

Finance Docket No. 35106

EXHIBIT M

Selected Public Comments in Support of Shared Use
From the 2004 Scoping Process

Summary

In April 2004, the Department of Energy published in the Federal Register a “Notice of Intent to Prepare an Environmental Impact Statement for the Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, NV.” 69 Fed. Reg. 18565 (April 8, 2004).

In response to the invitation for public comments through this scoping process, the Department of Energy received about 30 comments expressing an opinion regarding shared use of the rail line. All but one of those comments expressed an opinion in support of shared/commercial use of the rail line. Comments were received from stakeholders such as local governments, local residents, and business representatives.

The Department of Energy has selected five of those comments for inclusion in this Application. Comments have been included exactly as presented by stakeholders; there have been no redactions. The index below states the name of the commenter, their title, and the page number of their comment regarding shared use within their set of comments.

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MAY 25 2004

May 17, 2004

Ms. Robin Sweeney
EIS Document Manager
Office of Transportation
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, Nevada 89134

RE: Comments on 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, Nevada

Dear Ms. Sweeney:

On behalf of the Board of Lincoln County Commissioners I am pleased to provide the following comments on the scope of the environmental impact statement (EIS) for the alignment, construction, and operation of a rail line to a geologic repository at Yucca Mountain. Lincoln County commends the Department of Energy (DOE) for moving forward with the identification of the preferred mode of transportation (rail) and the preferred rail corridor (Caliente) for further evaluation. Lincoln County concurs with DOE's decision to prepare an EIS which addresses alignment alternatives, rail line construction and operation. The County encourages DOE to prepare a comprehensive EIS which is capable of supporting a final alignment decision which minimizes impacts to private property owners and users of public land including ranchers, miners, off-road vehicle enthusiasts, and hunters and trappers. Where impacts to existing private and public landowners/users can not be avoided, Lincoln County requests that the EIS identify feasible methods to mitigate such impacts, including, where other options do not exist, compensation.

Beyond consideration of land use issues, Lincoln County believes the EIS should identify and evaluate potential economic impacts/benefits of various alignment alternatives and use of Lincoln County contractors, employees and locally derived construction materials in the construction of the rail line. Examples of local resources available to support rail line

construction include local engineers and surveyors; concrete strengthening additives for use in concrete ties and bridges (pozzolan); aggregate for ballast; diesel fuel and gasoline; truck parts and tires; trucking; earthwork contractors; framing contractors; food services and lodging. In addition, the economic impact of using Lincoln County vendors and employment of local residents to maintain and operate the rail line should be evaluated within the EIS.

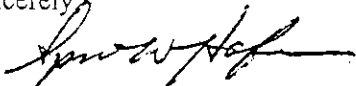
DOE is encouraged to identify and evaluate economic impacts associated with locating various transportation system and rail support facilities for communications and shipment tracking; rail line maintenance; rolling stock storage and maintenance; crew training; and DOE/contractor provided security and/or emergency first response capabilities. The EIS should provide adequate analysis of such facilities in order to support a possible DOE decision.

DOE should identify all reasonable means to maximize favorable rail and transportation system economic impacts on Lincoln County. This should include provisions which allow the shared use of the railroad for general commerce and for the transport of locally procured materials for the construction of a repository. If DOE does not complete construction of the railroad early enough to allow its use for conveying materials during the initial construction of the repository, DOE should evaluate impacts of a rail to truck inter-modal facility at Caliente for shipment of repository construction materials. Lincoln County encourages the placement of this and other pre-operational, non-radiological facilities in the County.

While the EIS for the Yucca Mountain geologic repository evaluated health risks (both radiological and non-radiological) associated with construction and operation of the Caliente rail line and related inter-modal/truck transportation systems, Lincoln County suggests that the current rail alignment EIS identify and evaluate feasible methods to mitigate said risks. Appropriate impact mitigation includes locating transportation facilities and employees in the County. Training, transportation facilities and equipment for emergency first responders, emergency medical services and emergency communications should also be provided to mitigate impacts.

