

December 5, 2002

Mr. Robert R. Loux
Executive Director
Agency for Nuclear Projects
State of Nevada
Office of the Governor
1802 N. Carson Street, Suite 252
Carson City, Nevada 89701

SUBJECT: TRANSPORTATION OF SPENT NUCLEAR FUEL AND HIGH-LEVEL
RADIOACTIVE WASTE

Dear Mr. Loux:

In your letter of November 26, 2002, you questioned the completeness of the Transportation Workshop convened by the Advisory Committee on Nuclear Waste (ACNW) on November 19 and 20, 2002. The objective of the workshop was to examine the technical aspects of spent fuel transportation package design, analysis, and testing methods to determine whether sufficient evidence exists, or whether additional evidence needs to be obtained, to substantiate that spent fuel can be transported safely. In addition, the workshop also examined domestic and worldwide spent fuel and high-level waste transportation experience over the past 40 years. We designed the agenda to focus on the generic aspects of transportation, and purposely excluded discussions on shipments to any specific destinations such as Yucca Mountain, Nevada. Accordingly, we sought experts in spent fuel transportation package design, testing, and analysis and individuals with considerable experience in shipping spent nuclear fuel and high-level waste. The experts were selected on the basis of their extensive work in these areas. In focusing on the technical aspects of transportation, which is our primary area of responsibility in advising the Commission, we did not consider issues such as security, emergency planning, or public perception of risk. We recognize that these topics are important, but they are outside of our current focus on the transportation issue.

In your letter you expressed concern that transportation experts from the State of Nevada and from public interest groups were not included in the workshop agenda. As I indicated above, participants were selected based on known expertise in the technical areas on which we focused. If we failed to identify a person or persons with special expertise in the generic topics, the omission was inadvertent. The ACNW would welcome a briefing by representatives of the State of Nevada on new technical information relating to spent fuel transportation package design, analysis, and testing or on experience in the transportation of spent fuel.

I do not want to leave you with the impression that the meeting excluded everyone except the invited experts. There were ample opportunities for meeting attendees to ask questions or make statements challenging presentations. The ACNW has always encouraged public participation at its meetings. The Transportation Workshop was announced in the *Federal Register* and on the NRC Web Site. Public comment periods were scheduled into the agenda. In addition, stakeholder comments and questions were solicited several times in addition to the scheduled periods.

Robert R. Loux

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Although the November workshop was directed at generic issues, the ACNW tries to keep abreast of issues related directly to the proposed repository at Yucca Mountain. On a routine basis the ACNW conducts meetings and public outreach programs in communities located near Yucca Mountain to solicit views from local stakeholders. On October 12, 1999, the ACNW hosted a round-table discussion with the public in Las Vegas, Nevada, to enhance our capability to communicate technical issues and improve effective public participation in the Nuclear Regulatory Commission (NRC) regulatory process. One of the main stakeholder concerns at that meeting related to transportation issues. The ACNW used information gathered at that meeting to recommend to the Commission that NRC take the lead in clarifying the roles of different Government agencies. In addition, the ACNW stated that the final environmental impact statement (EIS) for the proposed repository should provide more detail on impacts and mitigation of a transportation scenario than the draft EIS. Most recently, in September 2002, we conducted meetings in Pahrump and North Las Vegas, Nevada, where we interacted with the stakeholders on the proposed repository at Yucca Mountain. Also, in Pahrump we discussed the agenda for the November Workshop.

The Committee will present the preliminary observations on our November workshop to the Commission on December 18, 2002, during a public meeting. If you would like to provide written comments on the workshop, we will certainly consider them prior to our meeting with the Commission.

The recent Transportation Workshop was only one of our information-gathering exercises. The ACNW will continue to review spent fuel transportation, especially when it involves NRC-regulated activities. In addition, we will review the Department of Energy's transportation plan, once it has been developed, to determine if or how it affects the mission of the NRC and will make recommendations to the Commission as necessary.

As I noted, the ACNW is willing to schedule time during a future meeting to consider detailed technical information and shipping experience that the State of Nevada believes were not represented or were misrepresented at the meeting. We will consider any such information gained at the meeting in making further recommendations to the Commission. The ACNW meeting agenda for December has already been finalized. The next ACNW Meeting is scheduled for February 19-21, 2003. Please contact Dr. John T. Larkins, Executive Director, ACNW, by telephone at 301-415-7360 or e-mail jtl@nrc.gov to schedule a meeting. Thank you for your interest in ACNW activities.

Sincerely,

/RA/

George M. Hornberger
Chairman

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Sincerely,
/RA/
 George M. Hornberger
 Chairman

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***See previous concurrence**

OFC	ACNW	ACNW	AD:ACNW	EX:ACNW	C:ACNW
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DATE	12/4/02	12/04/02	12/4/02	12/5/02	12/5/02

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