

Department of Comprehensive Planning



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December 12, 2006

RECEIVED BY OCRWM CUU

DATE: 12/13/2006

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, NV 89134

015076

065076

Re: Clark County Comments on the U.S. Department of Energy's 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 [Federal Register / Vol. 71, No. 198/Friday October 13, 2006, 60484-60490]

Dear Mr. Bishop:

Thank you for the opportunity to submit the attached comments in response to your notice of intent. We respectfully submit these comments for your consideration, and urge you to consider the comments, and maps attached, in future decisions regarding the expansion of the scope of the EIS for the alignment, construction, and operation of a rail line to Yucca Mountain. While the Department of Energy (DOE) has expressed its intent to proceed with a "mostly rail" transportation plan that avoids urban Clark County, we believe our analysis merits serious consideration, as all of the transportation alternatives currently under consideration by the DOE have the potential to impact Clark County residents and visitors.

Sincerely,

Irene Navis, AICP
Planning Manager

Attachment

cc: Nevada Nuclear Projects Office
Affected Units of Local Government
Affected Cities and Tribes

**Clark County Comments on the
U.S. Department of Energy's 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**

[Federal Register / Vol. 71, No. 198/Friday October 13, 2006, 60484-60490]

And

**U.S. Department of Energy's 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 – Notice of
Intent [Federal Register / Vol. 71, No. 198 / Friday October 13, 2006, 60490-60494]**

**Prepared by
The Clark County
Department of Comprehensive Planning
Nuclear Waste Division
December 12, 2006**

Introduction

On October 13, 2006 the U.S. Department of Energy (DOE) released two Notices of Intent (NOI): the 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 (ANOI) and the 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 (SNOI). Both the ANOI and SNOI reaffirm Clark County's concerns that if shipments to the proposed Yucca Mountain Repository occur the County will be impacted. The following comments are in addition to the comments from the May 25, 2004 letter sent to DOE from Clark County on the published 2004 NOI and are incorporated into these comments by reference.

The ANOI's proposed action is for DOE to expand the scope of the Draft Caliente Rail Alignment EIS (Draft EIS) to review, analyze, and update the environmental impact information for the Caliente, Carlin, Jean and Valley Modified routes; to consider a new route known as the Mina route at a level of detail commensurate with that of the Yucca Mountain Repository Final EIS (FEIS); and consider in detail the impacts of different alignments of a rail line within the Caliente and Mina corridors. [Page 60486]

The SNOI's proposed action covers the proposed surface and subsurface facilities that would allow DOE to operate the Yucca Mountain facility following primarily a canistered approach in which most commercial spent fuel would be packaged at commercial sites in multipurpose transport, aging, and disposal canisters (TAD), and all

DOE materials would be packaged in disposal canisters at the DOE sites. Waste packages would be arrayed in the repository underground to achieve what is referred to as a higher-thermal operating mode, and most spent nuclear fuel and high-level radioactive waste would arrive at the repository by rail where they would be placed on aging pads prior to waste disposal, or inserted into waste packages for disposal underground. Since the TAD specifications were only just released within the past two weeks, insufficient information has been available to assess the full impact of the TAD concept on repository operations and transportation planning and operations. Certainly, sufficient information was not made available regarding the TAD as part of the federal register notice and the notice of intent.

ANOI Impacts to Clark County

The expansion of the scope of the Draft EIS not only reaffirms that shipments will pass through Clark County if the Caliente Rail route or Mina route are constructed, but again opens the possibility that a rail or intermodal infrastructure may be built in Clark County. For this reason a comprehensive assessment of impacts to Clark County and the Las Vegas Metropolitan area need to be completed as part of the Draft EIS.

Two of the above mentioned potential rail routes (Jean and Valley Modified routes) traverse Clark County with the Valley Modified Route traversing the north part of the Las Vegas Metropolitan area. Even if neither of these options is utilized, there are substantial impacts to Clark County that need to be identified and reviewed. Several significant changes have occurred that should factor into DOE's continued consideration of these routes. Annexation of large acreages of land by both the City of North Las Vegas and the City of Henderson, as well as privatization of BLM lands, have resulted in significant changes to the current and future land uses for these areas. The development of the Ivanpah Airport in the southwest part of Clark County should also be taken into consideration when evaluating both rail and truck routes. Further, the expanded/modified mission of Nellis Air Force Base, including Creech Air Force Base, should be thoroughly analyzed and adequately considered for purposes of the Supplemental FEIS. DOE's analysis of potential aircraft hazards to date has been inadequate, and should be enhanced as part of this ANOI process.

