



May 16, 1996

Richard A. Guida,  
Associate Director for Regulatory Affairs  
Naval Nuclear Propulsion Program  
Naval Sea Systems Command  
2531 Jefferson Davis Highway  
Arlington, Virginia 22242-5160

**Re:** Draft Environmental Impact Statement for Spent Nuclear Fuel Container System

Dear Mr. Guida:

A  
B  
C Nye County has received the notice of the availability of the *Department of the Navy Draft Environmental Impact Statement for a Container System for the Management of Naval Spent Nuclear Fuel* (DEIS). I am writing to request that a public hearing on the DEIS be held in Nye County, that the DEIS be placed in Nye County libraries for public review, and that the time for review and comment be extended beyond the current 45 day period.

Nye County is the host community for the nation's candidate sites for storage and disposal of spent nuclear fuel at the Nevada Test Site and Yucca Mountain, respectively. The canisters being evaluated for use by the Navy may, therefore, end up in Nye County if Congress and DOE continue on their current path. More importantly, the Navy design will likely become the prototype for the much greater volume of the civilian spent nuclear fuel to be shipped from reactor sites.

The task of performing the container environmental impact statement was taken on by the Navy after DOE cut its multipurpose canister program in FY96. DOE, however, is participating with the Navy as a cooperating agency. The Navy's DEIS addresses the need, alternatives, and environmental impacts of manufacturing the various containers, loading the containers, and the handling and dry storage of naval spent nuclear fuel at the Idaho National Engineering Laboratory. The DEIS also examines the transportation of naval spent nuclear fuel loaded containers to a conceptual repository or centralized interim storage site.

In this light, the Navy's responsibility to Nye County residents is no different than if DOE were to still be managing the project. At a minimum, we request that the Navy hold a DEIS public hearing in Nye County in either Pahrump or Amargosa Valley. In addition, we request a 30-day extension on the comment period due to resource constraints and the multitude of other federal actions to which we are also currently responding.

Page 2  
Navy Container DEIS  
May 16, 1996

D Finally, Nye County has submitted scoping comments for DOE's original multipurpose canister EIS. I have included a copy with this letter. We hope the Navy, through DOE's role as a cooperating agency, has had an opportunity to address our scoping comments. Nye County will be using these comments to assess the DEIS.

Nye County looks forward to receiving a positive response to our requests for a hearing in the County, for copies of the DEIS for our libraries, and for an extension of the comment period. As you might imagine, all issues associated with the storage and disposal of nuclear waste in Nye County are of grave concern and demand our community's most conscientious attention.

Please call me with any questions at (703) 482-8183. Also feel free to contact Phillip Niedzielski-Eichner of Governmental Dynamics, Inc., in Arlington, Virginia, who will be assisting Nye County with this effort. He can be reached at (703) 818-2434.

Sincerely,

A handwritten signature in cursive script that reads "Les W. Bradshaw". The signature is written in dark ink and includes a small mark at the end that appears to be "LWE".

Les W. Bradshaw  
County Manager

Enclosure

---

cc: Nye County Commissioners  
Phillip Niedzielski-Eichner, GDI



**NUCLEAR WASTE REPOSITORY PROJECT OFFICE**

**P.O. BOX 1767 • TONOPAH, NEVADA 89049**

**(702) 482-8183 • FAX (702) 482-9289**

January 6, 1995

U.S. Department of Energy  
c/o Argonne National Laboratory  
EAD  
Building 900, Mail Stop 1  
9700 South Cass Avenue  
Argonne, IL 60439

ATTN: MPC EIS Scoping Comments

Dear Sir or Madam:

Nye County appreciates the opportunity to participate in the scoping process for the multi-purpose canister environmental impact statement. As the situs jurisdiction of the Yucca Mountain Project, Nye County is concerned about all aspects of the civilian radioactive waste management program. We believe the proposed MPC system is a very significant development that has important impacts throughout the system that must be carefully evaluated.

