

Appendix H
Letter from Nevada Senators Harry Reid and John Ensign
to DOE regarding DOE policy statement
for use of dedicated trains for waste shipment

August 17, 2005

The Honorable Samuel W. Bodman
Secretary
Department of Energy
1000 Independence Avenue, SW
Washington DC 20585

Dear Secretary Bodman:

In reviewing the Department of Energy's policy statement for the use of dedicated trains for spent fuel and high-level waste shipments to the proposed Yucca Mountain repository that was announced on July 18, 2005, we am requesting the following additional information:

(1) Since 1986, the State of Nevada has been urging DOE to require the use of dedicated trains for all SNF and HLW shipments to a repository. For almost two decades, DOE has consistently refused to make such a commitment. What prompted DOE to issue its policy statement on the dedicated train issue? Please explain the process that DOE went through in reassessing its policy.

(2) The policy announced on July 18th states that DOE "will use dedicated train service (DTS) for its usual rail transport of spent nuclear fuel and high level radioactive waste to the Yucca Mountain Repository site ... when the repository is operational (emphasis added). Please define what is meant by "usual rail transport" and how this policy differs from current DOE policy that anticipates the use of general freight service on a case by case basis. Does the new policy mean that DOE will require all SNF and HLW shipments to a repository to use dedicated trains?

(3) The announced policy statement appears to be internally inconsistent in that it purports to require the use dedicated train shipments to Yucca Mountain but, in discussing security benefits, states that "DOE shipments have been and will continue to be made securely using both DTS and general freight service" (emphasis added). Please explain how the use of general freight service is compatible with the decision to use dedicated trains. Also, please explain the circumstances under which DOE would use general freight service instead of dedicated train service. Will DOE require use of dedicated trains for shipments of spent naval reactor fuel to INEEL and/or other federal facilities?

(4) DOE has proposed, in a March 2004 supplement analysis to the Yucca Mountain Final Environmental Impact Statement, to transport smaller, legal weight truck casks on rail cars in the likely event that a rail spur to Yucca Mountain is delayed or not available at

all. Under this scenario, about 2,200 truck casks per year would be shipped to Nevada on about 440 train movements, off-loaded at an intermodal facility, and transported to Yucca Mountain by truck. Even if it is assumed (as DOE has done) that such a scenario would only be needed for a six year period, DOE would require at least one train per day, seven days per week, for shipments to the repository. Does the new policy on dedicated train service apply to legal-weight truck casks shipped on railcars? Has DOE assessed the safety, security, and operational implications inherent in shipping thousands of truck casks on railcars, in hundreds of dedicated trains per year? If so, please provide us with that assessment.

(5) There are about 24 reactor sites, out of a total 72, or one-third, of reactor sites that are not capable of shipping spent fuel by rail. DOE has proposed transporting rail casks from these sites to rail connections by using large, heavy haul trucks. DOE has also proposed using barges to ship rail casks from 17 of these sites. Will dedicated train service be used at these 24 sites? If so, please provide DOE's plans and timeline for providing the necessary infrastructure.

(6) There are about 24 reactor sites, out of a total 72 reactor sites, that are not capable of shipping spent fuel by rail. DOE has proposed transporting rail casks from these sites to rail connections by using large, heavy haul trucks. DOE has also proposed using barges to ship rail casks from 17 of these sites. Does the new policy mean that DOE will require all SNF from these 24 sites to use dedicated trains once the casks are delivered to a rail connection?

(7) In order to make efficient use of dedicated trains, it will be necessary for DOE move spent fuel from about 50 eastern reactor sites to marshalling yards or collection points where trains can be assembled for cross-country transport to Yucca Mountain. DOE has identified the Union Pacific Provisio Yard near Chicago as one of the probable primary marshalling points. Does the new policy mean that DOE will require all SNF shipments to use dedicated trains for shipment to these marshalling yards, as well as for shipment from these yards to Yucca Mountain?

(8) The policy statement cites "avoidance of lengthy 'dwell times' in rail yards" as an advantage of dedicated trains. Please describe the method used by DOE to compare "dwell times" for dedicated train service with the "dwell times" for general freight service.

(9) The policy statement asserts that "the radiological risk resulting from transport without incident may be lower due to decreased time in transit." Please explain how DOE evaluated radiological risk to members of the general public. How will the use of dedicated trains affect routine radiological exposures to yard workers, train crews, safety inspectors, and escorts? Please provide us all analyses or assessments of radiological risk that DOE undertook or relied on in making this evaluation and coming to these conclusions.

(10) Since 1983, the State of Nevada, together with the Western Governors' Association, has urged DOE to prepare a comprehensive plan for transporting spent fuel and high-level waste to a repository. Today, more than 20 years after the passage of the Nuclear Waste Policy Act, DOE still has not prepared a comprehensive transportation plan. The dedicated train policy statement is another example of piecemeal decision-making on

DOE's part. When will DOE be able to provide a comprehensive transportation plan that shows in detail how the dedicated train policy statement relates to and integrates with the other aspects of the requisite transportation system?

(11) The policy statement asserts that "the primary benefit of using DTS is the significant cost savings over the lifetime of the Yucca Mountain project." Since 1983, the State of Nevada has urged DOE to prepare a comprehensive cost analysis for transporting spent fuel and high-level waste to a repository. Today, more than 20 years after the passage of the Nuclear Waste Policy Act, DOE still has not prepared a comprehensive cost assessment of its comprehensive transportation plan. When will DOE provide us with that assessment?

Given the magnitude of human health and safety implications of the proposed Yucca Mountain transportation plan and that this policy has already been finalized, we request that you reply to these questions by September 1, 2005. We appreciate your attention to this important matter.

Sincerely,
HARRY REID, United States Senator
JOHN ENSIGN, United States Senator

Cc: Kenny C. Guinn, Governor of Nevada
Bob Loux, Executive Director, Nevada Agency for Nuclear Projects
Brian Sandavol, Attorney General, State of Nevada
Nils Diaz, Chairman, Nuclear Regulatory Commission
B. John Garrick, Chairman, Nuclear Waste Technical Review Board
G. Paul Bollwerk III, Chairman, Atomic Safety and Licensing Board

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