The Union Pacific rail line travels through the Las Vegas Metropolitan area for over 30 miles. The FEIS estimated that about 7 percent of all rail shipments to Yucca Mountain would traverse the Las Vegas Metropolitan area near the famous Las Vegas Strip where some of the largest and best-known resort-hotel casinos are located within one-quarter of a mile of the rail line and many more located within one mile of the rail line. The land use changes that have occurred in the Las Vegas Metropolitan area and other areas of Clark County even in the last two years since DOE published its first NOI has increased the importance of looking at land use impacts and other impacts discussed in these comments.

Clark County believes that if the Mina route was built that, at a minimum, 7 percent of the shipments would pass through the Las Vegas Metropolitan area. Along with the

potential land use, water use, economic, environmental justice and other potential impacts listed in the ANOI with regard to spent nuclear fuel shipments, Clark County believes that DOE should complete a thorough review of social risk impacts.

In 2006 the National Academies of Science published a report called *Going the Distance? The Safe Transport of Spent Nuclear Fuel and High-Level Radioactive Waste in the United States* and recommended that the “Social risks for spent fuel and high-level waste transportation pose important challenges to the successful implementation of programs for transporting spent fuel and high-level waste”. [Page 11] Clark County believes that the “social risks” impacts need to be reviewed in the Draft EIS.

The ANOI proposed action states that DOE is to determine a rail alignment for shipments of spent nuclear fuel, high-level radioactive waste and other materials (page 60486). Are any of these “other materials” hazardous in nature? How will shipping commercial commodities by private entities affect the shipment of spent nuclear fuel? Will there be a limited type of “other materials” that may potentially be shipped? DOE should provide a list of the “other materials” potentially to be shipped and identify what environmental shared use impacts may occur from shipping those items on the same rail line for spent nuclear fuel shipments to Yucca Mountain.

Other Potential Routes and Suites of Potential alternatives

The ANOI states that, “during subsequent public scoping, DOE received comments that offered preferences for various rail corridors analyzed in detail in the Yucca Mountain Final EIS; and identified *other rail corridors for consideration* (emphasis added).” [Page 60484] It continues on to say that one of those “other corridors” is known as the Mina Route. It is important for DOE to disclose all of the “other corridors” and what the justifications are for only deciding to look at one of those corridors and not the other corridors. Why are these “other corridors” not being reviewed?

DOE points out that based on information from the public scoping meetings that it created a “suite of potential alternatives” and these “suites of potential alternatives” were evaluated using environmental features, engineering, and design factors to determine the range of reasonably alternative alignments. [Page 60487] A list of the environmental features, engineering, and design factors should be included in the draft EIS for the affected units of government to analyze and recognize the factors used to determine different alignments.

Significant Changes

The ANOI requests that DOE be apprised of “significant changes to, or new information relevant to the rail corridors analyzed in the Yucca Mountain Final EIS”. [Page 60489]. Through this response document, Clark County hereby apprises DOE that the land use impacts have increased substantially in the Las Vegas Metropolitan Area.

From 2003 to present the Las Vegas Metropolitan area and other locations throughout Clark County have seen unprecedented change in land use. Much of the land near potential routes for spent nuclear fuel shipments have had major land use changes including the potential for large mixed-use, condominium, and resort-hotels as well as other large master planned communities and large amounts of commercial square footage properties. As of June 2006 there were 105 projects planned or being built within one mile of a potential route with over 132,951 units and 33,368,223 square feet of commercial property.

The attached maps illustrate the changes in land use impacts of projects that have occurred, are currently planned or under construction, and proposed within one mile of the existing UP rail line, I-15, State Route 160 and the I-215 beltway.

Population volume, density, and demographic make-up have changed dramatically over the past twenty years, and Clark County anticipates continued high population growth to 2035 and beyond. (See attached Clark County Population, 1980-2035.) Clark County's population until 1992 was under one million, and our current population is just short of two million. In 2017, when the DOE expects the repository to begin operations, Clark County's population is likely to approach three million. Transportation-related impacts, including but not limited to, public safety and protection of critical infrastructure, must be given weight in DOE's EIS development and future planning, considering the potential for exposure of residents and visitors near the likely transportation routes.