Our comments address the following topics:

- Need for Programmatic EIS
- Use of generic sites
- Repository impacts
- Transportation impacts
- Cumulative risk
- Emergency response
- EIS Process issues

**Need for Programmatic EIS**

Nye County urges DOE to conduct a Programmatic Environmental Impact Statement for the entire civilian waste management system.

## PAGE 2

### Nye County MPC EIS Scoping Comments

January 6, 1995

A decision by DOE to deploy the MPC will have profound consequences for the entire waste management system. For example, a decision to use MPCs will drive (1) requirements for at-reactor storage facilities and handling equipment, (2) key elements of the transportation system including modes, equipment and infrastructure requirements, and shipping casks design, and (3) fundamental features of repository design, such as thermal loading. The MPC EIS Notice of Intent under Purpose and Need for Agency Action indicates that "DOE needs to develop a program for handling, storing, transporting, and disposing spent nuclear fuel." This goal will be accomplished by the waste management *system* not by any individual component of the system, such as MPCs or even a geologic repository. DOE has not analyzed the totality of the impacts of the waste management system under NEPA, however, and none of the planned EISs under the NWPAA, including the MPC EIS, will meet that need. For this reason, Nye County urges that DOE produce a Programmatic Environmental Impact Statement for the entire waste management system.

#### Use of Generic Sites

According to the Notice of Intent, the EIS will provide a generic analysis only of impacts at reactor sites, a hypothetical MRS, and of surface activities at a repository. Nye County recommends that the EIS use site specific analysis wherever possible in evaluating MPC impacts. Where site specific analyses are not possible, the EIS should make reasonable assumptions about what sites are likely to be chosen, especially for an interim storage facility.

With regard to reactor sites, the EIS should (1) identify which reactors can accommodate either the large MPC or small MPC and (2) identify linkages from reactors to the national transportation system.

Although there is indeed no MRS, the EIS should consider (1) impacts of the MPC on the private storage facility under development by the Mescalero Indian tribe and (2) impacts of the MPC on a federal interim storage facility. Given the potential for new legislation that would establish a federal facility in the West, most probably in Nevada or Idaho, the analysis should consider "generic" storage locations in both Nevada and Idaho. These analyses should pay special attention to transportation impacts, and should account for the most likely transportation routes and potential intermodal transfer points.

Given that Yucca Mountain is the only site under investigation for a geologic repository, it is not clear what a generic analysis of surface facility impacts even means. We therefore recommend that the EIS, at a minimum, address the site specific impacts of MPC surface facilities at Yucca Mountain. A generic analysis alone of surface impacts would deliberately ignore real data about the site that could substantially improve the analysis. If DOE believes a generic scenario is necessary it should be in addition to an analysis of impacts at Yucca Mountain.

### **Repository Impacts**

The MPC will drive key aspects of repository design. For this reason, Nye County strongly urges that the EIS specifically address the impacts of deploying the MPC system on a repository at Yucca Mountain.

We are especially concerned about MPC impacts on thermal loading, retrievability, and long term criticality control. Clearly, use of MPCs will limit thermal loading options at Yucca Mountain, and may constrain the amount of spent fuel that can be accommodated at the repository. The Ghost Dance and Sun Dance Faults, as well as newly discovered fractures at Yucca Mountain further reduce its potential capacity.

We are concerned that it would be impossible for all practical purposes to retrieve MPCs if the site is shown to be unsuitable after waste emplacement. Finally, it is likely to be more difficult to demonstrate long term criticality control for MPCs than smaller containers. We therefore believe the EIS must address the impacts of MPCs on thermal loading scenarios, retrievability, and long-term criticality control. In the absence of adequate data to perform a comprehensive analysis of these issues at this time, the EIS should use the best available data, supplemented by reasonable assumptions about bounding conditions. We note that the NRC has recently called on DOE to be as specific as possible in the repository design, even when data is not available to support a final design.

