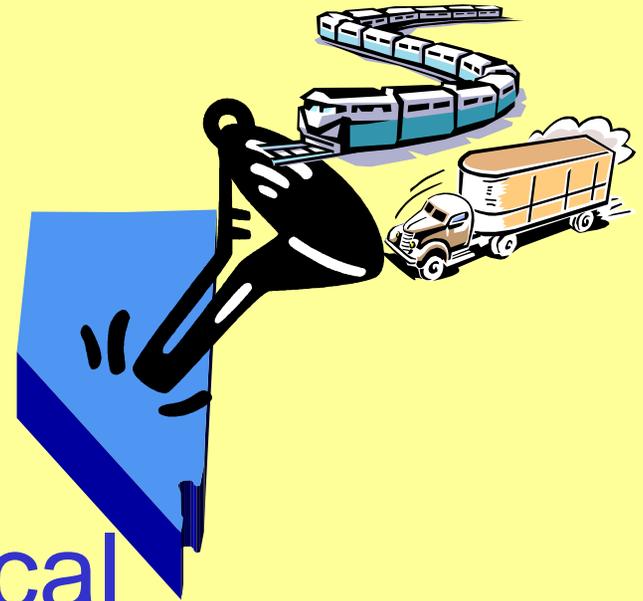


DOE's Transportation Responsibilities:



An Affected Unit of Local Government (AULG) Perspective

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OVERVIEW

- Views of Nye, Clark, Churchill, Eureka, Lander, Mineral, White Pine counties in Nevada and Inyo County, California
- In the context of the questions posed by the committee we will discuss:
 - **Transportation systems**
 - **Interaction and process**
 - **Emergency management**
 - **Transportation decision-making**

TRANSPORTATION SYSTEMS

- With the recent announcement by DOE identifying corridor preferences for construction of a rail line to serve Yucca Mountain, the economic, environmental and institutional feasibility for direct rail access remain questionable.
- Direct rail access to Yucca Mountain is feasible. However, if the mode decision is delayed, DOE would likely be forced to consider direct truck or rail-to-truck alternatives for its initial shipments to Yucca Mountain.
- In light of the alternatives to direct rail, DOE must be encouraged to expeditiously construct direct rail to Yucca Mountain.

MOSTLY RAIL STILL MEANS TRUCK SHIPMENTS FROM EAST AND WEST

- As DOE focuses on direct rail, DOE must continue work to define truck transportation planning, impact and mitigation issues as the “mostly rail” scenarios will still involve thousands of legal weight truck shipments through Nevada.
- Construction of a dedicated rail line to Yucca Mountain will not do much to induce California’s nuclear utilities to ship by rail. Truck shipments from the 4 California sites would likely be quicker and cheaper; this has implications for future use of California rural routes

MODE AND ROUTE INTEGRATION

- Any modal and routing Record of Decision (ROD) issued by DOE must include an explanation of how all reactor and defense sites will route shipments to Yucca Mountain. The ROD must indicate all modes and routes that will be used, and the number of shipments expected for each.
- DOE mode and route decisions must be transparent regarding factors considered in reaching decisions

INTERACTION AND PROCESS

- Situs county and AULGs need a direct and active role in transportation planning that affects our region.
 - Some suggestions: DOE could initiate a monthly planning meeting to involve all counties in the planning;
 - DOE could submit transportation planning-related questions to the counties to help inform DOE's planning.

DOE: ADDRESS AULG COMMENTS ON MODE AND ROUTE

- Pursuant to Section 116c of the NWPA, as amended and NEPA, AULGs have provided extensive comments to DOE regarding mode and routing. DOE mode and routing decisions must reflect how those comments have been considered by DOE.
- Example: the pending Record of Decision on modal preference might include a description of input provided by AULGs over the years and how, if at all, such input contributed to the modal choice. Documentation of comments and response is essential.

AULGS AND UMBRELLAS

- As explained in DOE's transportation strategic plan, the use of umbrella groups to "check off" the local government interaction box is inadequate and unacceptable for the AULG
- DOE must recognize the AULG as a distinct group of stakeholders who are more heavily burdened than the rest of the local governments in the country. The AULGs with truck and rail routes will see virtually all of the shipments. This is very different from the effect transportation may have on local governments in reactor and corridor states throughout the country.
- Recognition of AULGs by DOE includes continuing involvement, consultation, oversight funding and mitigation.

EXAMPLES OF INTERACTION

- For example, local government should have a long term ongoing ability to influence and be involved in the management and operation of the rail system including emergency response and safety of operations.
- Local government should be able to maximize development opportunities and other options involving the rail system.

EMERGENCY MANAGEMENT

- Nevada local governments are on the front line of public health and safety for nuclear waste transportation, and are responsible to be prepared for an accident even if the risk is believed to be minimal.
- Interlocal mutual aid agreements continue to commit counties to regional emergency response obligations, regardless of routing and mode decisions
- Mutual aid agreements, particularly important to rural Nevada, will require emergency first response training and equipment be provided by DOE to local governments not necessarily located along designated transportation routes.

