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Nevada Conservation League

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Mr. 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, NV 89134

Dear Mr. Bishop,

The Nevada Conservation League (NCL) submits the following comments to the U.S. Department of Energy (DOE) regarding its Notice of Intent (NOI) to amend the scope of the Yucca Mountain Rail Alignment Environmental Impact Statement (EIS). On behalf of NCL staff, board, and members, we hereby request that DOE consider these comments and place them into the official record.

Background

In 2004, DOE selected a mostly rail scenario as the means of transporting high-level nuclear waste to the proposed Yucca Mountain repository. This decision would require DOE to construct a rail line in Nevada that would connect Yucca Mountain to existing rail lines. The NOI, issued on October 13, 2006, includes a proposed action that would expand the scope of the ongoing analyses to build a rail line in Nevada. The Caliente Corridor, an approximately 320 mile rail line connecting the city of Caliente in southeastern to Yucca Mountain, has been until now the sole focus of environmental analyses. DOE intends to now look at alternate routes including and especially the Mina Corridor; a 280 mile route that would travel through most of western and northern Nevada. The proposed action would specifically address the possibility of integrating the Mina Corridor with the Caliente line.

Public Comment period greatly insufficient

NCL, as a public interest organization, takes serious umbrage as to how DOE has gone about soliciting public comment for the proposed action. On October 24, 2006, NCL, along with 16 other local, state, and national public interest groups, formally requested that DOE extend the comment period to 90 days to allow more information sharing and to ultimately have more people comment. These requests were not fully considered. Only 15 days were added to the comment period (to total 60) and the first hearings in Washington D.C. and Amargosa Valley, Nevada took place only 11 and 13 working days respectively after the NOI was published. Two weeks is an extremely inadequate time frame to allow the public to weigh in on the proposed changes and be sufficiently informed, especially considering the magnitude of the proposed action. This is a clear signal from DOE that it holds little value in allowing the public to be fully informed on the issue and to submit substantive comments.

7473 West Lake Mead Blvd. Suite 100 • Las Vegas, Nevada 89128 • 702-562-8147
www.nevadaconservationleague.org

The hearings themselves are ill conducive to garnering true public comment. The hearings involve an informal poster session and the only way one can submit oral comments is to huddle in a corner room with a court reporter. This does not engender information sharing and is intimidating to the public. This process should be changed to include an open comment period during which the public can ask DOE questions and submit comments for all to hear.

NCL takes issues with the locations of the hearings. Hearing must also be held in affected cities in Nevada such as Elko, Battle Mountain, Winnemucca, Lovelock, Yerington, and outside Nevada in Salt Lake City and Sacramento. These cities would also be affected by nuclear waste transportation and should be allowed in the process.

Finally, there is great confusion amongst the public of the fact that several of the hearings involve not only this proposed action but also a separate issue involving the redesign of surface facilities at the Yucca site itself. NCL attributes this confusion solely on the shoulders of DOE which has done little to separate the two issues and clarify the process. The fundamental purpose of the National Environmental Policy Act (NEPA) is to create a transparent and open process that creates trust in the agency proposing an action and allows for real, meaningful public involvement. Time and again, DOE has avoided its NEPA obligations which have led to a significant mistrust by the public of DOE. This is unacceptable and must be addressed immediately.

Mina Corridor: unsafe and uncertain

The NOI seriously understates the extent to which the Mina Corridor would completely revamp DOE's transportation scheme. Not only has DOE created a grossly insufficient public comment process as noted above, but has also provided highly inadequate information as to the extent of the proposed action.

The Mina Corridor would affect even more municipalities than the Caliente Corridor. Communities in Northern Nevada along the Interstate-80 corridor, from the Utah Stateline to the Reno-Sparks metropolitan area, would be directly affected by thousands of shipments of high-level nuclear waste. This is a significant change to the current transportation scheme and the DOE has completely downplayed this profound change. The true impacts such as number of communities and water resources that would be affected are hardly, if at all, discernable from the NOI. It took the DOE two weeks to even post transportation maps to their website.

Clearly, more information is needed. Nevertheless, the information that is available forces NCL to conclude that the Mina Corridor is even more dangerous than the Caliente Corridor. NCL admits that the proposed Mina route is shorter and would likely be cheaper to construct. However, this route would affect many more people and would overall pose a greater risk to Nevada's public health and environment. Many more bodies of water would be affected by the Mina Corridor including the Truckee River, Walker Lake, Humboldt River, Carson River, and the Walker River. Therefore, NCL is calling for DOE to consider the No Action Alternative. The Mina corridor is dangerous and is filled with a high degree of uncertainty and must not be pursued.

Conclusion

It must be noted that NCL is opposed to ***any*** route to Yucca Mountain. The Yucca Mountain Project has not yet received a license to operate from the Nuclear Regulatory Commission. Furthermore, radiation protection standards established by the Environmental Protection Agency (EPA) were thrown out in federal court in 2004 and EPA has yet to finalize a revised radiation standard for the site. NCL contends that it is premature, irresponsible, and wrong to pursue a transportation plan to a site that has not yet received a license to operate, has not been proven to meet radiation health standards, and would pose a significant public health risk to Nevadans as well as the millions of Americans along the transportation routes. DOE has lost all trust to carry out this project in the interests of public health and environmental protection and their inability to effectively bring in the public as mandated by law must be addressed immediately.

Thank you for your consideration of the Nevada Conservation League's comments on the Notice of Intent to Expand the Scope of the Environmental Impact Statement for the Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, NV.

Sincerely,

Scot Rutledge
Executive Director
Nevada Conservation League

Tony Guzman
Outreach Director
Nevada Conservation League