Lincoln County encourages DOE to think broadly when considering the scope of possible decisions to be afforded coverage through the rail alignment EIS. The County would expect the scope of the EIS to include National Environmental Policy Act coverage of all possible rail system related decisions which might need to be made by DOE, including mitigation of impacts. In this regard DOE is encouraged to consider the feasibility of using cooperative agreements with Lincoln County and other local governments along the Caliente rail corridor as a mechanism for impact issue identification/resolution and in developing and implementing effective strategies for mitigating impacts.

Sincerely,



Spencer W. Hafen
Chairman



Nye County

040545

Department of Natural Resources & Federal Facilities

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04-263-LB (L)

July 7, 2004

Ms. Robin Sweeney
EIS Document Manager
Office of National Transportation
DOE/OCRWM
1551 Hillshire Drive, MS 011
Las Vegas, NV 890134

Nye County Nevada's Comments on the U.S. Department of Energy's Notice of Intent to Prepare an Environmental Impact Statement for Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nevada

Dear Ms. Sweeney:

Attached please find the Nye County, Nevada's comments on the above referenced Notice of Intent that was published in the Federal Register on April 8, 2004. These comments were approved by the Nye County Board of Commissioners on June 15, 2004.

If you have any questions regarding these comments, please contact me at 775/727-7727 or e-mail lbradshaw@nyecounty.net.

Sincerely,
NYE COUNTY, NEVADA

for Les W. Bradshaw
Department Manager

LB/vt

cc: Nye County Board of Commissioners
Nye County Manager
AULGs

NYE COUNTY COMMENTS ON PROPOSED EIS ON RAIL TRANSPORTATION IN NEVADA

Introduction

Nye County has been involved in the Yucca Mountain radioactive waste disposal project since the late 1980s. The Nuclear Waste Policy Act was passed in 1982 which authorized the U. S. Department of Energy (DOE) to characterize several sites around the United States, including the Yucca Mountain site, for suitability for designation as the nation's deep geologic high-level radioactive waste (HLW) disposal site. By the late 80s it was apparent that the number of potential sites was going to be reduced. Nye County mounted a Washington DC advocacy program and vigorously worked with lawmakers shaping the Nuclear Waste Policy Amendments Act, passed in 1987. Nye County energetically supported the insertion into the bill of provisions for local government oversight programs funding.

This authorization for local government Yucca Mountain oversight programs contained in the 1987 Amendments Act survives to the present time and forms the basis for Nye County's vigorous independent scientific and socioeconomic oversight programs. Under these programs in the mid-to late 1990s Nye County carefully considered the various options and considerations DOE was evaluating regarding transporting HLW to Yucca Mountain and developed a series of policy positions and statements relative thereto. These policies are summarized below.

Nye County Policies on Rail Transportation

The Nye County Board of Commissioners has made a number of policy statements regarding transportation of nuclear waste.

Resolution 98-21, 18 August 1998

This resolution set forth Nye County policies and preferences regarding mode and route of transportation of nuclear waste to Yucca Mountain. Included in the Resolution as Exhibit A are Criteria¹ recommended to the DOE to be used in making mode and route choices. The Commission stated:

- High-level radioactive waste should not be shipped on highways in the County.^{2,3}

¹ *Nye County criteria for prospective campaigns for shipment of LLRW and SNF/HLW for storage and disposal in Nye County*, 6 pp, including 3 pages of maps. LLRW refers to Low-Level Radioactive Waste, SNF refers to Spent Nuclear Fuel, and HLW refers to High-Level Waste.

² *Nye County Board of Commissioners Resolution No. 98-21, Resolution approving and recommending to the U.S. Department of Energy proposed criteria for the transportation of nuclear waste into, through, or within Nye County*, 18 August 1998, p. 2.

³ *Nye County Board of Commissioners Resolution No. 99-03, Resolution declaring Nye County's preferences relating to a route and/or mode for transportation of high-level nuclear waste and spent nuclear fuel, in the event the U.S. Congress mandates development of a high-level nuclear waste repository or interim storage facility within Nye County*, 16 March 1999, p. 2.

