

Beyond Nuclear

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February 24, 2023

The Honorable Pete Buttigieg
Secretary of the U.S. Department of Transportation
1200 New Jersey Avenue, S. E.
Washington, DC 20590
VIA EMAIL

Dear Mr. Secretary:

We're writing to you to follow up on [our letter to you of exactly one year ago](#) tomorrow, pointing out research, regulatory, and safety gaps in the proposed transportation of nuclear wastes, including highly radioactive irradiated nuclear fuel (often called "spent" nuclear fuel or SNF).

We were promised a response from USDOT to our [February 25, 2022 letter](#) many times last year, but none was forthcoming. We were assured by staff that a reply had been written and was percolating through various USDOT departments and sub-agencies, and rested finally with your office. After following up many times, we never received one.

We are prompted to try again a year later because the recent train wreck at East Palestine, Ohio demonstrates the urgency of the problem and the potential for a serious radiological accident from nuclear waste transport. Environmental toxicologists have expressed deep concern that detection and response to release of hazardous chemicals in East Palestine were ineffective and untransparent and failed to protect public health and safety. But if the train that derailed had been carrying SNF or other highly radioactive wastes, the consequences could have been as bad or worse.

Such an accident involving nuclear waste could have resulted in a release of radioactivity that would be potentially injurious, even deadly, to large numbers of people and other living things across a large region downwind, downstream, up the food chain, and down the generations.

Radioactivity released would likely not be adequately detected or traced as it spread through the environment, drinking water supply, etc. And even if the contamination were detected and tracked, such an accident would be astronomically expensive, or effectively impossible, to adequately mitigate or clean up. It therefore must be prevented from happening in the first place.

There are over [1,000 train derailments](#) in the US each year. The US Nuclear Regulatory Commission is licensing consolidated interim storage facilities (CISFs) in Texas and New Mexico. Opening these facilities would trigger thousands of shipments of SNF across the US. Likely transport routes include rail lines that run through Ohio and most other states, crossing the vast majority of Congressional districts. (See the attached map, as an example of the scale of the national impacts, in the context of the Yucca Mountain, Nevada-bound shipments, associated with that wisely canceled scheme; and see a second attached map, by the Western Interstate Energy Board, submitted as public comment in November 2020 to NRC, showing the most likely rail transport routes to Interim Storage Partners' proposed CISF in Andrews County, Texas.)

As we pointed out and documented in our [February 2022 letter](#) to you, the risk of SNF transport accidents, whether by rail, barge, or truck, is not negligible and requires independent assessment, which has not been conducted. The Nuclear Waste Technical Review Board (NWTRB) [identified 30](#) unresolved technical issues in transporting SNF and other high-level radioactive waste that still need to be addressed.

As plans for opening CISFs and SNF transport to them go forward, NWTRB's recommendation to "allow for a minimum of a decade to develop new cask and canister designs for SNF and HLW storage and transportation" has not been heeded. Nor has the legal requirement under Executive Order 12866 for studies of feasible alternatives to SNF transportation. Research, regulatory, and policy gaps should be filled before SNF transport is permitted, we argued a year ago, and reiterate these points today.

So we'd like to ask you again: please respond to our [February 2022 letter](#) and let us know how USDOT will use its regulatory authority to fill current research and policy gaps by studying, setting, and enforcing adequate standards for transportation of SNF, other high-level nuclear waste, and Greater Than Class C waste, so as to prevent radiological accidents and advance public safety.

A first step would be for the US Pipeline and Hazardous Materials Safety Administration to provide a comprehensive assessment of the risks, costs, and impacts of SNF transportation, including a comparison with those of [hardened onsite storage \(HOSS\)](#). The next step would be to apply the results to frame standards and policies, and enforce them.. No SNF shipments should be permitted unless and until these functions are fulfilled, and adequate, evidence-based, enforceable standards and policies governing nuclear waste transportation are in place.

We recognize this is no small undertaking. To support it, we wish to establish dialog on these issues, and ask USDOT to engage it. We're eager to help however we can, and happy to provide you with briefings and consultations with recognized, independent experts on nuclear waste transport as well as representatives of concerned citizens' organizations and stakeholder groups. We are at your disposal for making informational presentations to USDOT staff on these issues, and fielding requests for further information or documentation (supporting documents for our February 2022 letter are posted [here](#)).

