



Western Interstate Energy Board/ WINB

December 12, 2006

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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, NV 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;

Joanna Prukop
Chairman

Dear Mr. Bishop:

Douglas C. Larson
Executive Director

We are writing to you to submit comments regarding the above U.S. Department of Energy (DOE) Notice of Intent announced in the Federal Register on October 13, 2006, on behalf of the following state members of the Western Interstate Energy Board (WIEB) High-Level Radioactive Waste Committee: Arizona, California, Colorado, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. We urge DOE to conduct a full and comprehensive analysis of safety and security risks, routine impacts, and consequences for national route selection associated with both proposed rail corridors in the expanded EIS.

Since 1985, the Western Governors have passed a series of Resolutions stating that “the safe and uneventful transport of nuclear waste...must be paramount in all federal policies regarding nuclear waste transportation.”¹ To achieve this goal, the Draft EIS must consider the characteristics of both routes to evaluate how they might contribute to, or detract from, safe and uneventful transportation. Similarly, the Draft EIS must fully assess characteristics of both routes that could mitigate or exacerbate the consequences of an accident, with or without a release of radioactive materials. The Draft EIS must clearly state the criteria that DOE will use to choose between the proposed alternatives (including the “No Action” alternative).

¹ Western Governors’ Association Resolution 05-15 *Transportation of Spent Nuclear Fuel and High-Level Radioactive Waste*.

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The Western Governors have stated that DOE must conduct “a thorough review of the risks of terrorism and sabotage against spent fuel and HLW shipments”² to insure adequate safeguards are in place prior to the start of shipments. This review must be conducted as part of the EIS, before the final mode and route determination are made. While many details of such a study will presumably be classified, the Draft EIS needs to include declassified information on what types of concerns were evaluated, the methods used for evaluation, and the general results of that review.

The Draft EIS must also consider other routine factors such as cost estimates for the construction of both corridors, estimated costs for shipping along either corridor, radiological impacts (both from safe and uneventful transportation, and from potential accidents), social impacts, and effects of shipments through culturally or environmentally sensitive areas.

Additionally, the Draft EIS must fully evaluate what effects either route selection would have on transportation routes outside the State of Nevada. At a minimum, selection of the Mina corridor would require the use of a different main line railroad segment in Utah than would be used for the Caliente corridor. Furthermore, selection of the Mina corridor has the potential to dramatically increase the number and frequency of shipments through the State of California. Transportation and related impacts must be fully evaluated for all communities potentially affected by both rail corridors, not just those along the new rail alignments themselves. The Draft EIS must include maps depicting how the proposed rail line alternatives will affect SNF and HLW shipments nationally. Such maps should clearly depict all proposed routing scenarios from individual origin points to the point(s) of departure from railroad main lines.

In 1995, the California Energy Commission staff, on behalf of the WIEB High-Level Radioactive Waste Committee, testified before DOE concerning its NOI to prepare an EIS for the Yucca Mountain Repository. That testimony emphasized the Western States’ concerns regarding the safety of nuclear waste shipments to Yucca Mountain, and the need for the EIS to examine the varying impacts on states and tribes that a long-term, massive-scale shipping campaign would have. We urged DOE to conduct route and transportation mode-specific analyses of transportation impacts as part of the Yucca Mountain EIS and to fulfill DOE’s promise (stated in DOE’s 1986 Environmental Assessment for the Yucca Mountain Project), to conduct in-depth route and mode-specific analyses. These concerns have not yet been fully addressed, and need to be analyzed in the EIS.

Additionally, in accordance with NEPA guidelines, the Draft EIS must fully evaluate credible, realistic and mode-specific alternatives to the construction of either rail line. Alternatives might include a mostly-truck scenario, the shipment of legal-weight truck casks by rail to an existing rail head, and/or heavy-haul truck shipments of rail casks from an existing rail head.

2 Ibid.

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As part of the evaluation of alternatives and the assessment of impacts related to identified alternatives, the Draft EIS must also thoroughly discuss options for operation and management of the proposed rail line. These options may include maintaining a dedicated, single-purpose rail line owned and operated by DOE for the sole purpose of shipping SNF and HLW to Yucca Mountain, or operating a multi-use/shared-use rail line operated by DOE and/or another entity that would be used for the movement of other cargoes in addition to SNF and HLW to Yucca Mountain.

In closing, we believe strongly that the quantity and quality of public meetings held in connection with this NOI were inadequate. No public meetings were held in the States of California or Utah, and the meetings that were held in Nevada did not provide sufficient opportunity for a public exchange of information. When the Draft EIS is released, we trust that the Department will hold public meetings in all potentially affected communities, both along the proposed new rail alignments and along existing impacted rail lines. Furthermore, those meetings should follow the format that DOE has traditionally used for public input, by allowing members of the public to make comments publicly, rather than in private to a transcriber.

We appreciate the opportunity to comment on this Notice. Please feel free to contact either of us, or WIEB staff, if you have any questions concerning our comments.

Sincerely,



Joe Strolin
Committee Co-Chair



Barbara Byron
Committee Co-Chair