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December 11, 2006

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

**Re: Scoping for an expanded Rail Alignment EIS, i.e., 'the Mina Corridor'**

Dear Mr. Bishop,

**These comments respond to your Notice of Intent (NOI) to amend the scope of the Yucca Mountain Rail Alignment Environmental Impact Statement (EIS).**

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 current 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 corridor.

***Notice of public comment and period of public comment are greatly insufficient.***

In this latest notice of public scoping, we are incredibly concerned about the way you have asked for public comment.

On October 24, 2006, seventeen (SEVENTEEN!) 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). 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. If you had *tried* to prevent public participation, you could not have done a better job.

Two weeks is a completely inadequate time frame to allow the public to be sufficiently informed and to weigh in on the proposed changes, 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.

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.

We have concerns with the locations of the hearings. Hearings must also be held all along the path of the proposed transportation corridors, in both Nevada, Utah and California. This would mean having hearings, for example, in Elko, Battle Mountain, Winnemucca, Lovelock, Yerington, Salt Lake City and Sacramento. These cities would also be affected by nuclear waste transportation and should be allowed, invited and encourage to participate in the public process.

This also raises concerns about how inclusive your hearing have been. What kind of outreach was done to the Native American tribes along the corridors? to Spanish speaking populations? To vision impaired populations?

Finally, there is great confusion among the public of the fact that several of the hearings involved not only this proposed action but also a separate issue involving the redesign of surface facilities at the Yucca site itself. DOE 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 Mina Corridor would completely revamp DOE's transportation scheme. Not only has DOE created a grossly insufficient public comment process as noted above, but the information provided is highly inadequate 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 I-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 documents available. It took the DOE two weeks to even post transportation maps to their website.

What are the calculated risks due to seismic activity along the Mina Corridor? Along other proposed corridors? Along the corridors that connect the Mina Corridor to the numerous sites where the high level radioactive waste is generated? Nevada is a state of many mountain ranges. All of us here in Las Vegas know the power of earthquakes; in October 1999 an earthquake awakened all of us in our beds. There is a theory being investigated by scientists that predicts earthquakes as large as 7.0 or 8.0 on the Richter scale that could be located as near as 20 miles from Yucca Mountain. Not only is Nevada a mountainous state, but the transportation routes from the sites where the high level nuclear waste is generated cross through the Rocky Mountains, the Appalachian Mountains, the Sierra Nevada Mountains and the Cascade Mountains.

Clearly, more information is needed to clearly evaluate the resources and the risks. Nevertheless, the information that is available suggests that the Mina Corridor is even more dangerous than the Caliente Corridor. 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.

DOE must develop and consider a reasonable no action alternative. The Mina corridor is dangerous and is filled with a high degree of uncertainty and must not be pursued.

***Field test the shipment casks and transportation system and mitigate impacts all along the transportation corridor.***

There has been no field testing of the casks and the transportation system.

What actions will be taken to prevent, to compensate or to mitigate local governments for increased wear and tear and for damage to the highway infrastructure caused by the 220 feet long transport vehicle? Address the impacts associated with this type of transportation vehicle, provide assurances that tax-payers will not be burdened with increases to repair roadways damaged by the project.

What are the increased costs to communities along the transportation route, should there be an accident in which radioactivity is released into the environment? Radiation release causes health risk and contaminates the highway surface and the surrounding the area. Using your own DOE accident and incident data, Clark County estimates, that along one of the proposed corridors, that 46 such incidents of surface contamination will occur within Clark County for the Proposed Action of this DEIS, and that 3 incidents of radioactive contamination beyond the vehicle will occur. These

figures are only within Clark County! The response to all such accidents and incidents must be addressed.

Health insurance policies routinely exclude nuclear and radioactive accidents from policy coverage. Will the taxpayers be levied an additional tax burden for increased indigent medical funds? What information is being provided to planning authorities so that they can increase and train emergency response and medical personnel when transport of high level radioactive waste begins?

What kind of emergency action plans need to be developed for or by each of the communities that your transportation routes go through or near. What are the risks to bodies of water and local water sources? An accident not only can but will occur at some time, some where. Every inch of the way needs information to develop their own emergency action plans.

What kind of an increase in government services is required in each of the communities because of the activity along the transportation routes? There will be an increased need for government inspectors in several different organizations, increased law enforcement, etc. etc.

Specific hazards of the Mina Corridor must be addressed in detail. How many hazardous places occur along the transportation routes? We don't want any surprises waiting for us.

## ***Conclusion***

Our position remains the same: the Sierra Club opposes *any* route to Yucca Mountain. The Yucca Mountain Project has not yet received a license to operate from the Nuclear Regulatory Commission. The entire concept is flawed and dangerous, not only to Nevadans but to all Americans nation-wide. 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. 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.

Sincerely,

  
Jane Feldman  
Conservation Chair