- Routing of large-scale, long-term radioactive waste shipping campaigns⁴ for either LLW or HLW on US Hwy 95 between Tonopah and Mercury is unacceptable to Nye County.
 - Hwy 95 is the only public highway linking the Nye, Esmeralda and Mineral county communities of Pahrump, Amargosa Valley, Beatty, Goldfield and Hawthorne. To burden such a public highway with the daily volumes of waste shipments in either of the two shipment campaigns is inequitable to rural Nevada and unacceptable to Nye County.
- Routing of large-scale, long-term campaigns for shipment of either LLW or HLW on NV Hwy 160 through Pahrump is unacceptable to Nye County.
 - Hwy 160 is the 'main street' of Pahrump, one of the State's fastest growing communities. Campaigns for shipment of either LLW or HLW through town could cause unacceptable public safety risks, cumulative radiation effects, and property value effects.
- With a limited number of specified exceptions, shipments of HLW in Nye County should be by rail.⁵
 - Rail shipment is safer than legal-weight or heavy-haul shipping on public highways.
 - If rail is safer for cross-country shipment to Nevada, it is also safer for Nye County.
- New rail construction for use by radioactive waste shipments should be routed no closer than five miles from Nye County communities, unless by special exception approved by the Nye County Commission⁶.
 - New rail construction should avoid direct [negative] effects on existing communities.
 - New rail construction should accommodate rail access to potential industrial sites as warranted by economic development potentials.
 - The Nye County Commission should have an opportunity to approve or disapprove of specific features of proposed rail routes.
- If a rail is constructed for shipment of HLW to the Yucca Mountain area of the NTS, it should also be used for any large-scale long-term shipping campaigns of LLW to the NTS.
- Any campaign for large-scale long-term shipment of LLW or HLW in Nye County should be accompanied by a business plan for the campaign as a whole, identifying the various elements for construction, fabrication and operation, and how these elements will impact Nye County. The Nye County Commission should have a full opportunity to review and comment

⁴ Resolution 98-21, Exhibit A, p. 2, referring to DOE's ongoing low-level radioactive waste transportation and disposal program and the planned high-level waste transportation and disposal program at Yucca Mountain. Low-level waste disposal sites are located on the eastern side of the Nevada Test Site. The planned high-level radioactive waste disposal site at Yucca Mountain is on the western side.

⁵ Resolution 98-21, Exhibit A, p. 2.

⁶ Resolution 98-21, Exhibit A, p. 3.

on such a plan before the shipment campaign and at regular intervals during its implementation⁷.

- o The business plan should account for all related expenditures, procurement, fabrication and operations by DOE contractors.
- o The business plan should account for all present and projected waste inventories at the sites shipping to Yucca Mountain.

Resolution 99-03, 16 March 1999

This resolution reiterated the County's 'adamant'⁸ opposition to shipment of HLW by trucks on public highways within the County⁹. The Commission stated:

- Of all the proposed routes to Yucca Mountain, and considering the County's Route Selection Criteria set forth in Resolution 98-21 seven months earlier, the Commission designated the Caliente-Chalk Mountain route as its preferred route, without expressing a preference for a mode along this route¹⁰.
- If the Chalk Mountain route is not selected, then the Commission's preferred mode is rail along a corridor chosen so as to provide the least chance of radiological exposure to the public¹¹.
- Reiterated its position that transportation of HLW on public highways in Nye County is 'wholly unacceptable' and it opposes such transportation.
- Urged that any new rail built for transportation of HLW be available for private-sector commercial use also.

Resolution 02-22¹², 6 August 2002

In this resolution the Commission stated its intention to:

- Engage the DOE energetically and constructively on Yucca Mountain issues;
- Make recommendations on key issues, including transportation; and
- Use the Community Protection Plan¹³ as a framework for its constructive engagement with DOE and vigorously pursue the objectives regarding transportation articulated in the Plan.

Nye County, Nevada Community Protection Plan¹⁴

In The Community Protection Plan (CPP) the Commission calls for equity in transportation mode/route selection and operations in the Nye County:

- Modes, routes and operational practices in Nye County should be as inherently safe or safer than those used in the national cross-country shipping campaign¹⁵.

⁷ Resolution 98-21, Exhibit A, p. 3.

⁸ Resolution 99-03, p. 2.

⁹ Resolution 99-03, p. 2.

¹⁰ Resolution 99-03, p. 2.

¹¹ Resolution 99-03, p. 3.

¹² Nye County Board of Commissioners Resolution 2002-22, *Resolution stating the intent of Nye County to actively and constructively engage with the U.S. Department of Energy (DOE), the Administration, and Congress as the Yucca Mountain Project proceeds to final design, licensing, and implementation*, 6 August 2002.

