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JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Environmental Regulation
Office of Permit Coordination and Environmental Review
401 East State Street
P.O. Box 423
Trenton, New Jersey 08625-0423
Phone: (609) 292-3600 Fax: (609) 777-1330

LISA P. JACKSON
Commissioner

January 3, 2008

EIS OFFICE, U.S. Department of Energy
Office of Civilian Radioactive Waste Management
1551 Hillshire Drive
Las Vegas, NV 89134

RE: **Draft Supplemental EIS, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada**
and
Draft Supplemental EIS, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada – Draft EIS Nevada Rail Transportation Corridor and Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada

Dear Sir or Madame:

The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its coordinated departmental review of the following documents:

- Draft Supplemental Environmental Impact Statement (EIS), Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (Draft Repository SEIS); and
- Draft Supplemental EIS, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada – Draft EIS Nevada Rail Transportation Corridor and Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada (Draft Nevada Rail Corridor SEIS and Draft Rail Alignment EIS).

The NJDEP's Bureau of Nuclear Engineering (BNE) has no comments on the Draft Nevada Rail Corridor SEIS and Draft Rail Alignment EIS. However, for the Draft Repository SEIS they offer the following comments for your consideration.

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[The Department of Energy (DOE) has included the use of standardized Transportation, Aging, and Disposal Canisters, commonly referred to as TADs, in the Draft Repository SEIS. The intent of the DOE is to supply TADs to each nuclear power plant where they would be loaded with spent fuel and shipped to Yucca Mountain.

The DOE's assessment assumes that 90% of the high level waste coming into Yucca Mountain will be packaged in these containers. These containers have not been designed, manufactured or tested; and spent fuel continues to be placed into various other designs of spent fuel canisters licensed by the Nuclear Regulatory Commission. It is implied within the Draft Repository SEIS that spent fuel from these various models of canisters will be repacked at nuclear power plant sites with spent fuel pools into the TADs. This would include spent fuel at Oyster Creek and Artificial Island in New Jersey.

In order to repackage this spent fuel, each loaded canister would need to be taken out of a dry storage module, heavy-hauled, then heavy-lifted up and into a spent fuel storage pool. The fuel rods would need to be emptied out of a perfectly useable canister and re-loaded into a TAD. The NJDEP believes this unnecessarily requires heavy load lifts and fuel handling, and ignores the usefulness of canisters that have been licensed for transportation.

The Draft Repository SEIS fails to address what would happen to these emptied canisters and how much radwaste would be generated as a result of this operation.

Appendix A of the Draft Repository SEIS mentions that if 75% of spent fuel arrived in TADs, a second wet handling facility would be needed at Yucca Mountain. The DOE needs to delineate under what circumstances 75% is a reasonable number. The Repository SEIS needs to project how many canisters licensed for transportation would be stored around the country at various dates projected as possible operational dates for the repository. Then the needs for wet handling operations can be assessed.]

Thank you for the opportunity to be part of the review process.

Sincerely,



Kenneth C. Koschek
Supervising Environmental Specialist
Office of Permit Coordination and
Environmental Review

C: Patrick Mulligan, NJDEP