

**Humboldt River Basin Water Authority
c/o Intertech Services Corporation
P.O. Box 2008
Carson City, Nevada 89702**

**Elko County
Eureka County
Humboldt County
Lander County
Pershing County**

**RECEIVED BY OCRWM CCU
DATE: 11/22/2006**

November 17, 2006

Mr. M. Lee Bishop
EIS Document Manager
Office of Logistics Management
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, Nevada 89134

RE: Comments on Scope of Issues to be Addressed in the Supplemental Yucca Mountain Rail Corridor and Rail Alignment EIS

Dear Mr. Bishop:

On behalf of the five-county Humboldt River Basin Water Authority (HRBWA), I am providing these comments to the scope of issues to be addressed in the Supplemental Yucca Mountain Rail Corridor and Rail Alignment EIS. In addition, this letter serves to request that the Department of Energy (DOE) invite Elko, Eureka, Humboldt, Lander and Pershing counties (HRBWA member counties) to serve as cooperating agencies in preparation of the EIS. Each of these counties has unique expertise and can provide DOE with information regarding emergency management; emergency first response capabilities; emergency medical capabilities; and local socioeconomic conditions and trends.

With regard to the scope of issues to be addressed in the EIS, DOE is encouraged to address in detail the following topics which HRBWA believes must be considered in order for the EIS to be legally and scientifically defensible:

1. Prior to completing the comparative analysis of the impacts of the Caliente, Mina and no action alternatives, DOE should update (utilizing current environmental, land use and socioeconomic data) and distribute in draft form its comparative analysis of all previously considered rail routes (i.e. the Carlin Route) through Nevada to Yucca Mountain. Said re-evaluation should serve as the basis upon which DOE moves forward with detailed National Environmental Policy Act (NEPA) analysis of the Mina and/or Caliente routes and/or justifies the elimination from detailed analysis in the EIS the Mina, Caliente or any other route previously considered by DOE.

2. As a decision support document which must justify selection by DOE of either an action alternative (the Caliente or Mina routes) or a no action alternative, the EIS must provide an adequate comparative analysis of each alternative. Because selection of the Caliente route would require use of different segments of the Union Pacific mainline than would selection of the Mina route, the analysis of both the Caliente and Mina routes must include a comparative analysis of the affects of using their companion segments of the Union Pacific mainline in order to access said routes. Failure by DOE to analyze the affects of using each routes companion portion of Union Pacific mainline will result in an EIS which does not fully disclose and compare the differential effects of each alternative. A decision by DOE to utilize either the Caliente or Mina route absent the analysis of the effects of their companion segments of the Union Pacific mainline could result in unanticipated and/or unmitigated impacts of transporting spent nuclear fuel and other high-level radioactive waste to Yucca Mountain. The aerial extent of the analysis comparing the Caliente and the Mina routes should begin at the division point along the Union Pacific mainline where mainline access to each alternative varies (to the east this point appears to be located at Ogden, Utah and to the west in Sacramento, California).


3. As a decision support document enabling DOE to choose between the Caliente and Mina routes, the EIS should provide detailed evaluation of the following:
 - Radiological exposure risk and related acute and latent fatalities associated with incident-free and rail accident conditions to rail system workers, resident and visiting human populations along the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives.
 - Radiological exposure risk and related acute and latent mortality associated with incident-free and rail accident conditions to flora and fauna, including federally listed and other sensitive species along the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives.
 - Socioeconomic consequences of incident-free and rail accident conditions including stigma-induced effects to community desirability as residential/business location choices; housing demand and prices; locally produced agricultural commodities; other products produced along the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives.
 - Incremental increase in accident hazard associated with shipments of nuclear waste over existing shipments of non-radioactive hazardous materials and related incremental increase or specialized requirements to provide emergency first response capabilities in communities along the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives.

- Identification and analysis of credible accident scenarios involving derailment of nuclear waste shipping containers into the Humboldt River or its tributaries to include:
 - Likely duration between time of derailment and recovery of shipping container from Humboldt River or tributary thereto;
Identification of any specialized equipment required to retrieve a nuclear waste shipping container from the Humboldt River or tributary thereto;
 - Analysis of timeframe required for specialized equipment required to retrieve a nuclear waste shipping container from the Humboldt River or tributary thereto to arrive at derailment scene.
 - Water quality within the Humboldt River and any tributary thereto crossed by the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives under incident-free and rail accident conditions.
 - Fiscal consequences of stigma-induced adverse impacts to ad valorem, sales and use tax revenues within each county and city along the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives.
 - Fiscal consequences of any enhanced emergency first response capabilities required to effectively respond to incidents/accidents involving transportation of spent nuclear fuel by communities along the entire rail study route (including companion Union Pacific mainline segments) for both the Caliente and Mina alternatives.
 - Identification of the number and approximate locations of safe parking areas proposed for possible use by DOE or its contract carrier for spent nuclear fuel and other high-level radioactive waste rail shipments along the entire rail study route (including companion Union Pacific mainline segments) for both the Caliente and Mina alternatives.
 - How each of the aforementioned impacts may change (as a result of changes in environmental conditions, population growth/decline, economic growth/decline, etc.) along the entire rail study route (including companion Union Pacific mainline segments) or both the Caliente and Mina routes over the duration of the nuclear waste shipping campaign to Yucca Mountain.
4. The analysis of impacts must include a clearly defined “bounded” or “worst case” with regard to the maximum number of shipments of spent nuclear fuel and/or high-level radioactive waste which might be transported along the entire study route (including companion Union Pacific mainline segments) for both the Caliente and Mina alternatives.

Page 4
Mr. M. Lee Bishop
November 17, 2006

I appreciate your consideration of the requests and comments provided in this letter. Should you have any questions regarding the comments offered herein, please contact Dr. Mike L. Baughman, the Authority's Executive Director (775) 883-2051.

Sincerely,


Bennie Hodges
Chairman

Cc: HRBWA Board Members and Alternates
Elko County Commission
Eureka County Commission
Lander County Commission
Humboldt County Commission
Pershing County Commission
Nevada Agency For Nuclear Projects