¹³ Nye County Board of Commissioners, *Nye County, Nevada Community Protection Plan*, August 2002, 49 pp. The Plan is commonly referred to as the 'CPP'.

¹⁴

- o 'Best-practice' transportation planning should be utilized during the mode/route selection process, not a politicized selection process resulting in less protection for the destination county than in other areas of the country¹⁶. If rail is used in the rest of the country, rail, not trucks, should be utilized in Nye County.
- o Nye County should have a special role in determining transportation operational parameters¹⁷.

Further, the Commission reiterated its policy on rail transportation:

- All HLW shipments should be by rail¹⁸;
- Rail route(s) should avoid communities and main highways;
- Routes should be selected in consultation with the Nye County Commission¹⁹;
- No HLW shipments should use the two-lane public highways in Nye County²⁰;

And, the commission renewed its call for integrating two now-separate large-volume, long-term shipping campaigns destined for the Nevada Test Site: LLW and HLW²¹.

- DOE should develop a comprehensive plan for possibly consolidating LLW and HLW shipments.

Preliminary Transportation Assessment²²

In this report the Commission set forth the following statements regarding nuclear waste transportation:

- Any newly-constructed transportation infrastructure or infrastructure improvements must improve the efficiency of the current transportation network in the County. Worse still would be that no railroad is provided at all in Nye County, leaving the county with slow-moving truck traffic on an already limited road network²³.
- It is essential that work on a rail should begin as soon as possible to provide for the transportation of construction of materials to the Yucca Mountain site, reduce traffic on an already limited road network during the construction phase and later during operations, and to be ready for acceptance of waste at Yucca Mountain in 2010.²⁴
- Nuclear waste shipments are best transported by rail²⁵. Highway transportation should be minimized²⁶.
- New rail for nuclear waste transportation should be available for third-party, private-sector commercial use²⁷.

¹⁵ CPP, p. 30.

¹⁶ CPP, p. 45.

¹⁷ CPP, p. 31.

¹⁸ CPP, p. 44.

¹⁹ CPP, p. 45.

²⁰ CPP, p. 44.

²¹ CPP, p. 45.

²² Nye County Board of Commissioners, *Preliminary Transportation Assessment Cooperative Agreement Task 1A*, January 2004, 81 pp. This report is commonly referred to as the Task 1A Report.

²³ Task 1A Report, p. 31.

²⁴ Task 1A Report, p. v, 31.

²⁵ Task 1A Report, p. 35.

²⁶ Task 1A Report, p. v.

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- The alignment of the rail should be such that maximum economic benefit to the County is achieved. Consideration should be given to building spurs to facilitate maximization of economic development opportunities²⁸ and public transportation.
- A centralized Transportation Monitoring Center should be established to monitor the movement and location of nuclear waste shipments.
- A communications network should be established to ensure that emergency responders have the ability to communicate at every point along the rail route²⁹.
- If the use of roads for nuclear waste transportation is imposed, the Nye County road network should be both improved and enhanced to ensure that road safety is not compromised and environmental standards are maintained.
- Adequate medical facilities must be located within the County such that in the event of a radiologic or non-radiologic transportation incident medical care is available. A hospital in Pahrump should be the first-response hospital for such incidents along most of the rail corridor³⁰.

DOE Selection of 'Mostly Rail' Scenario

On 8 April 2004 the DOE issued its Record of Decision³¹ (ROD) expressing its preference for the 'mostly rail' scenario for transporting HLW to Yucca Mountain and selecting the 'Caliente Corridor' in which to examine possible alignments within which to construct a new rail line in Nevada. The Caliente Corridor, a strip of land approximately 1200 ft. wide defined in the Final EIS³², is 318-344 miles in length (depending on alternate segments under consideration).

DOE Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the Caliente Rail Corridor³³

Simultaneously, the DOE declared its intentions to prepare an EIS for the alignment, construction, and operation of a new rail line within the Caliente Corridor for shipping HLW from eastern Nevada, near Caliente, NV to Yucca Mountain near Amargosa Valley, NV. The EIS will consider a strip of land 200 ft. wide within the Caliente Corridor within which to locate the actual rail bed. The DOE is interested, *inter alia*, in identifying and evaluating reasonable alternatives that would reduce or avoid known or potential adverse environmental impacts, national security activities, features having aesthetic

²⁷ Task 1A Report, p. 37.

