

# United States Senate

WASHINGTON, DC 20510

October 24, 2006

The Honorable Samuel W. Bodman  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

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**DATE: 10/25/2006**

- Re: U.S. Department of Energy, Amended Notice of Intent, "Amended 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, Nye County, NV," 71 Fed. Reg. 198, pp. 60484-60490, October 13, 2006.
- Re: U.S. Department of Energy, Notice of Intent, "Supplement to the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV," 71 Fed. Reg. 198, pp. 60490-60494, October 13, 2006.

Dear Secretary Bodman:

We are writing in regard to the two Notices of Intent (NOI) regarding Environmental Impact Statements (EIS) for the geologic disposal of nuclear waste at the proposed Yucca Mountain Repository that were published in the Federal Register on October 13, 2006. These proposals would make significant and dramatic changes to current proposals and must be carefully reviewed based on the facts and sound science. The National Environmental Policy Act process is critical to ensuring that the ramifications of a proposal are understood and delineated and that public health and safety are protected.

The October 13 NOIs are completely inadequate; they do not provide detail on the scope of the proposals, nor do they provide adequate time to review the proposals, thus making meaningful participation unfeasible. We therefore ask DOE to withdraw these notices and issue new ones that provide details of the proposals and their elements, allow sufficient time for parties to review and comment on the proposals, and ensure that all affected parties have the opportunity to comment.

For example, members of the public and communities are asked to comment on the proposed Mina Rail Corridor, a corridor that has received scant attention in previous discussions and documents, including the EIS. Yet, no map of the transportation corridor is provided, thus making it impossible to review, assess, comment upon, and question the proposed route. A map of the proposed route with details, such as transfer stations and type of transportation, must be

provided at the time of publication of a proposed NOI in order to assure the public proper notice and details of the proposals upon which they are commenting.

The “Supplement to the Final Environmental Impact Statement” NOI makes significant changes to the design of the facility and to the transportation plans. Unfortunately, DOE does not provide sufficient details on these plans. For instance, the transportation, aging, and disposal (TAD) concept proposes considerable changes to the handling and packaging of the waste at the power plants, in transit, and at the proposed Yucca Mountain nuclear waste repository. However, DOE does not provide details on the design of the casks, the surface facilities, or the new spent nuclear fuel handling and transfer facilities that will be required at reactor sites. This omission prevents the public from making constructive and useful comments on the proposal.

In addition, shipments along the proposed Mina route would impact communities not impacted by previous proposed rail transportation routes of nuclear waste to the proposed Yucca Mountain Repository. For instance, DOE proposes to have the waste pass through the heart of Reno, Nevada. Yet, DOE has scheduled no EIS scoping meeting in this or many other new locations, including the gateway cities to Nevada – Sacramento, California, and Salt Lake City, Utah. Towns and cities in Nevada, California, and Utah affected by this proposal must have the opportunity to participate in scoping meetings in their communities. Communities where the reactors are located and where the TADs will be loaded and originate must be provided the opportunity to participate in EIS scoping meetings also.

The breadth of these proposals is expansive. The effects of them are enormous. In fact, DOE has been drafting portions of these proposals for more than a year, and the underlying EISs are hundreds of pages. Yet, DOE is allowing the public slightly more than two weeks to review the information and prepare comments before the scoping meetings. The full comment period is a mere 45 days. This is unacceptable. DOE must provide the public at least 90 days for written comments. In addition, the public scoping meetings should be held no sooner than 60 days after the proposals are out for review, giving the public sufficient time to adequately review and effectively comment upon them. These process problems make it even more imperative that DOE provide satellite feeds for those unable to attend in person because of other commitments or responsibilities or because they are physically unable to do so.

Clearly this process hinders rather than helps the openness and inclusiveness which should be part of the comment period. We can only conclude that it is another example of the Department of Energy’s single-minded pursuit of the proposed Yucca Mountain nuclear waste repository in the face of mounting scientific and technical problems, and massive public opposition.

An adequate public scoping EIS process requires that the public get full and accurate information at the time of publication, there is sufficient time to review the proposals, and there are adequate and effective opportunities for public comment. These proposals fail on all three accounts and must be withdrawn, revised, and reissued.

As the hearings are beginning, we ask that you implement these requests immediately. Any delay on EPA's part can only be read as further evidence of EPA's disregard for the views of the public and its representatives. Should you have any questions, please contact Sandra Schubert (Senator Reid, 202.224.3542) or Pam Thiessen (Senator Ensign, 202.224.6244). We appreciate your attention to this important matter.

Sincerely,

  
HARRY REID  
United States Senator

  
JOHN ENSIGN  
United States Senator

cc: Kenny C. Guinn, Governor of Nevada  
Bob Loux, Executive Director, Nevada Agency for Nuclear Projects  
George Chanos, Attorney General, State of Nevada  
Dale Klein, Chairman, Nuclear Regulatory Commission  
B. John Garrick, Chairman, Nuclear Waste Technical Review Board