We further recommend that the EIS include a detailed analysis of the risks and impacts, including cost, of opening MPCs and repackaging spent fuel at the repository. Nye County is especially concerned about this scenario since repackaging spent fuel at the repository would likely be an unusually "dirty" operation that could subject workers who may be Nye County residents to significant radiological doses. Furthermore, the costs and risks of repackaging spent fuel at the repository may mean that the MPC system is not optimal in comparison to other alternatives.

In addition, Nye County recommends that the EIS consider the impacts of an MPC on a generic second repository. The volume of wastes requiring geologic disposal keep increasing, while the apparent capacity of Yucca Mountain is decreasing. As such, the EIS should assume that a second repository will be needed, probably in granitic or salt media.

### **Cumulative Risk**

We urge that analysis of MPC risks consider the cumulative risks from MPCs to maximally exposed individuals along likely transportation corridors and in occupational settings. Many rural residents live in the same location for long periods of time, and it is not unrealistic that some individuals will be exposed to potentially significant radiation doses over long periods of time, even if each exposure is very small.

The EIS should analyze the cumulative radiological risks within Nevada, assuming that an interim storage facility is established at the Nevada Test Site and that Yucca Mountain is used for permanent disposal of MPCs. The analysis of cumulative exposures should account for off-site exposure from historical weapons testing at the Test Site, mixed waste and low-level radioactive waste management at the Test Site, and transportation of low-level and other radioactive wastes both to and from the Test Site. Estimated cumulative exposure risks to Nevada residents should be compared to those for persons located along other segments of likely transportation corridors.

### **Transportation Impacts**

If a repository is ever built at Yucca Mountain, Nye County will be the ultimate destination for most of the nation's spent fuel and high-level waste. A decision to deploy the MPC system will have major implications for the nuclear waste transportation system. We urge that the EIS address transportation-related impacts as specifically as possible, especially in Nevada.

In particular, the EIS should evaluate the impacts of transporting MPCs to an interim storage facility located at the Nevada Test Site. This analysis should consider potential impacts of constructing a rail spur to the site. Since a specific route has not been chosen the analysis should account for the actual routes that are under consideration (i.e., the Caliente, Carlin, and Jean routes) as specifically as possible. Since it may well be necessary to transport MPCs to an interim storage facility before the rail spur can be constructed, the EIS should also consider impacts of transporting MPCs by heavy haul truck to the site. This analysis should identify potential intermodal transfer locations as well as potential truck routes to the site and consider impacts on infrastructure, local emergency response capabilities, and socioeconomic conditions.

Another key transportation issue is rail route selection at the national level. While we realize that the EIS cannot designate rail routes from reactors to Yucca Mountain, we urge that DOE use the most likely actual routes to analyze transportation risks and not simply rely on a generic analysis. The MPC will stress the capabilities of the nation's rail system, and we believe the risk analysis should be as specific as possible to give a true indication of how the railroads and corridor communities will be affected.

### **Emergency Response**

Rural counties, including Nye County, are not equipped to respond to accidents or other emergencies involving MPCs, even though their personnel are likely to be the first responders to any incident. We recommend that the EIS evaluate the impacts of deploying the MPC system on rural emergency responders, especially with respect to training and equipment requirements.

### **Socioeconomic Impacts**

A transportation accident involving an MPC could have significant impacts on affected communities even if no radiation is released. We recommend that the EIS evaluate the socioeconomic impacts to rural communities from a transportation accident involving an MPC. At a minimum, this analysis should address impacts of closing highways and railroads during recovery and/or clean-up operations, and the resulting disruption to communities.

Increasingly the nation's rural counties are becoming the dumping grounds for wastes generated in the nation's urban areas. Nye County believes the totality of impacts on its citizens must be considered in terms of environmental justice. We therefore recommend that the EIS specifically address potential disproportionate impacts on rural populations of MPC development in addition to impact on minority and disadvantaged populations.

Nye County also believes that fabrication of MPCs and maintenance of transportation casks could provide significant economic benefits. We therefore urge that the EIS provide a detailed evaluation of the number of jobs associated with MPC deployment, secondary business growth, and related economic activity. This analysis should consider the feasibility and impacts of establishing MPC fabrication facilities and associated operations in potential host communities for interim storage facilities and Yucca Mountain.