²⁸ Task 1A Report, p. vi.

²⁹ Task 1A Report, p. 27.

³⁰ Task 1A Report, p. 26.

³¹ US Department of Energy, *Record of decision on mode of transportation and Nevada rail corridor for the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain, Nye County, NV*, 69 Fed. Reg. 68, pp. 18557-18565, commonly referred to as ROD.

³² US Department of Energy, *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, Nevada*, February 2002, DOE/EIS-0250-F, commonly referred to as Final EIS.

³³ US Department of Energy, *Notice of intent to prepare an environmental impact statement for the alignment, construction, and operation of a rail line to a geologic repository at Yucca Mountain, Nye County, NV*, 8 April 2004, 69 Fed. Reg. 68, pp. 18565-18569, commonly referred to as NOI.

values, and land-use conflicts, or alternatives that should be eliminated from detailed consideration.³⁴

Nye County Recommendations for Issues to be Considered in the EIS

Initially it is noted that the Commission has stated its preference that any rail alignment be at least five miles from any town in Nye County. The Caliente Corridor, as set forth in the Final EIS, crosses through the Town of Beatty on its northern end. Nye County urges the DOE to examine alternative alignments that would result in the final alignment being at least five miles from the town boundary.

The Commission has stated emphatically that DOE should plan its transportation campaign so as to maximize the use of rail and minimize the use of highways. Nye County urges the DOE to plan its EIS work to address the policy statements and positions of the Nye County Board of Commissioners. Specifically:

1. Highway transportation unacceptable - The Board has stated that highway transportation of HLW in Nye County is unacceptable. In particular, the Board has stated its aversion to HLW being on US Hwy 95 and State Route 160. The DOE should examine in the EIS the impacts of its plan to ship some portion of HLW destined for Yucca Mountain by highway within Nevada and specifically within Nye County. The environmental, socioeconomic, political and financial impacts of such a decision should be thoroughly examined. If, in DOE's 'mostly rail' scenario, which it is presently pursuing, a small percentage of the waste is to be trucked to Yucca Mountain, the EIS should thoroughly examine the impacts of the highway shipments and define mitigation measures.
2. All HLW should come by rail to Yucca Mountain - The Board has stated that all shipments should be by rail. The EIS should thoroughly examine the consequences of a mostly rail scenario. Nye County believes that the consequences of a 'mostly rail' scenario would be most favorable to Nye County residents. I.e., that rail transportation poses the least risk to the health and safety of County residents and presents the least environmental risk. Construction of an intermodal facility in Caliente, NV to facilitate rail-to-truck transfer and highway shipping within Nevada during the early years of operating Yucca Mountain is contrary to the Board's stated policy position supporting 'mostly rail'. As stated below (#3), the rail should be built now to be available for the first HLW shipment to Yucca Mountain.
3. Rail should be available for the construction phase - The Board has stated its preference for early rail construction, i.e., that rail should be available during the construction phase to assist with hauling construction materials and equipment to the site, thus alleviating highway traffic associated with the construction phase. Rail would then be available to haul the first waste coming to Yucca Mountain, thus obviating the need for heavy reliance on highway/truck transportation in the early years of waste receipt until a rail is available, as DOE is now planning. Nye

³⁴ NOI, p. 18566.

