

65 FR 39206
June 23, 2000

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September 21, 2000

Nuclear Regulatory Commission
Office of Nuclear Material Safety and Standards
Washington, D.C. 20555-0001

RE: Docket No. 72-22, Private Fuel Storage, L.L.C.: Comments to NUREG-1714, Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Toole County, Utah

To Whom It May Concern:

These comments to NUREG-1714 are submitted on behalf of Lincoln County (Nevada), the City of Caliente (Nevada) and their Joint City/County Impact Alleviation Committee. Lincoln County has been designated by the Secretary of Energy as potentially affected by the management and disposal of spent nuclear fuel (SNF) by the Department of Energy (DOE) pursuant to the Nuclear Waste Policy Act, as amended. Lincoln County and the City of Caliente are bisected by the Union Pacific mainline railline by which NUREG-1714 assumes spent fuel from the proposed Private Fuel Storage (PFS) facility would be transported in route to Yucca Mountain. Lincoln County abuts Iron County, Utah the assumed terminus point for shipments of SNF from the PFS facility by rail. If the proposed alternative were selected and the PFS were licensed by the Nuclear Regulatory Commission (NRC), rail shipments would travel through Lincoln County and the City of Caliente. SNF may be off-loaded in Caliente at the site of a rail-to-truck intermodal facility identified by the DOE in the DEIS for the Yucca Mountain Project. From Caliente, shipments would continue across Lincoln County via heavy-haul truck.

The relationship of the PFS-Skull Valley proposal to Lincoln County and the City of Caliente is evident and should have been considered within the scope of NUREG-1714. This is particularly true given NRC's comments on the inadequacy of the Yucca Mountain DEIS treatment of specific transportation mode and route issues. Ironically, NUREG-1714, at lines 20-22 of Page 5-32, characterizes the analysis of national and regional transportation impacts contained within the Yucca Mountain DEIS as "addresses in detail". This description of the extent to which transportation is considered within the DEIS for Yucca Mountain is inconsistent with NRC's comments to the Yucca Mountain document whereby NRC called for greater detail and specificity with regard to consideration of transportation impacts within Nevada. Both NUREG-1714 and the DEIS for Yucca Mountain fail to adequately consider regional

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transportation impacts.

Of particular concern to Lincoln County and the City of Caliente are the connected nature of the PFS proposal to prospective intermodal and heavy haul activities. Licensing and

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operation of the PFS facility increases the likelihood that the Yucca Mountain facility will eventually be licensed and operated. Licensing and operation of the PFS facility increases the likelihood that intermodal facilities would be constructed and operated by DOE in Caliente. In conjunction with licensing and operation of the Yucca Mountain repository, the PFS facility may result in development and operation of intermodal and heavy haul facilities in Lincoln County and the City of Caliente. Licensing and operation of the PFS facility increases the likelihood that heavy haul shipments will originate in Caliente and cross Lincoln County. Without the PFS facility, use of legal weight trucks for shipments from reactor sites to the Yucca Mountain repository is a much more likely scenario. Licensure of the PFS facility all but forecloses the use of legal weight trucks. As a consequence, development and operation of the PFS facility, in conjunction with development and operation of the Yucca Mountain repository may effectively shift transportation risks from other routes to one crossing through Lincoln County and the City of Caliente. The fact that PFS may all but eliminate several transportation alternatives within Nevada to the Yucca Mountain repository has not been addressed within NUREG-1714.

The final version of NUREG-1714 should include an analysis of the impacts to Nevada corridor communities of transporting SNF from the PFS facility to the Yucca Mountain repository. To limit the analysis to the Utah state line represents a severely incomplete assessment of transportation impacts. That is unless, PFS and the NRC intend to permanently dispose of SNF at the Utah state line!

The National Environmental Policy Act (NEPA) requires that "connected" actions be evaluated within the same EIS. According to 40CFR1508.25, the lead agency should consider connected actions. Connected actions are those that are closely related. Actions are considered closely related if they:

- automatically trigger other actions,
- cannot proceed unless other actions are taken previously or simultaneously, or
- are independent parts of a larger action and depend on the larger action for their justification.

The PFS facility at Skull Valley is a "connected" action to the following:

- rail transportation through Lincoln County, Nevada,
- development and operation of an intermodal facility at Caliente, Nevada,
- heavy haul transport through Lincoln County, Nevada,
- development and operation of a repository at Yucca Mountain, Nevada.

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The transportation of 40,000 metric tons of SNF across the nation from generator sites to Skull Valley for interim storage cannot be justified unless a site for permanent disposal is also located in the region. The only site under consideration for permanent disposal of SNF is Yucca Mountain. The PFS facility is only justifiable if the waste can ultimately be shipped to the Yucca Mountain repository site. Therefore, the PFS proposal and the Yucca Mountain project must be considered connected actions.

The transportation of SNF along the Union Pacific mainline to the Utah border will not occur unless the shipments are to continue into Lincoln County. Therefore, as described within NUREG-1714, operation of the PFS facility will automatically trigger rail transportation of SNF through Lincoln County and the project can not proceed unless rail access through Lincoln County to an intermodal facility or directly to Yucca Mountain is available. As a consequence, the PFS proposal and rail transport of SNF through Lincoln County must be considered a connected action.

Unless, PFS, LLC or the DOE intend to transport SNF by rail through Nevada to California (highly unlikely scenario), the PFS will result in 1) the construction and operation of new rail lines linking the Union Pacific mainline to the Yucca Mountain site; and/or 2) the construction and operation or use of existing rail-to-truck intermodal facilities in Nevada; and/or 3) heavy haul transport of SNF across Nevada highways. Therefore, the PFS proposal and 1) the construction and operation of new rail lines linking the Union Pacific mainline to the Yucca Mountain site; and/or 2) the construction and operation or use of existing rail-to-truck intermodal facilities in Nevada, must be considered connected actions. In particular, the connectivity of the PFS proposal with intermodal facility construction and operation in Caliente and heavy haul transport through Lincoln County must be considered within the final version of NUREG-1714.

I trust these comments to be of assistance as NRC strives to fully understand and empower itself to mitigate impacts of the PFS proposal.

Sincerely,

Mike L. Baughman, Ph.D.
President

cc: Mr. Dan Frehner, Chairman, Lincoln County Commission
Mr. Kevin Phillips, Mayor, City of Caliente
Members, Joint City/County Impact Alleviation Committee

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