### **EIS Process Issues**

Nye County requests that DOE extend the January 6 deadline for written comments. DOE has chosen the worst time of the year to ask members of the public for their input to the MPC EIS. Given the importance of the MPC issue and the fact that this is the first NEPA action undertaken under the Nuclear Waste Policy Act, we believe our residents should have the most generous possible opportunity to study the MPC issue and offer informed comments.

We also request that DOE provide the EIS implementation plan for public review. In view of the wide range of issues that need to be addressed in the MPC EIS, we believe that it is important for affected units of local government to be assured that DOE has adequately responded to the scoping issues they raise prior to issuing the draft EIS.

**PAGE 6**

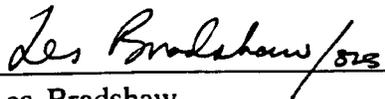
**Nye County MPC EIS Scoping Comments  
January 6, 1995**

Nye County requests that DOE place relevant documents not only in DOE reading rooms but in the program offices of affected units of local government.

We also wish to acknowledge DOE's extensive efforts to provide alternative mechanisms for the public to comment, such as the toll free number and computer bulletin board. We request that these be maintained throughout the preparation of the EIS.

Nye County appreciates the opportunity to provide scoping comments for the MPC EIS, and we will look forward to reviewing the draft EIS when it is issued. Please call me at (702) 482-8183 if you have any questions.

Sincerely,

 \_\_\_\_\_

Les Bradshaw  
Project Manager  
Nye County Nuclear Waste Repository Project Office

---



## DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND  
2531 JEFFERSON DAVIS HWY  
ARLINGTON, VA 22242-5160

IN REPLY REFER TO

May 31, 1996

Mr. Les W. Bradshaw  
Nye County Manager  
P.O. Box 153  
Tonopah, Nevada 89049

Dear Mr. Bradshaw:

Thank you for your letter of May 16, 1996, received on May 22, 1996, concerning the Navy's Draft Environmental Impact Statement covering container systems for the storage, transport and management of naval spent nuclear fuel (Container System EIS). Your letter identified several issues, which were also shared with us by the Department of Energy's Office of Civilian Radioactive Waste Management. Each of these issues is addressed below.

Your letter asked that copies of the draft Container System EIS be placed in Nye County libraries for public review. Copies have been sent under separate cover to the three Nye County libraries per your request.

Your letter requested that the time available for Nye County to comment on the draft Container System EIS be extended 30 days beyond the current 45 day period, and that public hearings be held in Nye county. These requests are similar to those made by the State of Nevada in separate correspondence, to which we responded by letter dated May 29, 1996, copy attached. To summarize our response, the Navy has agreed to extend the comment period to 60 days, and will publish a notice in the Federal Register to that effect. However, no public hearings are planned in Nevada because the EIS does not cover long-term interim storage or disposal of the spent fuel, but rather its dry containerization and temporary storage at the Idaho National Engineering Laboratory, and ultimate transport to a repository or centralized interim storage site outside Idaho. In that vein, the EIS does evaluate shipment to Yucca Mountain, but for analysis purposes only, recognizing that location is the only one under the Nuclear Waste Policy Act being evaluated as a potential repository. The analysis does not presume, however, that Yucca Mountain will be found suitable as a repository.

As the enclosed letter indicates, the Navy has apprised Nevada of our willingness to brief State officials on the draft EIS and naval spent fuel matters. Depending upon when that is scheduled, or alternatively in conjunction with other visits made to conduct business with DOE officials in Las Vegas, we would be

pleased to meet with Nye County officials at that time for the same purpose.

Thank you for your consideration of this matter. If you have any questions, please contact me or Will Knoll of my staff at 703-602-8229.

