding or attention.

*Waste management:*

A presumed goal of the GNEP program is to assess alternatives to the current concept for spent fuel management. If pursued and successful, the GNEP Demonstration Program and subsequent commercial reprocessing will produce plenty of high-level radioactive waste, which will present its own set of transportation and storage challenges. The GNEP NEPA analysis ought to explicitly include an evaluation of the types of waste that will result and the alternatives for its management, transportation, and ultimate disposal. As it stands, existing reprocessing demonstration projects (i.e., West Valley) still do not have a solution for all their radioactive wastes.

*State preparation and transportation readiness:* It is unclear how much spent fuel and other wastes will need transport for the various elements of the GNEP Demonstration Program, nonetheless, some transportation of spent fuel and high-level waste will occur. The states have worked with DOE for many years to develop elements of a transportation plan for shipments to Yucca Mountain; however an adequate and comprehensive plan has not yet been developed. A host of factors (including insufficient funding and other obstacles) have delayed the development of such a plan. Nevertheless, the states expect that DOE will continue to work on the plan and will not abandon it to focus on GNEP. Furthermore, the states feel that all elements of a Yucca Mountain transportation plan are applicable to shipments to GNEP Demonstration Program sites. To ensure the success of both GNEP and Yucca Mountain, DOE needs to act quickly to develop a transportation system that will be ready to go within three years.

Of particular concern to the states is the need for adequate funding for planning, training, and operations related activities. Section 180(c) applies only to Nuclear Waste Policy Act facilities, and then only to training. For the states to prepare adequately for shipments to any GNEP-related facilities, they will need something similar to Section 180(c) assistance, expanded to include operations-related activities (e.g., inspections and escorts). In addition, the states will need to start receiving financial assistance three years prior to shipments in order to be fully prepared.

Also of interest is route identification, which the National Academies of Science suggested should be completed as soon as practicable. Such work should continue to be conducted consistent with the DOE's Transportation Strategic Plan – i.e., in cooperation and consultation with stakeholders such as the state regional groups.

*Unnecessary transportation:* As it identifies potential sites, DOE should give consideration to not just current site capabilities but also their impacts on transportation. Savannah River Site, for example, might be an ideal place to host the Demonstration Program. DOE could conceivably get spent fuel for the project from nearby commercial sites, therefore limiting the transportation impact. However, when considering demonstration sites, DOE should consider the future transportation impact, as demonstration sites are likely to become commercial-scale facilities. If DOE chooses the Savannah River Site, for example, they would need to ship spent fuel east from reactors in the Midwest, then ship the resulting waste west to Yucca Mountain. The department should consider using sites further west – such as the Idaho National Laboratory, Yucca Mountain itself, or the Private Fuel Storage facility – for reprocessing or staging domestic spent fuel.

*Regulatory oversight:*

Part of the states' confidence in the safety of the Yucca Mountain program is the regulatory oversight the U.S. Nuclear Regulatory Commission (NRC) has over the repository. The NRC also has testing and certification responsibilities for transportation casks, which helps to ensure the safe transportation of spent fuel and high-level waste. The Midwestern states, however, have always maintained that DOE should follow all NRC regulations, including those that govern shipment security. To ensure this same level of public confidence in the GNEP Demonstration Program, it is imperative the all facilities be licensed and regulated by the NRC. Additionally, all transportation of spent fuel and high-level waste should be conducted in NRC certified containers and comply with the same NRC and U.S. Department of Transportation regulations that apply to commercial shipments of the same materials.