Truck Transportation Impacts

The FEIS estimates that 1,079 legal-weight truck shipments will occur to Yucca Mountain with a "mostly rail" shipping campaign. Either of the two rail corridors undergoing detailed impact assessment of different alignments would be the longest new rail route built in the U.S. in many decades. The enormous magnitude (both in scope and cost) of building a rail line has been publicly acknowledged by DOE. Therefore, the strong possibility exists that many more than 1,079 legal-weight truck shipments will traverse Clark County and the Las Vegas Metropolitan area. Postponing a review of these impacts will not make them go away.

There are many reasons why a full review of all impacts to Clark County and the Las Vegas Metropolitan area needs to occur more than ever. The full range of potential rail and truck transportation impacts to Clark County should be reviewed by DOE in both the Rail EIS and the Supplemental Repository FEIS.

SNOI Impacts

The SNOI fails to acknowledge that the Supplemental EIS must contain a comprehensive description of the current repository design, operational plans, and a thorough assessment of all impacts on the environment from every component of the proposed facility. The SNOI must include supporting documentation for DOE's current planning activities and the Proposed Action. As written, the Notice of Intent provides only a cursory

description of DOE'S current design, operational plans, and potential impacts.

Specifically, the SNOI inadequately addresses the Proposed Action since it does not recognize the U.S. Circuit Court of Appeals for the District of Columbia struck down the 10,000-year compliance period for the Yucca Mountain EPA Standard, 40 CFR Part 197 that was incorporated into the Final EIS. The proposed new EPA standard of one million years would invalidate the Proposed Action as described in the Final EIS. DOE should have acknowledged this change and should prepare a new, comprehensive EIS that fully describes existing planning activities and provide a comprehensive analysis of the Proposed Action.

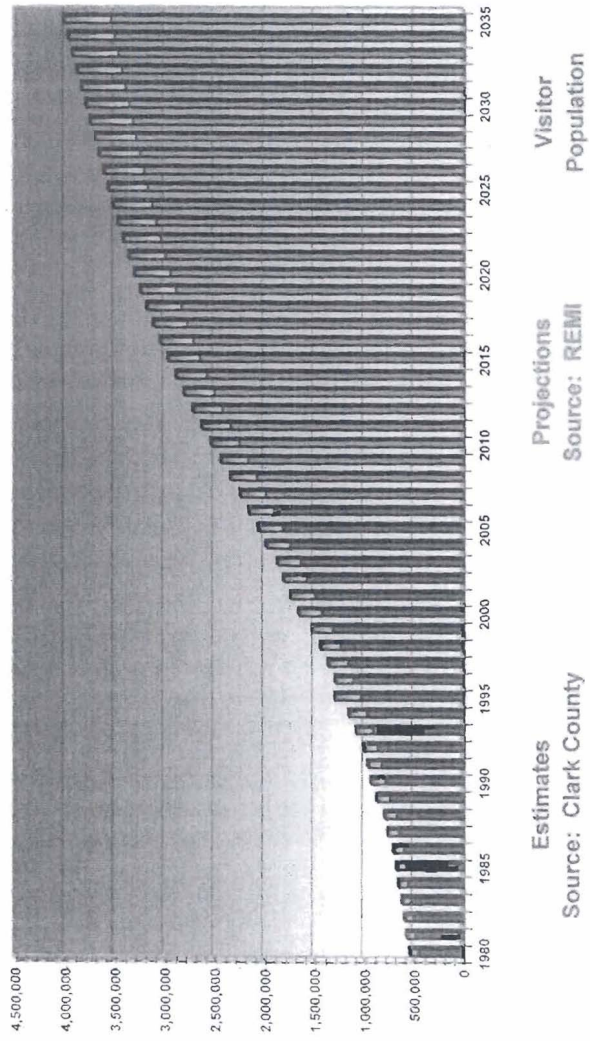
The SNOI fails to identify the potential impacts from the National Nuclear Security Administration (NNSA) recently issued NOI to prepare a Supplement to the Stockpile Stewardship and Management Programmatic Environmental Impact Statement - Complex 2030 (DOE/EIS-0236-S4). 71FR202, October 19, 2006, 61731-61736. The Supplement to the Stockpile Stewardship and Management Programmatic Environmental Impact Statement - Complex 2030 notes that consolidation activities across the DOE complex could result in significantly increased activities at the Nevada Test Site concurrently with Yucca Mountain operations. This could dramatically change the cumulative impacts of Yucca Mountain operations. The SEIS must incorporate a thorough analysis of these impacts into the cumulative impact analysis.