- County advocates building the rail now. The EIS work should examine the favorable outcomes for the Project if rail is available early.
4. Rail alignments should be at least five miles from towns – The Board has stated that rail lines hauling HLW to Yucca Mountain should not be closer than five miles from a town. As presently configured, the rail alignment crosses through the Town of Beatty on its north end. The EIS work should examine alternative alignments to keep the rail out of the Town. An alignment should be found that is acceptable to the Board and the Town of Beatty.
 5. New rail construction should accommodate rail access to industrial and economic development sites – The Board has advocated that new rail construction should be made available to economic and industrial development sites near the rail corridor. As warranted by economic development potentials, the DOE and Nye County should jointly plan for alignment shifts and rail 'spurs' to industrial development sites. All of the Nye County towns along the corridor have plans for industrial development sites whose potentials would be greatly enhanced by rail access. The EIS should thoroughly examine alternative alignments and spurs to accommodate development and growth planning by the towns along the corridor.
 6. The new rail should be available for private-sector commercial use – The Board has advocated that the rail should not be a single-use operation (i.e., hauling HLW to Yucca Mountain). The rail should accommodate present and future private sector efforts along and near the corridor. The DOE's EIS work should examine what existing private-sector activities along presently-planned and alternative alignments would be helped by the presence of a rail, and what potential rail users might desire to locate in Nye County if a rail were available in certain areas. DOE should consult with local governments, local businesses, local land and other property interest holders, local, state and regional development authorities, the rail operators in the region and similar entities to develop a plan for encouraging private-sector use of the Yucca Mountain railroad.
 7. Rail alignments should be jointly planned by DOE and Nye County – In considering how new rail construction in Nye County could be planned so as to minimize the risks from shipping HLW to Yucca Mountain and to maximize the economic development potential DOE should take into account town and county development and growth planning policies and documents. DOE, in its EIS work, should consult with the Board, and with town boards, to be completely cognizant of local development and growth management issues and plans, and thoroughly consider the impacts of the local governments' suggestions and alternatives.
 8. DOE should consider combining the LLW and HLW shipping campaigns to the Nevada Test Site – DOE is presently shipping large volumes of LLW to the Test Site, and is expected to continue for years to come. As with HLW, Nye County has advocated that getting the LLW off the highways would be in the best interests of the health and safety of Nye County residents. In its EIS work, DOE should consider the impacts and potential benefits of combining these two large-scale, long-terms radioactive waste shipping campaigns into a single integrated rail-based shipping effort.

9. Nye County should be consulted about, and have a say regarding, DOE's plans for implementing its transportation program – The Board has expressed its desire to be fully informed about DOE plans to construct and operate a transportation program for HLW coming to Yucca Mountain. In its Community Protection Plan the Board called for equity in transportation mode and route selection, and operational parameters. DOE should, on its own initiative, seek out the views of the Board regarding operational aspects of the transportation program. In its EIS work, DOE should fully consider local government preferences regarding transportation.
10. DOE's transportation plans and infrastructure should enhance the overall transportation network in the County – The Board has stated its preference that any new transportation work, construction or infrastructure enhancements should improve the efficiency of the current transportation network in the county and not just provide for a single, dead-end route to Yucca Mountain. In its EIS work the DOE should thoroughly examine the impact of its present plans on this stated Nye County preference.
11. Adequate emergency response and public safety capacity must be established in Nye County – The Board has stated its preference that an adequate emergency response and public safety capacity (including adequate communications) must exist in the County before the first shipment arrives. The additional financial burden necessitated by Nye County's preparation for HLW shipments should be borne by DOE. The County has stated its willingness to work with the DOE in planning, implementing and operating an adequate infrastructure. The DOE's EIS work should examine local preferences for placement and operation of the necessary infrastructure and determine a long term funding mechanism for ensuring continuity over the decades.
12. Adequate medical facilities must be established in Nye County – The Board has expressed its desire that adequate medical facilities exist in the County prior to arrival of the first shipment. The County has expressed its willingness to work with DOE to marshal private-sector and governmental resources to ensure that adequate medical facilities exist in the event of a radiologic transportation incident. The DOE's EIS work should thoroughly examine the ramifications of a radiologic incident and how that incident would be handled in regard to medical facilities.
13. Adverse impacts to existing property interest holders along or near the rail alignment must be minimized – DOE should be very careful to identify property interest holders along and near the proposed rail alignments that might be adversely impacted by the land withdrawal or eventual rail construction. Persons or entities that own valid unpatented mining claims, fee simple title holders, special use permittees, rights-of-way holders, grazing rights holders, and the like should be able to continue their lawful pursuits while DOE continues with its alignment selection process. The EIS should thoroughly examine and define the impacts on these interest holders and suggest alternatives that would be favorable to the maximization of continued use and development.
14. Public access across and along potential alignments should continue – Public access along and across potential alignments should be continued during the

