



County of Inyo
Planning Department

Yucca Mountain Repository Assessment Office
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Ms. Robin Sweeney
EIS Document Manager, Office of National Transportation
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 001
Las Vegas, NV 89134

RE: Notice of Intent (NOI) to Prepare an Environmental Impact Statement for the Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, Nevada.

Dear Ms. Sweeney,

The Inyo County Yucca Mountain Assessment Office has reviewed the above-referenced Notice of Intent and has identified several issues critical to Inyo County and California that must be addressed in the Environmental Impact Statement.

The operation of a rail line to the Yucca Mountain Project site will be preceded by completion of NEPA proceedings, detailed engineering studies of the specific route, construction of the line, and preparation of emergency response organizations along specific routes. Once the rail line is complete, additional time will be required for assembly and testing of all elements of the system, from spent-fuel loading at reactor sites through off-loading at the repository site.

Given this sequence of events, a reasonable expectation that Congress will continue to underfund the Yucca Mountain Project, and DOE's statements in the NOI to the effect that the project may include construction of an intermodal facility to facilitate shipping activities during the first six years of repository operations, we expect that the rail line will be operational no earlier than 2015.

Under DOE's current schedule, the repository is to begin waste acceptance in 2010. At minimum, the first five years of operation of the repository will rely on truck transportation from spent-fuel storage sites to the repository, or from a rail-truck intermodal facility to the repository. In either case, *truck transportation will be the sole mode of transportation in the vicinity of the repository for many years.*

Since the construction of a rail line to Yucca Mountain will not result in any reduction of the risks associated with truck transportation until the rail line is operational, and development of rail access to the repository will likely remain a hypothetical proposition through most of this decade, the Rail DEIS should include analysis of a truck-only scenario for the shipment of all SNF and HLW destined for Yucca Mountain. This would improve the bounding of transportation alternatives over those utilized in the *FEIS for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*.

The role of intermodal transfer facilities before and after completion of the rail line should be addressed in detail. The impact of such facilities will depend heavily on their location. All potential intermodal transfer sites must be mapped, the routing implications of each site analyzed and stated, and the comparative emergency response/Section 180[c] implications of each site assessed.

Most of the Caliente Route is far removed from emergency response resources and hospitals qualified to deal with radiological contamination. The Rail EIS should identify, for each section of the route, what medical facilities could be impacted by radiological incidents along the route - in cases where air evacuation is possible and where air evacuation is not possible. For certain northwestern portions of the proposed route, the closest major medical facility is Northern Inyo Hospital in Bishop, California. Mammoth Hospital in Mono County, California may also be within the radius of impacted facilities for a major incident. The Draft EIS should discuss whether emergency response mutual aid agreements, protocols and scenarios might combine to place demands upon these facilities.

The Rail EIS should be used by DOE as the vehicle to correct fundamental transportation-related defects in 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, Nevada*.

The FEIS did not identify specific primary, secondary or emergency transportation routes for nuclear waste traveling through California. Risk analysis should be performed to allow comparison of potential truck routes. The methodology applied to this work should be discussed in the EIS in sufficient detail to allow reviewers to understand what regulatory and accident assumptions are built into the analysis.

The Nuclear Waste Policy Act, Section 180(c) calls for Federal action to provide improvements in emergency response training and capability along routes designated for the transport of high-level nuclear waste and spent fuel. The EIS should attempt to estimate the required dedications of Federal resources necessary to meet DOE obligations under Section 180(c) for both the truck-dominated phase of repository operations and after the rail line is operational.

The amount and location of the truck-only materials remaining at reactor sites after the rail line is operational will affect the routing, impacts and cost of the remaining truck shipments. To the best of its ability - given uncertainties as to how utilities will manage their SNF inventories - DOE should project when and where there will be reductions in both risk and emergency preparedness funding as a result of the operation of the rail line.

As Inyo County stated in its review of the *DEIS for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*, the lack of meaningful NEPA treatment of the environmental impacts of the transportation component of the Yucca Mountain Project is a major flaw in DOE's attempt to comply with the National Environmental Policy Act. The *FEIS* did not redress the transportation issues raised by Inyo County in our response to the *DEIS*.

DOE will eventually be required to develop an Environmental Impact Statement specific to transportation issues. The Rail EIS (if properly scoped to address the full range of impacts associated with the construction of a rail line and, by extension, *the impact of not having rail access at the beginning of repository operations*) could provide the Department of Energy with the NEPA vehicle necessary to come to terms with the transportation impacts of the project and avoid a third NEPA attempt.

Thank you for the opportunity to review and comment on the Notice of Intent.

Sincerely,



Andrew Remus, Project Coordinator
Inyo County Yucca Mtn Assessment Office

Cc: Inyo County Board of Supervisors
Southern Inyo Fire Protection District
Leslie Klusmire, Inyo County Planning Director
~~Barbara Byron, Special Advisor, California Energy Commission,~~
Betty Miller, Intergovernmental Review Coordinator, Caltrans District 9