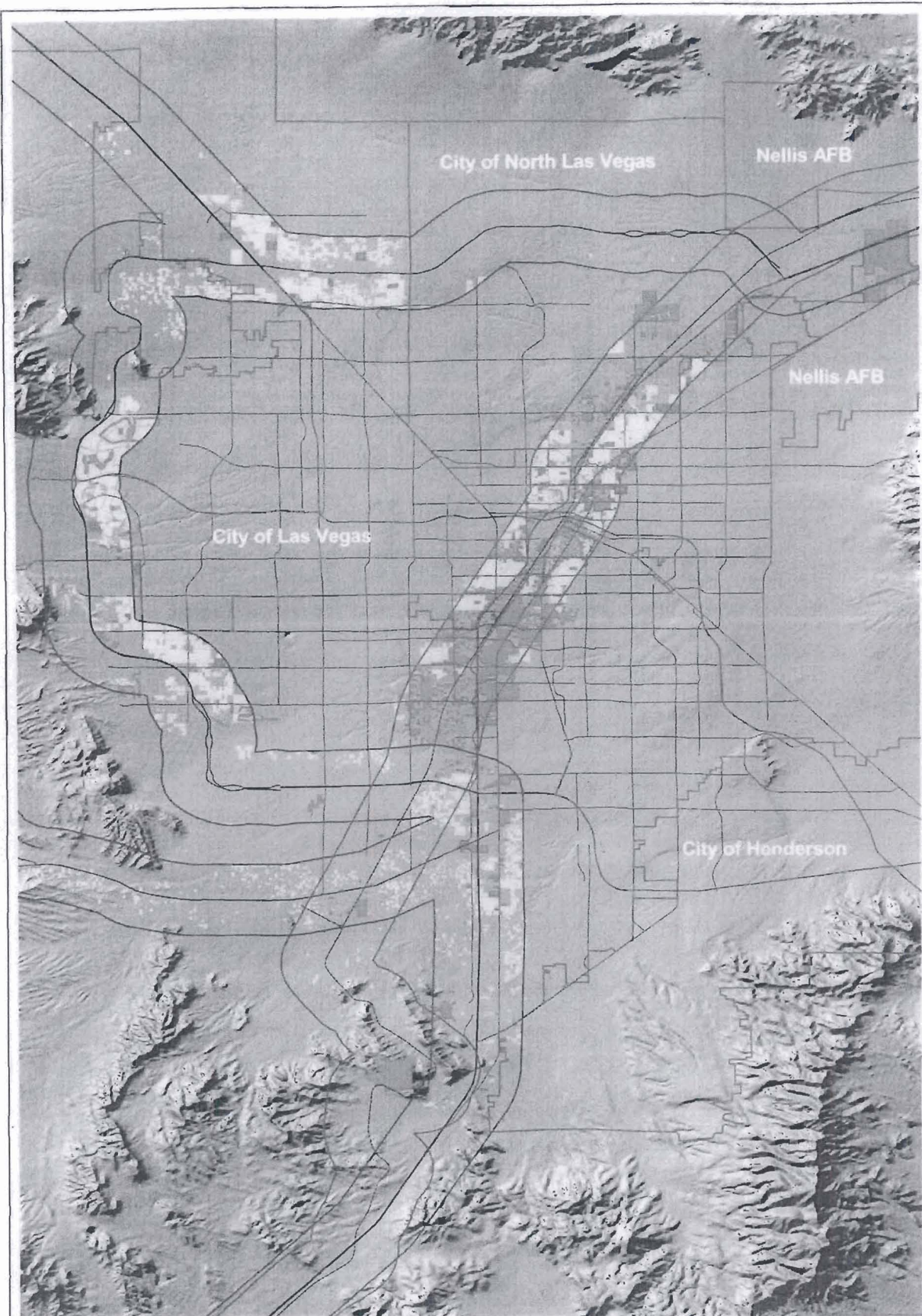
The SNOI does not acknowledge the fact that the aging pads that DOE currently proposes could potentially function as Monitored Retrievable Storage, which under the Nuclear Waste Policy Act is prohibited in any state with a site selected for site characterization or development of a repository, including Nevada (Section 141(g)).

The DOE must provide a comprehensive assessment of all potential impacts from the TAD system in the SEIS. This assessment should include a thorough examination of regulatory impacts, repository performance, transportation impacts, thermal management, and waste handling matters.