- period that DOE is conducting its evaluation and later during operations. The DOE's EIS work should carefully examine how access should be managed, if at all, during the evaluation and later during the operational phases. For the public to lose the ability to cross the alignment to pursue lawful activities would be a great detriment to the local economy. Activities such as ranching, minerals exploration and extraction, hunting, scientific investigations, fishing, trapping and motorized recreation are examples of activities that should not be interrupted by any phase of DOE's transportation programs. The rail should not be fenced.
15. Ability to continue development of mining claims - Present mining claim holders should be allowed to continue with the development of claims while DOE finalizes its plans for definition of the alignment. It is not fair that claimants' interests should be put on indefinite suspension while DOE makes up its mind. DOE's EIS work should thoroughly examine the impacts of its transportation programs on minerals exploration and development along and adjacent to the alignment and devise mitigation measures as appropriate after consultations with claimants.
 16. Ability to continue present ranching operations - Present ranching operations along and near the proposed alignment should be allowed to continue with no disruptions during definition, construction and operation of a rail line to Yucca Mountain. Ranchers should not be expected to bear any detriment while DOE defines the alignment, constructs the rail, and operates the rail line. The DOE's EIS work should carefully examine the impacts on ranching operations and define mitigation measures to make the ranchers whole. DOE should consult with individual operators along the alignment to devise individualized mitigation packages appropriate for each operation. No rancher should suffer financially as a result of the alignment crossing his/her operation.
 17. A Railroad Plan of Operations should be produced - DOE should disclose early on a Plan of Operations for the railroad. The plan should divulge operational details, required infrastructure, location of infrastructure, numbers of employees, land requirements, communications infrastructure and operational plans, and the like. The DOE's EIS work should use the Plan of Operations to analyze the impacts of the railroad on the local economy, communities and quality of life and devise mitigation measures to offset any negative impacts and to maximize positive economic impacts.
 18. Use of local contractors and suppliers should be maximized - DOE should make every effort to use local businesses as it plans, constructs and operates the rail line. The DOE's EIS work should identify what goods and services are available locally and use these in its Plan of Operations (see #17, above) to the maximum extent possible. There are significant resources available locally that could help DOE plan, build and operate a railroad efficiently and at lower overall cost. The DOE, through its EIS work, should seek out these resources. Nye County expects that DOE decisions on using local building materials, contractors and suppliers, and decisions on location of rail-related infrastructure will be based on 'best business practices' and will not be driven by politics.
 19. Use of local building materials should be maximized - The DOE's EIS work should identify what building materials, such as sand, gravel, ballast, cement,

clays, etc., are available locally and make every effort to develop those local supplies. DOE should consult with local governments, local land and other property interest holders, natural resource management agencies (local, state, and national), local and regional development authorities and the like to become aware of local resources that could be used in rail construction and operations.

20. Impacts on Nye County Public Roads - In 1999 The Board of Commissioners passed Resolution 99-01³⁵ reaffirming the County's long-standing position on roads on the public lands. In that Resolution Nye County reaffirmed that most of the roads crossing the public lands (excepting State highways, certain roads established after Oct. 21, 1976, and certain roads on private land) are Nye County Public Roads. With the Resolution Nye County promulgated a map of the county showing many (but not all) of the roads included in the Resolution. The proposed rail corridor crosses many Nye County Public Roads. In its EIS work the DOE should thoroughly examine the impacts its work along the Corridor will have on all Nye County Public Roads and identify appropriate mitigation measures.

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³⁵ Nye County Board of Commissioners' Resolution 99-01, *Resolution declaring Nye County's policy regarding public roads*, 19 January 1999, 7 pp. plus attachments.

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1 MR. MOORE: My name is Ashley Moore, and I
2 am a councilman for the City of Caliente. Before
3 being on the City Council, which I have been in office
4 for the past three years, I was in favor of
5 transportation of nuclear waste to Yucca Mountain. I
6 am still in favor of this today. I also work here at
7 the Caliente Youth Center, and I'd like to begin by
8 thanking you for holding this important meeting here.
9 My comments will be brief and to the point.

10 As an elected official, I appreciated the
11 recent record of decision by the Department because
12 now we can move along as a city council to prepare to
13 protect the health and safety of our residents and
14 also look to maximize any economic benefit that may
15 come out of the Caliente Corridor.

