
NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

P. O. Box 26177
Las Vegas, NV 89126
Phone: 702-248-1127
Fax: 702-248-1128
Toll Free: 800-227-9809

Non-profit/Public Advocacy
Judy Treichel, Exec. Director
E-mail: judynwtf@aol.com
Web: www.antinuclear.org

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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

The Department of Energy (DOE) has made the scoping process for the preparation of this draft more difficult than necessary. The lack of detail on all aspects of the proposal requires the commenter to speculate about a universe of possibilities in order to cover what **might** be vital priorities and/or important items of concern. Rather than being direct comments to a known plan, we are left with mostly questions. Therefore, our initial comments are the following:

- What precise routes are being considered under the broad lines drawn on vague maps?
- What are the current and potential land uses on the routes?
- Why were any former rails removed?
- What sorts of intermodal facilities are being considered? Where would they be?
- What are the implications for routing changes from the Caliente route?
- Is there a firm/final decision to use dedicated trains from the point of generation of the waste to Yucca Mountain?
- The Mina route would be at least a dual use line with shipments to Hawthorne. Would it also be shared use?
- Would Hawthorne munitions shipments be carried in conjunction with Yucca Mountain shipments – full or empty containers?
- The dual use of this rail line dramatically increases terrorist opportunities. How will the combination of munitions and highly radioactive materials be analyzed?
- Will current Hawthorne shipments be interrupted by planning and building the proposed Yucca Mountain line?
- Would or could this line be used *in any way* in the final NNSA Complex 2030 program?
- How will this proposal consider other, likely conflicting, plans such as – other parts of the Yucca Mountain project, current or future projects at the Nevada Test Site, Hawthorne munitions projects, legislation, etc.
- With both the redesign of the repository system as well as the NNSA Complex 2030 program currently in the scoping process, GNEP being debated and considered, as well as perhaps other related or conflicting activities, how do we consider everything at once?

There is one aspect of the process that we can see with certainty: The timing.

We have been given 60 days to comment on the scoping phase of two Yucca Mountain NEPA documents. The drafts of these two proposals are to be issued in December, 2007. According to the current Yucca Mountain Repository Schedule, DOE will submit Licensing Support Network (LSN) certification at the same time. That starts the clock for those most involved in this process to have to also certify data bases and submit contentions for a licensing hearing. Then the repository schedule shows the final rail alignment EIS to be issued in June, 2008, at the same time as the submission of the Yucca Mountain license application.

The Nevada Nuclear Waste Task Force is primarily a public advocacy organization. We urge citizens to be involved in the repository program and the most important and influential way that they can do that is by preparing testimony and comments at significant decision points. That is why the NEPA laws require the allotment of time for receipt and consideration of comments from the public.

The time schedule that you have set for the consideration of this supplemental EIS, when considered with the repository schedule, is simply a disingenuous attempt to check off required public participation boxes.

The internal deadline has now passed for project managers to accept new information for documents, and the primary task at the Yucca Mountain project is preparing final documents for the LSN and the license application. With the compressed time constraints that the project has placed on itself, how can you consider information that would require changes? How can we, or the people who take their personal time to participate, possibly believe that you will seriously consider scoping comments on these very significant revisions?

In December 2007 you plan to have all final documents into the LSN and you will be waiting for, or interacting with, the NRC regarding the certification of the document collection. Other involved parties will be certifying that they have placed all of their documents, to be relied on in a licensing proceeding, in the LSN and they will be submitting contentions. How do we submit contentions when very important parts of the project and repository system are being considered and possibly revised? How do you thoroughly consider our comments while; 1) convincing the NRC that all of your documents are final and submitted, and 2) while you are in the final stages of presenting a complete, high quality license application with a detailed design? We do not believe that you can, and we want it noted that we oppose this process.

Submitted by,

Judy Treichel
Executive Director