Finally, in the course of this notice of intent review and comment process, we have discovered that sixty days is insufficient time to thoroughly review two large NOI's and provide the detailed information that is needed to fully respond. We respectfully request a minimum of a 90 day period for future document review and comment.

Clark County Population 1980 - 2035



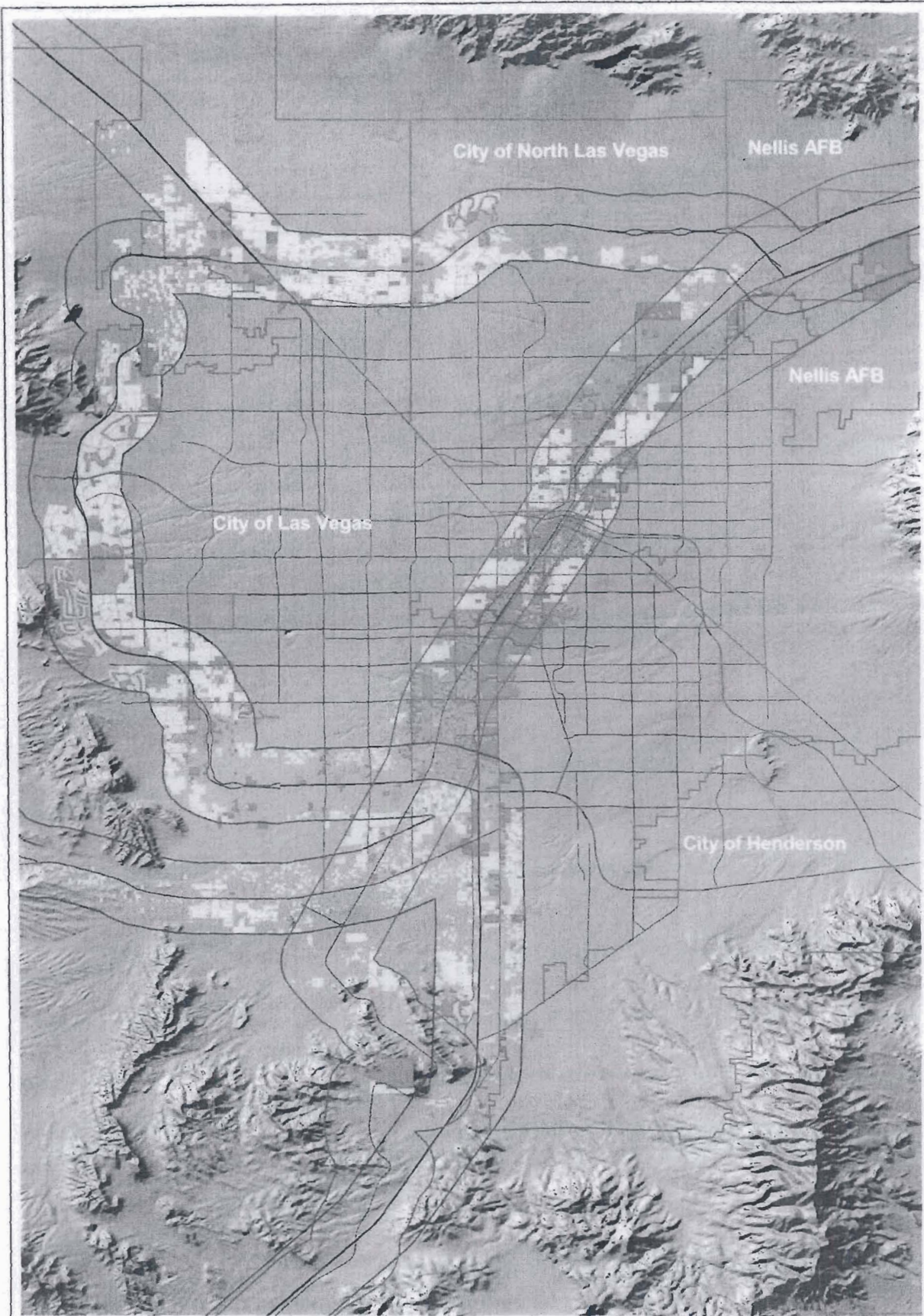


Las Vegas Valley, Clark County
Impacts Corridor, 2001

- Use Category
- Residential
 - Commercial
 - Industrial
 - Park
 - Transportation
- Highway Impacts Corridor
 - Impacts Corridor
 - Municipal Boundaries
 - Major Roads



