

California Energy
Commission
Executive Office

1516 Ninth Street, Sacramento, CA 95814
(916) 654-4999; Fax (916) 654-4475

065008

Fax

**To: Dr. Jane Summerstone, EIS Document Manager
Regulatory Authority Office and**

**Mr. Lee Bishop, EIS Document Manager
Office of Logistics Management
OCRWM
U.S. Department of Energy**

Fax: 1-800-967-0739

**From: Barbara Byron at 916-654-4976
Executive Office
California Energy Commission**

Date: October 31, 2006

Pages: 4 including this cover

**Re: Comments on the Amended NOI to Expand the Scope of the EIS for the
Alignment, Construction and Operation of a Rail Line to a Geologic
Repository at Yucca Mt., Nye County, NV (DOE/EIS-0250F-S2 and DOE/EIS-
0369) 71 FR198, Friday, October 13, 2006, 60484-60490**

**Supplement to the Final EIS for a Geologic Repository for the Disposal of
Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain,
Nye County, NV. (DOE/EIS-0250F-S1). 71FR198, Friday, October 13, 2006,
60490-60494.**

**Message: Please see the attached letter. If you have any questions, please
phone me at 916-654-4976. Thank you.---Barbara Byron**

CALIFORNIA ENERGY COMMISSION

JAMES D. BOYD
COMMISSIONER
1516 NINTH STREET, MS-34
SACRAMENTO, CA 95814-5512
(916) 654-3787
(916) 653-1279 FAX



October 31, 2006

Dr. Jane Summerstone
EIS Document Manager
Regulatory Authority Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive M/S 010
Las Vegas, Nevada 89134

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: 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. (DOE/EIS-0250F-S2 and DOE/EIS-0369). 71FR198, Friday, October 13, 2006, 60484-60490.

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. (DOE/EIS-0250F-S1). 71FR198, Friday, October 13, 2006, 60490-60494.

Dear Dr. Summerstone and Mr. Bishop:

I am writing in response to the two U.S. Department of Energy's (DOE) Federal Register Notices issued on October 13, 2006, regarding changes in the scope of the Yucca rail alignment Draft Environmental Impact Statement (EIS) and for a supplemental EIS for the proposed Geologic Repository at Yucca Mountain. In light of the significant potential environmental impacts for California, including potential transportation and groundwater impacts, I am requesting that DOE schedule public scoping meetings in California. I am also requesting that DOE extend the public comment period for both notices by a minimum of 90 days, schedule scoping meetings within the final 30 days of these comment periods, and that DOE allow for comments on either or both National Environmental Policy Act (NEPA) activities at each of these public scoping meetings.

October 31, 2006

Page 2

The current comment deadline of November 27, 2006, mentioned in the public notices allows insufficient time for state representatives, affected local governments, tribes, and members of the public to review the documents, assess the implications of the proposed actions, and provide thorough and meaningful comments. In addition, the proposed new Mina Rail Route could have considerable impacts in California, if a large majority of rail shipments is routed from Hanford, Washington via Sacramento over the Donner Summit to Reno, Nevada or if a large majority of shipments from eastern states is routed through southern and central California to the Yucca Mountain site.

States and local governments potentially impacted by the proposed Mina corridor and major connecting corridor routes need sufficient information on these routes in order to evaluate the potential impacts. DOE should provide maps on the likely connecting corridors to the Mina rail corridor so that potential impacts can be identified and evaluated. In addition, DOE should provide graphic representations for the conceptual design of the Transportation, Aging and Disposal (TAD) canister. Potential groundwater impacts and waste package corrosion are key considerations necessary for evaluating potential impacts from the proposed repository in California.

Nevada has mentioned that it appears that, if the Yucca Mountain project goes forward, most of the waste would enter Nevada via Sacramento, California and Salt Lake City, Utah. Nevada's consultants have estimated that as much as one half of the rail shipments to the repository could be routed through Sacramento to the Mina route using the southern rail shipment corridor. We support Nevada's recommendation that citizens of these east and west portal areas to Nevada be given the opportunity for scoping meetings in view of the significant potential changes in overall transportation and waste management strategy suggested by the two notices.

I am, therefore, requesting that public scoping meetings be held in Sacramento. In addition, because of the significant potential groundwater and transportation impacts in Inyo County, I am requesting that a scoping meeting be held in Lone Pine, California to allow local representatives from this area an opportunity to provide comments. I am also requesting that these scoping meetings allow for public comments on both NEPA activities: for the rail alignment, construction and operation EIS as well as for supplementing the Yucca Mountain Final EIS. The current notices announce scoping meetings for either one project or the other, and only allow a single joint meeting in Amargosa Valley for comments on both activities.

The State of California and Inyo County have identified significant potential impacts in our state from the proposed repository. Over the past nearly two decades, California and Inyo County have provided comments on major documents related to the proposed repository including DOE's Site Characterization Plan and Draft Environmental Impact Statement for the repository.

October 31, 2006
Page 3

In fully complying with the spirit of NEPA, it is essential that the State of California, affected local governments, tribes, and the public be afforded ample opportunity to review and comment on the full scope of the potential impacts from this proposed project. I look forward to your reply to this request.

Sincerely,



James D. Boyd, Commissioner and
California State Liaison Officer to the U.S.
Nuclear Regulatory Commission

cc: Governor Schwarzenegger
Joseph Desmond, Resources Agency
California Congressional Delegation
Affected Local Governments in California
Ward Sproat, Director, OCRWM