



Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

December 6, 2006

RECEIVED BY OCRWM CCU
DATE: 12/12/2006

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

STATE CLEARINGHOUSE REVIEW – ADDITIONAL REVIEWER COMMENTS RECEIVED

State Application Identifier: MD20061018-1058

Project Description: Scoping prior to the preparation of a Supplemental Environmental Impact Statement: Geologic Repository for the disposal of spent fuel and waste at Yucca Mountain

Project Address: Nye County, NV

Project Location: State(s) of Nevada

Clearinghouse Contact: Bob Rosenbush

Dear Dr. Summerson:

We are forwarding the enclosed comments made by Baltimore City regarding the referenced project for your information.

Should you have any questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. Your cooperation and attention to the review process is appreciated

Sincerely,

A handwritten signature in cursive script that reads "Linda C. Janey".

Linda C. Janey, J.D., Director
Maryland State Clearinghouse for Intergovernmental Assistance

LCJ:BR

Enclosure (Comments Received)

cc: Alice Savage - BCIT
Eric Sennstrom - CECL*
Bill Riley - MILT*
William Ebare - MDSP*
Cindy Johnson - MDOT*

Ruth Mascari - MDP*

Gregory Bowen - CLVT*

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MARTIN O'MALLEY
Mayor
250 City Hall
Baltimore, Maryland 21202

October 30, 2001

Linda C. Janey, Director
Maryland State Clearinghouse
Maryland Department of Planning
301 West Preston Street, Room 1104
Baltimore, Maryland 21201-2365

Dear Director Janey:

Consistent with the A-95 Clearinghouse Review for *Comments on Yucca Mountain Science and Engineering Report (MD20010522-0517)*, this letter serves to express Baltimore City's concerns over the shipping of nuclear fuel and high-level waste through our country's population centers. We received this information from your office late and I apologize for any delay in the response.

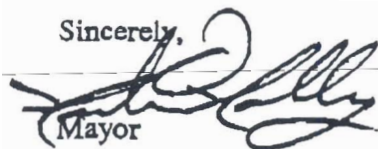
As you may know, the *Yucca Mountain Science and Engineering Report* is a plan for disposition of spent nuclear fuel and high-level radioactive wastes at the proposed Yucca Mountain site in Nye County, Nevada. This site, if selected, would accept materials from defense and military research reactors, university research reactors and civilian reactors. These materials would be transported from all over the country, by truck or by rail. Some of the materials designated for disposal may be transported through Baltimore, Maryland. While legal weight trucks do not require special permitting from states or local governments, such shipments do require advance notification to affected states. Notification for rail transport is not required though preferred rail routes tend to be located in urban centers.

The recent train derailment and fire in Baltimore's Howard Street Tunnel underscores the importance of well-coordinated and informed local governments, as well as specially trained emergency personnel to respond to accidents involving hazardous materials. This notification is even more important when applied to the transport of spent nuclear fuels and high-level radioactive wastes.

Director Janey
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Therefore, I strongly recommend that the U.S. Department of Transportation develop regulations for rail shipment of spent nuclear fuel and high-level radioactive wastes similar to those developed for roads and highway routing. I also respectfully request advance notification of the shipping of spent nuclear fuels and radioactive waste through Baltimore City to facilitate local coordination of health and safety officials and resources.

Sincerely,



Mayor

MO'M:tm

cc: Robert Rosenbush, State Department of Planning

Please Complete Your Review & Recommendation Before November 23, 2006

Return Completed Form To: Linda C. Janey, J.D., Director, Maryland State Clearinghouse for Intergovernmental Assistance, Maryland Department of Planning, 301 West Preston Street, Room 1104, Baltimore, MD 21201-2305
 Phone: 410-767-4490 Fax: 410-767-4480

State Application Identifier: MD20061018-1058 **Clearinghouse Contact:** Bob Rosenbush, 410-767-4490
 brosenbush@mdp.state.md.us

Location: NV

Applicant: U.S. Department of Energy

Description: Scoping prior to the preparation of a Supplemental Environmental Impact Statement: Geologic Repository for the disposal of spent fuel and waste at Yucca Mountain

Based on a Review of the Information Provided, We Have Checked (☑) the Appropriate Determination Below

C1	It is Consistent with our plans, programs, and objectives
C2	It is Consistent with the policies contained in Executive Order 01.01.1992.27 (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), Executive Order 01.01.1998.04 (Smart Growth and Neighborhood Conservation Policy), and our plans, programs, and objectives.
C3	(MHT ONLY) It has been determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.
C4	(DNR ONLY) It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.
C7	(MDP ONLY) It is consistent with the requirements of State Finance and Procurement Article 5-7B-02; 03; 04 and 05 Smart Growth and Neighborhood Conservation (Priority Funding Areas).
C5	It is Consistent with our plans, programs, and objectives.
C6	It is Consistent with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of 1992), State Finance and Procurement Article 5-7B - Smart Growth and Neighborhood Conservation (Priority Funding Areas), and our plans, programs, and objectives.
R1	GENERALLY CONSISTENT WITH QUALIFYING COMMENTS: It is generally Consistent with our plans, programs and objectives, but the attached qualifying comment is submitted for consideration.
X R2	CONTINGENT UPON CERTAIN ACTIONS: It is generally Consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment(s).
R3	NOT CONSISTENT: It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act visions/policies; or it may duplicate existing program activities, as indicated in the attached comment(s). If a meeting with the applicant is requested, please check here: <input type="checkbox"/>
R4	ADDITIONAL INFORMATION REQUESTED: Additional information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here: <input type="checkbox"/>
R5	FURTHER INTEREST: Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the applicant.
R6	SUPPORTS: Supports "Smart Growth" and Federal Executive Order 12072 (Federal Space Management), which directs federal agencies to locate facilities in urban areas.

Attach additional comments if necessary OR use these spaces: Decisions to use rail as primary means of transporting materials will require advance notification and coordination with affected communities. Comments in the 2001 letter signed by Mayor Murrin O'Malley still are of concern.

Name: George L. Winfield, Director
Organization: Baltimore City Dept. of Public Works
Address: Room 600 Abel Wolman Municipal Bldg.
200 N. Holliday Street
 Baltimore, MD 21202

Signature: *George L. Winfield*
Phone: (410) 396-3310
Date Completed: 11/21/06

Check here if comments are attached.