Respectfully,



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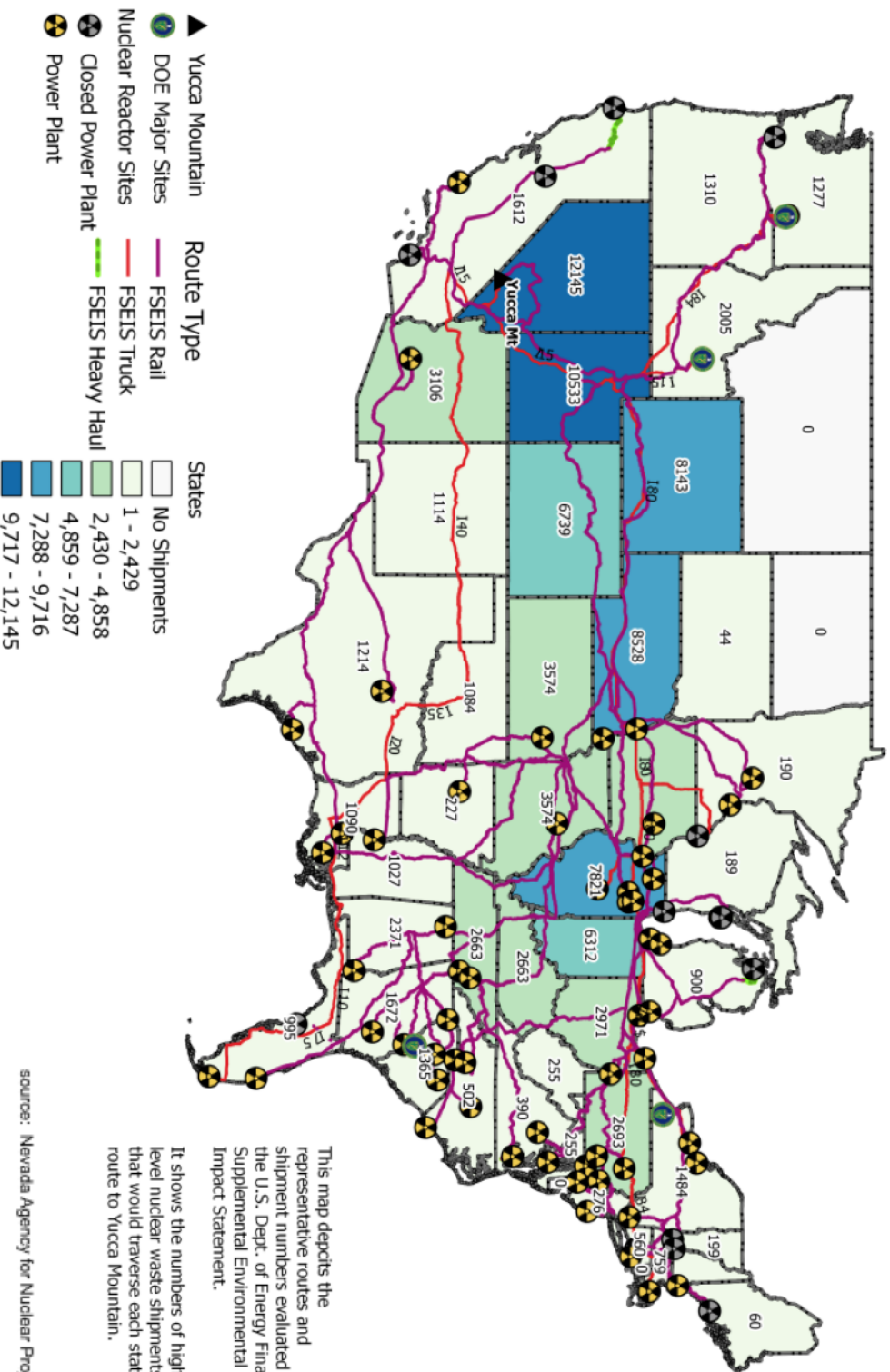


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The Honorable Ydanis Rodríguez, Transportation Commissioner of New York City

Representative Transportation Routes to Yucca Mountain and Transportation Impacts (Cask Shipments by State)



This map depicts the representative routes and shipment numbers evaluated in the U.S. Dept. of Energy Final Supplemental Environmental Impact Statement. It shows the numbers of high-level nuclear waste shipments that would traverse each state en route to Yucca Mountain.

source: Nevada Agency for Nuclear Projects