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STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
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SECRETARY

February 25, 2000

Ms. Wendy R. Dixon, EIS Project Manager
M/S 010
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P. O. Box 30307
North Las Vegas, NV 89036-0307

RECEIVED

MAR 06 2000

Re: Draft Environmental Impact Statement (EIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (DOE/EIS-0250-D)

Dear Ms. Dixon:

The Alabama Public Service Commission (APSC) submits the attached comments on the Yucca Mountain DEIS.

These detailed written comments supplement the oral comments made by the APSC at public hearings held in Atlanta on October 21, 1999.

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The DEIS, through widespread distribution of the document, extensive open meetings in eight States and a 180 day public comment period comprehensively analyzes the environmental impacts of this very complex and important federal project. We appreciate the opportunity to comment on the DEIS and urge DOE to continue the site characterization and suitability decision process so that spent nuclear fuel can be moved from reactor storage sites to a fully licensed repository at Yucca Mountain at the earliest possible time.

Sincerely,

Eugene G. Hanes
Federal Affairs Advisor

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**UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY**

Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel And High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (DOE/EIS-0250D)

**COMMENTS OF THE
ALABAMA PUBLIC SERVICE COMMISSION**

These comments are submitted by the Alabama Public Service Commission (APSC) in response to the Department of Energy (DOE) Yucca Mountain Draft Environmental Impact Statement (DEIS). These written comments supplement the oral comments made by the APSC at the public hearing held in Atlanta, Georgia on October 1, 1999. Pursuant to constitutional and statutory authority, the APSC is responsible for the regulation of electric and gas utilities that serve the residents of Alabama. The APSC's responsibilities include the regulation of rates, charges and practices of electric utilities, the regulation of the issuance of securities, certification of new generating and transmission plants, and supervision of all other aspects of retail electric service. The APSC's mandate is to regulate public utilities in a manner which is "reasonable and just to both the utility and the public."¹

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As a matter of importance to the APSC, nuclear power from Alabama's four nuclear units (Alabama Power's Farley 1 and 2 and TVA's Brown's Ferry 2 and 3) account for over 20% of Alabama's electric generation. Because of this generation,

¹ ALA. Code Sec. 37-1-80 (1975).

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1 Alabama ratepayers have paid over \$620 million into the Nuclear Waste Fund. Consequently, there are tons of spent fuel stored in water filled vaults at two sites in Alabama. Although these comments only speak in detail about our jurisdictional utility, their on site storage capacity of 1174 MTU of spent fuel will be exceeded prior to its contractually required and late removal by DOE. This will occur in 2006 for Farley 1, and 2010 for Farley 2. The net result will be either premature loss of generating capability with additional costs for replacement power, or additional costs to the utility and ratepayer for interim above ground storage. In fact, additional storage is in the planning stage now for 2004 for Farley.

2 This brief statement of Alabama specific facts makes two things clear related to Yucca Mountain and the DEIS. First, the Alabama PSC believes that the DEIS "No Action" alternatives are not acceptable for a variety of economic and safety reasons. These objections are well documented by the National Association of Regulatory Utility Commissioners (NARUC) in their comments in this matter, and the Alabama PSC agrees with their assessment, as well as the conclusions in the DEIS that the "No Action" alternatives are not appropriate. |

3 Second, the DEIS was prepared over a five year period with extensive public input and is a comprehensive assessment of the environmental impacts of developing, operating and eventually closing the Repository, or the Proposed Action, as well as transporting nuclear waste to the site. The DEIS did not identify any potential environmental impacts that should be the basis for not proceeding with the Proposed Action. |

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Having stated these two general propositions, the APSC would like to address one specific area of the DEIS. The DEIS addresses many complex issues in the Proposed Action about the development and long-term performance of the repository in Nevada over 10,000 or more years, which is appropriate. Yet, the greatest geographic and population impacts of the proposed repository take place over a shorter period of 24 years during which time spent nuclear fuel and high-level radioactive waste is packaged and transported from 77 sites in 34 States through as many as 44 States to the repository. Thus, the largest single section of the DEIS addresses environmental impacts of transportation.