Sincerely,



Richard A. Guida  
Associate Director  
for Regulatory Affairs  
Naval Nuclear Propulsion Program

Enclosure



## DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND  
2531 JEFFERSON DAVIS HWY  
ARLINGTON, VA 22242-5160

IN REPLY REFER TO

May 29, 1996

Ms. Julie Butler  
Coordinator, Nevada State Clearinghouse  
Department of Administration  
Carson City, Nevada 89710

Dear Ms. Butler:

Thank you for your letter of May 9, 1996, received on May 15, 1996, concerning the Navy's Draft Environmental Impact Statement covering container systems for the storage, transport and management of naval spent nuclear fuel (Container System EIS). Your letter identified three issues for which you desired a response. Each issue is addressed below.

Your letter asked that five additional copies of the draft Container System EIS be provided to your office to facilitate State review. Those copies have been sent by overnight mail under separate cover.

Your letter requested that the time available for the State of Nevada to comment on the draft Container System EIS be increased from 45 days to 60 or 90 days. We agree to extend the comment period to 60 days, and will publish a notice in the Federal Register to that effect. We would note that in order to facilitate State review of this matter, the Navy provided six complete copies of the draft Container System EIS by letter from Admiral DeMars dated April 2, 1996, in advance of the public mailing which began in early May after bulk printing by the Government Printing Office. A copy of that letter is enclosed. Under these circumstances, and recognizing that the Navy needs to complete the EIS and move forward with selection of a container system to meet commitments made in a federal court-ordered settlement with the State of Idaho, we cannot extend the public comment period beyond 60 days.

Your letter requested that in addition to the six public hearings at three locations (Boise, Idaho Falls area, and Salt Lake City) in Idaho and Utah, additional hearings be held in Reno, Las Vegas, and two other undesignated western sites. We do not believe that additional hearings are needed. The locations selected covered those regions where naval spent fuel will be loaded, stored, and possibly transported, consistent with the proposed action covered in the Container System EIS. The EIS does not cover long-term interim storage or disposal of the spent fuel, which are the responsibility of the Department of Energy rather than the Navy. The EIS does analyze shipment to Yucca Mountain, but for analysis purposes only, recognizing that

location is the only one under the Nuclear Waste Policy Act being evaluated as a potential repository. The analysis does not presume, however, that Yucca Mountain will be found suitable as a repository.

Finally, your letter noted that the Navy's actions under this Container System EIS are particularly important because they may influence how commercial spent fuel is managed, stored and transported. In our view, naval spent fuel is very distinguishable from commercial spent fuel in several respects which ameliorate your concerns:

1. Amount: There are currently 12 metric tons (heavy metal) of naval spent fuel in existence, with a projection of 65 metric tons by the year 2035. By comparison, there are about 30,000 metric tons (heavy metal) of commercial spent fuel today, with projections of over 85,000 metric tons by the year 2035. Thus, naval spent fuel constitutes a very small percentage (less than 0.1%) of spent fuel inventories today and into the future.

2. Nature: Naval nuclear fuel is designed for combat conditions, making it different in design and function than commercial fuel. For example, naval fuel can withstand battle shock loads well in excess of 50 times the force of gravity without damage. Moreover, naval fuel fully retains fission products within the fuel itself, a necessary design requirement given the close proximity of the crew to the reactor aboard ship. Finally, naval fuel operates in excess of twenty years between refueling, requiring it to possess long term structural integrity.

3. Fuel Cycle: All naval spent fuel is shipped to the Idaho National Engineering Laboratory (INEL) for examination after service, which is why INEL is the only origination point evaluated in the Container System EIS for shipments to an interim storage facility or repository. Naval spent fuel is not stored at multiple locations under different conditions as is commercial spent fuel.

For these and other reasons, we do not expect the storage, transportation, or management of naval spent fuel to set precedents relevant to commercial spent fuel.

As is recognized in your letter, Admiral DeMars' letter offered a briefing by the Navy to Nevada officials on these matters. That offer remains available at your convenience.

Thank you for your consideration of this matter. If you have any questions, please contact me or Will Knoll of my staff at 703-602-8229.