16 I would like to see the railroad be
17 designated as shared use and multiple use. I would
18 also like to make sure the Department works with the
19 City and ranchers along the route to make sure that
20 the exact rail alignment location is negotiated with
21 them so the rail line provides the maximum economic
22 value and least risk.

23 We have a fire chief that does a great job
24 for us, but he and his volunteers will need the
25 top-of-the-class emergency response training and

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1 equipment to be able to respond to any incident. I
2 urge, and I mean strongly urge, DOE to locate safe
3 support facilities, such as the fleet maintenance
4 facility off-site in rural communities, such as right
5 here in Caliente.

6 I would like DOE to develop and implement a
7 job training and labor participation program aimed at
8 maximizing employment of county residents at the
9 intermodal transfer casks, maintenance, and other
10 facilities located in Lincoln County.

11 I would like to see DOE be required to
12 purchase electrical energy to operate and maintain the
13 intermodal transfer and other facilities from Lincoln
14 County Power District.

15 I understand why you come to your decision,
16 and keeping the waste out of the populated areas of
17 the state makes sense. But please don't forget rural
18 Nevada. If we're going to bear the burden of this
19 national transportation campaign, then I think our
20 impacts should be mitigated.

21 Again, thank you for coming to Caliente to
22 get the comments from the residents that would be most
23 impacted by this international impact program. Any
24 job worth doing is worth doing right.

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May 5, 2004

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MAY 05 2004

Ms. Robin Sweeney
EIS Document Manager
Office of National Transportation
OCRWM
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Dear Ms. Sweeney,

I appreciate the Department hosting this scoping meeting on the Caliente corridor here in Caliente. This type of rural outreach is appreciated since we will probably be most affected by this railroad.

I am the Site Manager for the Community College of Southern Nevada in Lincoln County. I know the Department has already provided a large amount of oversight funds to the CCSN system.

Rural Nevadans are independent and strong-willed people. If we are called upon to help the nation solve this national environmental challenge I believe and support our city's and county's efforts to protect our health and safety and gain any economic benefits that may result from this \$58 billion project.

I urge DOE to make this railroad a shared use and multiple use railroad, and to make sure the exact alignment is negotiated with local ranchers and local communities so the railroad provided the maximum economic value, with the least risk.

I support our making our regional communications system stronger with cellular coverage (that works!) throughout the corridor and county.

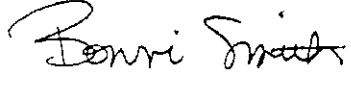
I support locating safe support facilities here in the city and county. At the present time, there are trains going through our city and county that carry extremely hazardous materials. I encourage DOE to make the city of Caliente and Lincoln County emergency responders the best trained and equipped responders in rural Nevada.

Education is essential to local citizens who would be looking for potential employment in different aspects of this project. As the Site Manager for the Community College in Lincoln County, I would also like to see training and classes coordinated through my office.

This project needs to be done right, and if it is done correctly, it can be an economic diversification tool for the city and county, but safety always comes first.

Thank you for this opportunity to voice my thoughts.

Sincerely,



Bonni Smith
P.O. Box 455
Caliente, NV 89008-0455

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MAY 21 2004

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**U. S. Department of Energy Environmental Impact Statement for the Alignment,
Construction and Operation of a Rail Line to a Geologic Repository at Yucca
Mountain, Nye County, Nevada**

SCOPING COMMENT SHEET

Name: Peter H. Hahn

Organization: Retired Geologist & Prospector

Mailing Address: 3608 Big Bend Lane, Reno NV 89509

Telephone: (775) 825-1948

Date: May 12, 2004

COMMENTS:

I am in favor of the establishment of the Yucca Mountain Repository, and of the rail alternative for transportation of nuclear waste to the site.

I urge that, as much as practicable, the railroad right-of-way be unfenced, to allow free access across the tracks, and not establish artificial boundaries to livestock and wildlife movement.

I urge that, insofar as it does not interfere with DOE operations, the railroad be made available for public access as a common carrier for the transportation of agricultural, livestock and natural resource traffic. In particular, development of industrial mineral resource deposits in central Nevada would likely be encouraged by the availability of rail transportation.

Thank you for the opportunity to attend the scoping session in Reno and to comment. I will appreciate receiving information on the Rail Alignment Environmental Impact Statement by mail.

