

February 20, 2004

Dr. Margaret S. Y. Chu, Director  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Dear Dr. Chu:

This letter is in response to your letter of December 1, 2003, transmitting the Office of Civilian Radioactive Waste Management's (OCRWM's) Strategic Plan for the Safe Transportation of Spent Nuclear Fuel (SNF) and High Level Waste to Yucca Mountain: A Guide to Stakeholder Interactions. In that letter, you commit to develop a transportation system through interactions with various stakeholders. You also note an intention to interact with private-sector cask suppliers, utilities, logistics providers, and others in the transportation industry to solicit information and obtain private-sector views on establishing the necessary system design and cask fleet on a timely and cost-efficient basis. These interactions would involve workshops, conferences, and other appropriate forums.

Your plans for these workshops and conferences are of interest to the U.S. Nuclear Regulatory Commission (NRC) in connection with our responsibility for certification of cask designs. Although the plan notes that other Federal entities will be involved, as appropriate, it is important that OCRWM keep the NRC fully apprised of its activities in this area so that members of the NRC staff can remain current on any new or modified transportation cask and other SNF transportation issues.

Your strategic plan also addresses the selection of transportation modes and routes. In the NRC's comments on the U.S. Department of Energy (DOE) Final Environmental Impact Statement for the potential repository at Yucca Mountain, dated February 4, 2002, the Commission noted that refinement of the repository design and DOE's selection of the transportation modes and routes would allow for a more precise estimate of the environmental impacts, which could result in further National Environmental Policy Act (NEPA) analyses. As DOE proceeds with the selection of transportation modes and routes, I would appreciate being kept informed of your plans in this regard.

In addition, your plan states that DOE "is also open to discussions concerning...dual-purpose storage/transportation cask systems that have been certified by the NRC." The NRC believes that NRC-approved dual-purpose casks can be used to transport spent fuel to the potential Yucca Mountain repository. In addition, NRC is currently permitting decommissioning power reactor facilities to demolish their spent fuel pools after all spent fuel is loaded in NRC-certified dual-purpose storage casks. Obviously, it would be preferred, for safety as well as

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economic reasons, not to re-pack the fuel loaded in these casks. Thus, early resolution of cask selection and cask certification is important to the NRC's regulatory activities.

If you have any questions regarding this letter, please feel free to contact me.

Sincerely,

/RA/

Martin J. Virgilio, Director  
Office of Nuclear Material Safety  
and Safeguards

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