Sincerely,

*Richard A. Guida*

Richard A. Guida  
Associate Director  
for Regulatory Affairs  
Naval Nuclear Propulsion Program

Enclosure

Copy to:

Ms. Sherri Goodman, DUSD(ES)  
The Honorable Bob Miller, Governor  
The Honorable Harry Reid, Senator  
The Honorable Richard Bryan, Senator  
The Honorable Barbara Vucanovich, Representative  
The Honorable John Ensign, Representative



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, DC 20350-2000

IN REPLY REFER TO  
April 2, 1996

The Honorable Robert Miller  
Governor, State of Nevada  
State Capitol  
Carson City, Nevada 89703

Dear Governor Miller:

The Navy is pleased to provide you with advanced copies of the draft Environmental Impact Statement (EIS) covering the selection of a system of containers for the dry storage of naval spent nuclear fuel at the Idaho National Engineering Laboratory, and its ultimate transport to a repository or interim storage facility outside Idaho. The draft EIS analyzes shipment to Yucca Mountain as a notional destination for analytical purposes only. It should be noted that shipments to any geologic repository, or to any centralized interim storage facility, would only occur if authorized by law and regulation, analyzed in subsequent National Environmental Policy Act (NEPA) documentation, and approved by the NRC in licensing such a facility. The Department of Energy has participated in the preparation of this EIS as a cooperating agency under NEPA. Six copies of the draft are enclosed to facilitate State review.

The draft EIS will be provided to the public in May 1996, and public hearings are tentatively scheduled to be held in June 1996 at three locations: Boise, Idaho Falls area, and Salt Lake City. The public comment period will extend for 45 days.

The Navy would be pleased to meet with your representatives to review the contents of the draft EIS and answer any questions to facilitate preparation of State comments on the document. Your staff may contact Richard Guida of the Naval Nuclear Propulsion Program at 703-602-8229 to arrange for such a meeting.

We appreciate your interest in this matter and are grateful for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. DeMars", is written above the typed name.

B. DeMars  
Admiral, U.S. Navy  
Director, Naval Nuclear Propulsion

Enclosures

Commenter: Les W. Bradshaw, County Manager - Nye County, Nuclear Waste Repository  
Project Office, Nevada

---

Response to Comment:

- A. The Navy concluded that additional hearings were not needed; this was conveyed to the commenter by letter dated May 31, 1996. The letter explained that the locations selected covered those regions where naval spent nuclear fuel will be loaded and stored and representative regions where it might be transported, consistent with the proposed action covered in the Container System EIS. The EIS does not cover long-term interim storage or disposal of the spent nuclear fuel, which are the responsibility of the Department of Energy rather than the Navy. The EIS does use Yucca Mountain as a destination for purposes of analysis only, recognizing that location is the only one under the Nuclear Waste Policy Act being evaluated as a potential repository. The analysis does not presume, however, that Yucca Mountain will be found suitable as a repository or would be the site for a centralized interim storage facility.
- B. Copies of the Draft EIS were sent by overnight mail.
- C. The Department of the Navy extended the comment period to 60 days and published a notice in the Federal Register to that effect.
- D. The scoping comments provided by Nye County by letter dated January 6, 1995 to the Department of Energy on the Multi-Purpose Canister EIS were considered in establishing the scope of this Navy Container System EIS. In response to the Nye County scoping comment that the type of container selected by the Department of Energy for management of spent nuclear fuel will have substantial influences on the entire waste management system, the Navy believes that the container system EIS fully evaluates environmental impacts associated with container selection and use for naval spent fuel in a fashion which will not be affected by the Department of Energy's ultimate decision for containerizing non-naval spent fuel. While the ultimate Department of Energy decision may affect the cost of containers or other such factors, the Navy must proceed at this time to select a container system in order to meet its obligations under the Idaho agreement and court order. Moreover, since the number of containers needed for naval spent fuel is very small compared to those required for commercial spent fuel, the DOE's ultimate decision is not expected to have a substantial effect on the Navy. Thus, the Navy does not need to wait for the Department of Energy's decision on containers for non-naval spent fuel to decide what is needed for naval spent fuel.