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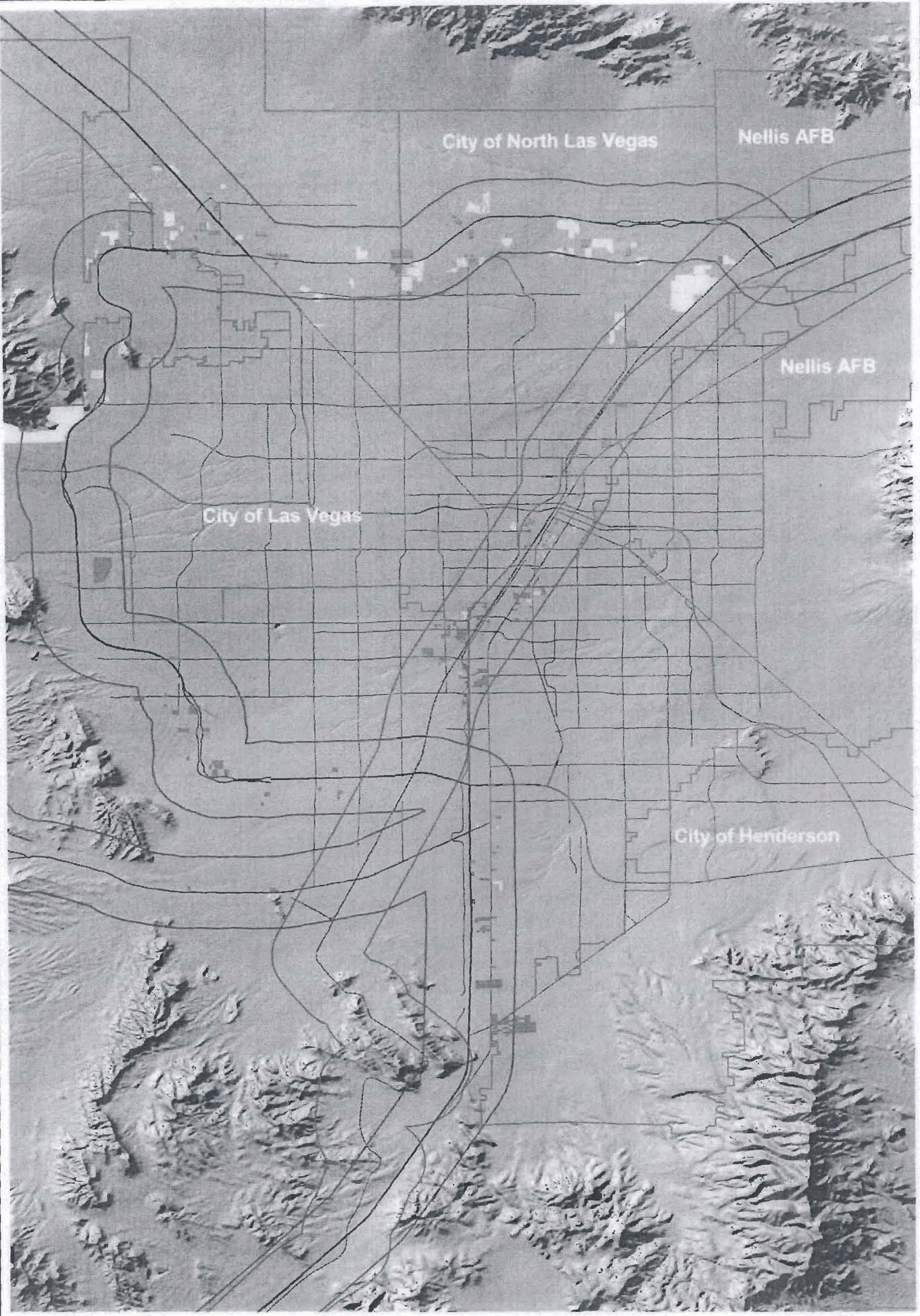
Las Vegas Valley, Clark County
Impacts Corridor, 2006

- Use Category
- Residential
 - Commercial
 - Industrial
 - Public
 - Transportation
 - Highway Impacts Corridor
 - Rail Impacts Corridor
 - Municipal Boundary
 - State Route



0 2.5 5 Miles





Las Vegas Valley, Clark County
 Impacts Corridor, Proposed Projects, 2006

- | | |
|--------------|--------------------------|
| Use Category | Highway Impacts Corridor |
| Residential | Rail Impacts Corridor |
| Commercial | Municipal Boundary |
| Industrial | Major Road |
| Mixed Use | |
| Public | |

