

April 5, 2006

The Honorable Susan Cash, Chair
Inyo County Board of Supervisors
431 Short Street
Bishop, CA 93514

Dear Chairperson Cash:

I am responding to a question posed by you and other Board Members during our briefing for the Inyo County Board of Supervisors last fall, on the potential transportation routes, within Inyo County, that might be used to ship spent nuclear fuel to a high-level waste repository located at Yucca Mountain, Nevada. The specific question was:

If the Nuclear Regulatory Commission (NRC) adopts the Department of Energy's (DOE's) Environmental Impact Statement (EIS) for Yucca Mountain, will NRC be approving transportation routes included in the EIS at that time?

The short answer to this question is no. **U.S. NRC adoption of the EIS does not constitute approval of transportation routes.** The U.S. Department of Transportation (DOT) regulates routing for all hazardous material transportation, including radioactive materials. The specific transportation routes would be selected by the shipper [the U.S. Department of Energy (DOE), in the case of Yucca Mountain] or carrier (DOE contractor), in accordance with criteria specified in 49 CFR Part 397, Subpart D, of DOT's safety regulations. This assumes that DOE takes possession of the spent nuclear fuel at reactor sites. DOE would also be responsible for ensuring that these shipments meet applicable security requirements.

If DOE decides not to take possession of the spent fuel at reactor sites, the shipments could be made by the reactor owners who are NRC licensees. In this case, NRC would review and approve licensee plans for spent nuclear fuel shipments, to confirm that the planned physical protection measures are adequate, that coordination with local law enforcement authorities has been established, and that the licensee has complied with applicable DOT routing regulations. NRC review and approval would be conducted under regulations in 10 CFR Part 73.

In either case, whether DOE does, or does not, take possession of spent nuclear fuel at reactor sites, specific transportation routes would not be approved under NRC regulations or proceedings used for reviewing the application for Yucca Mountain (i.e., 10 CFR Part 63).

S. Cash

-2-

I hope this helps to clarify some of the issues you have regarding spent nuclear fuel transportation routes through Inyo County. If you wish to discuss this matter further, please contact me (phone: 301-415-8560; e-mail: whr@nrc.gov) or Mr. Earl Easton, of my staff (phone: 301-415-8520; e-mail: exe@nrc.gov).

Sincerely,

/RA/

William H. Ruland, Deputy Director
Licensing and Inspection Directorate
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

cc: The Honorable Jim Bilyeu, Vice-Chair
The Honorable Linda Arcularius
The Honorable Richard Cervantes
The Honorable Ted Williams
Enclosed list

S. Cash

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