DOE'S RECORD IS INCONSISTENT

- Recent WIPP shipments had extensive involvement with local jurisdictions, while foreign fuel shipments by rail through northern Nevada, based on Lander County's experience, did not.
- Working through the state does not guarantee adequate preparation at the local level.

ROUTE PREPARATION CRITERIA

- DOE needs to establish acceptable route preparation criteria before shipments could begin. Such criteria might include emergency response training and equipment, required infrastructure improvements, and appropriate monitoring and oversight capabilities.
- Use WIPP as an example. Shipments don't start along a route until it is considered "Open." To be open, DOE has to have provided training, participated with States in public information, etc. In essence, the State has to agree that preparations along the route are adequate, and that emergency responders are prepared to handle an event.

DOE: INVOLVE LOCAL GOVERNMENTS EARLY AND OFTEN

- For AULGs who will experience ALL shipments, one-on-one coordination with DOE is essential.
- Strengthen the WIPP framework model to ensure early and effective involvement of local governments by DOE and the state in all transportation planning and implementation.
- Planning should address emergency response training and equipment, required infrastructure improvements, appropriate monitoring and oversight capabilities, and the role of volunteers.

180 (C) IS NOT THE ANSWER

- The amount of project funding dedicated to fulfilling DOE emergency preparedness responsibilities under NWPA section 180(c) is completely inadequate to meet national needs to upgrade highways and emergency response capacities. (Source: DOE analysis of total system lifecycle cost 12/98)
- This will ultimately lead to underfunding of impacted agencies and jurisdictions. DOE must develop realistic cost estimates for improving and safeguarding truck and rail routes.

AULG CAPACITY

- DOE should plan and budget for regional emergency response training facilities fully funded by DOE, staffed by professionals but operated by local governments, as proposed by Eureka County
- Emergency medical capabilities and training have not been addressed – volunteers, facilities, emergency medical capacity and training in preparation for a nuclear incident

DOE TRANSPORTATION DECISION-MAKING

- We are experiencing piecemeal decision-making on transportation because of the lack of a transportation Programmatic EIS which would analyze cradle to grave transportation of ALL materials destined for Yucca Mountain, including PFS shipments and defense waste, in the context of current low level and transuranic shipping programs already affecting Nevada and California.
- In order to avoid 12th hour decisions which prohibit effective risk analysis and management (i.e. emergency first response training and equipment) DOE must move forward expeditiously to make specific mode and routing decisions regarding transportation through Nevada.

USING FEIS AS DECISION-MAKING TOOL

- Regarding the upcoming mode decision (mostly rail or mostly truck), FEIS lacked a national route-specific study that should be the basis for informed decision making on mode and route, and that takes into consideration all affected, involved and responsible parties for shipping from many cradles to one grave.
- FEIS is inadequate to support transportation planning and decisions that take into consideration the indirect effects and cumulative effects of nuclear waste transportation.
- What is the basis for DOE's mode decision? Who decides? Why isn't this a public dialogue since the entire country is affected? What is mode preference based on, other than "rail is safer"?

SUPPLEMENTAL EIS ON SECURITY ISSUES IS NEEDED

- Because FEIS was completed prior to 9/11, the NEPA document does not give proper weight to security issues. A Supplemental EIS focused on security issues pertaining to the Yucca Mountain project, transportation, and the commercial nuclear fuel cycle should be developed.

TRUCK DECISIONS

- The Final EIS for the project does not provide sufficient detail on potential truck routes into Yucca Mountain.
- Although DOE claims that the FEIS is sufficient to support all subsequent decision concerning routing, no analysis was done on several rural routes already in use by DOE for nuclear waste transportation.
- The FEIS for the project did not compare potential truck routes with respect to safety or cost.

RAIL DECISIONS

- DOE has announced its rail route preference in Nevada: Caliente with Carlin as a secondary preference
- DOE intends to prepare an EIS only on the Caliente route. From a planning perspective, analyzing the secondary route and rail/truck alternatives in the event that the preferred route is infeasible would be prudent and efficient.

FINAL THOUGHTS

- DOE has resisted acknowledging that its current low level waste and transuranic waste shipping programs are legitimate subjects of study for purposes of anticipating how DOE will handle the transportation of high level waste and spent fuel. DOE should encourage AULGs to use oversight funding to develop an understanding of DOE's existing nuclear waste transportation practices and regulatory framework.
- Until a Supplemental EIS is completed on security issues, there is no rational basis for a decision on the preferred mode of transportation or preferred routes. Absent decisions on mode and routes, impacted jurisdictions cannot be identified and costs to prepare these routes cannot be estimated.

LONG RANGE PLANNING IS DIFFICULT

- 180(c) funding is not a panacea for the AULGs.
- Funding will not be available until three years prior to first shipments and the amount available to Nevada and California is unknown. Knowing neither the risks nor the resources available to offset these risks, makes long range planning difficult if not impossible. Funding needs to be based on the total impact of under the draining end of the transportation funnel.

OUR CHALLENGE

- Understanding the anticipated impacts
- Weighing the burden of risk and responsibility imposed upon the county
- Developing a plan to respond to those burdens
- Getting DOE to compensate the counties for the cost of implementing the plan for the duration of the shipping campaign
- Implementing the plan for the duration.....