The Introduction to that section of the DEIS states that while DOE is uncertain at what time transportation-related decisions need to be made, the DEIS provides the information necessary to make decisions about basic approaches (modes of shipment), as well as alternative transportation corridors both nationwide and within Nevada. It leaves for later analysis consideration of specific implementing decisions and appropriate environmental impact review. The APSC believes that this is a sound approach, as it presents the overview now and provides for analysis that is more thorough when more specific information on alternatives is available to stakeholders and decision-makers. In reality if the repository is not found suitable in 2001, why get concerned in other regions of the country where material may or may not be transported until the need to do so is confirmed?

The transportation choices seem to be either fewer shipments of larger loads by mostly rail, or more shipments by truck with smaller loads, from present locations to Nevada, and by a number of rail or highway alternative routes within the State to the

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repository. There may be some short-distance barge transport in some instances where the location is not directly served by rail. Various intermodal transfer options are considered as well.

Transportation impacts are examined in a generic sense for various modes for national routes, and in greater detail for the various corridors within Nevada. Most impacts seem to be as expected for such development and operation, when the material being shipped is any conventional, non-hazardous commodity.

The analysis considers *incident-free* radiological effects of packaged radioactive material transported by truck or rail. Effects are latent cancer fatalities resulting from small duration exposure to various populations along the routes. The results forecasted from the estimated 49,500-truck shipments of casks is four times greater for involved worker latent cancer fatalities than for the 10,800 rail shipments, primarily because of the larger number of truck shipments.

When latent cancer fatality estimates related to a "maximum reasonably foreseeable transportation *accident*" are compared for mostly truck mode vs. mostly rail, the rail fatality estimate is five times higher than for mostly truck transport, again because the quantity of material in a rail shipment is larger than in a truck shipment. The probability of such a shipment and accident is estimated to be at a rate of two in 10 million years. When non-radiological "traffic" fatalities are estimated they are found to be equal for both modes of transport.

The DEIS refers to extensive model and data analyses to support these projections, and while the APSC has not analyzed them all, much material has been provided for those who know much more about transportation or radiological science.

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Regarding the routing within the State of Nevada, the APSC recognizes that this is something that is best considered by cooperative planning by the Federal government agencies involved and State and local government officials. In recognition of potential conflict and the ultimate safety of the citizens, it does seem appropriate to suggest that the Federal government take the necessary steps to enable the minimizing of transportation routing through populated areas (as is the principle in route choices in other States.) This may involve other Federal agencies besides DOE making accommodations to permit routing through Federal lands if it is more economical, reduces travel time, or reduces routing through more populated areas. As an example, the Caliente-Chalk Mountain corridor appears to be a more direct and less populated route for a new rail corridor if rail shipping is selected, even though such a route would have to be built through property currently controlled by the Air Force. The APSC believes that if the people of Nevada are being asked to have nuclear waste shipments travel through their communities, then the same Federal government should show leadership by routing through the extensive less populated Federal lands in Nevada.

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In short, the APSC believes the level of analysis of transportation in the DEIS is appropriate for presenting the 'big picture' at this stage in the decision process, provided the Department of Energy follows through with its plan to coordinate closely with State and local governments at a later point when implementation planning is done. We believe this should be done on a partnership basis at the earliest time possible.

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In conclusion, the APSC believes that the "No Action" alternatives in the DEIS are not acceptable solutions, the DEIS does not contain any potential environmental impacts associated with the Proposed Action that should be the basis for not proceeding with the Proposed Action, and that transportation matters can best be dealt with in partnership with the affected states at a later date.

Thank you for the opportunity to provide Alabama PSC input into this vital matter.



Eugene G. Hanes
Federal Affairs Advisor
Advisory Division

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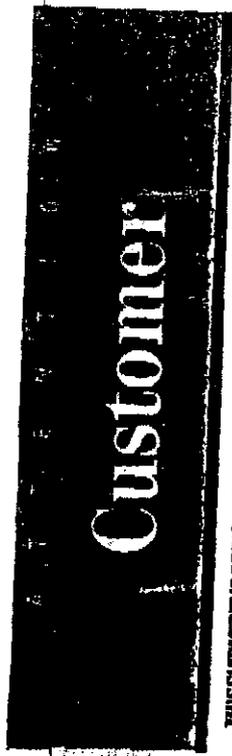
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