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October 20, 2006

Mr. Edward Sproat, Director
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

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. (DOE/EIS-0250F-S2 and DOE/EIS-0369). 71FR198, Friday, October 13, 2006, 60484-60490.

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. (DOE/EIS-0250F-S1). 71FR198, Friday, October 13, 2006, 60490-60494.

Dear Mr. Sproat:

I am writing with an urgent request in regard to the subject Federal Register Notices that were caused to be published by your office on October 13, 2006. I ask that you withdraw the current notices and issue new Federal Register Notices that:

- Extend the announced comment periods for both notices to a period of a minimum of 90 days, with scoping meetings scheduled to be held at all the locations within the final 30 days of the comment period;
- Announce scoping meetings at the following locations, in addition to those announced in the subject Notices: Reno, NV; Elko, NV; Battle Mountain, NV; Winnemucca, NV; Lovelock, NV; Yerington, NV; Salt Lake City, UT; and, Sacramento, CA;
- Announce that all the meetings are joint scoping meetings for the two National Environmental Policy Act (NEPA) activities that are announced in the subject Notices;

- Include in the Amended Notice of Intent map representations of the Mina corridor and described options, and its connection to existing mainline rail service in northern and western Nevada; and
- In the Notice for the Supplement to the Final Environmental Impact Statement, include graphic representations of the conceptual design of the Transportation, Aging, and Disposal (TAD) container, and the Yucca Mountain proposed repository surface facility layout.

Taken together, these two Notices constitute significant potential changes from the 2002 Final Environmental Impact Statement for the potential Yucca Mountain repository, for which the public had available, in 1995, vastly more detailed information and time to prepare their comments on the Notice of Intent than has been afforded by these subject Notices. The comment deadline of November 27th specified in the Notices is insufficient to permit the state of Nevada, affected local governments, Indian tribal jurisdictions and the public to adequately understand the implications of the actions contemplated and prepare meaningful comments. I also understand that it will be extremely difficult for some local governments to submit comments by the current deadline due to the schedules for county commission and city council meetings. Such entities generally require governing body approval of any comments before they can be submitted.

Furthermore, the Notices provide only minimal information on the proposed deployment of the TAD and its integration into the waste management system from waste storage sites, to transportation, and through repository handling, storage and emplacement operations, and closure. The public is also unfamiliar with the proposed Mina corridor, as it and its connection to a main line railway in northern and western Nevada never before have been the subject of public review and comment for purposes of potential radioactive waste transport.

DOE is, in actuality, seeking to undertake two substantial NEPA activities at the same time, resulting in affected parties having to review and provide comments on two separate (although interconnected) processes. That alone would seem to more than justify the need for a more reasonable comment period.

With DOE already having selected the primarily rail mode of waste transport to Yucca Mountain, it appears that, should the Yucca Mountain project go forward, most of the waste will enter Nevada via Sacramento, CA and Salt Lake City, UT. With the significant potential changes in overall transportation and waste management strategy suggested by the two notices, citizens of these east and west portal areas to Nevada must be given the opportunity for scoping meetings, as must Nevada citizens along the northern mainline rail that serves the connection to the Mina corridor.

The Mina rail corridor and rail access to it also include many more population centers and rural residential and commercial interests in Nevada than have been contemplated to be impacted by nuclear waste rail transport in the past. Citizens, local governmental and Indian tribal jurisdictions, and existing commercial interests (eg. mining and agriculture) must be afforded adequate information and opportunities to review and comment on these Notices. It is our understanding, from a recent telephone contact with the Yucca Mountain DOE office, that DOE does not have detailed maps of the Mina corridor and options available for public review now, nor does it intend to make such maps available at the scoping meetings. This situation must be corrected before scoping meetings occur.

Scoping meetings at all locations should be announced in the Federal Register Notices to be joint meetings for the purpose of accepting comments on both NEPA activities: additional scoping for the rail alignment, construction, and operation EIS, and supplementing the Yucca Mountain FEIS. In the current notices, meetings on the scope of the rail alignment, construction and operation EIS are announced for Amargosa Valley, Caliente, Goldfield, Hawthorne, and Fallon. The meetings on the scope of the supplemental Yucca Mountain EIS are set in Amargosa Valley, Las Vegas, and Washington, D.C. The only announced location of a joint meeting is Amargosa Valley.

Citizens must be permitted broad latitude in their comments for both NEPA activities, since the operational aspects of loading and transport of the waste to the repository are necessarily integral to the operation of the repository, and visa-versa. And deployment of the TAD in the waste management system is a new and unfamiliar concept in the management strategy, for which only scant information has been provided to the public. Also, DOE has provided no maps and other information on the access rail line from the mainline to the beginning of the Mina corridor, which likely would require considerable upgrade to be considered a suitable access line to the Mina corridor.

Nevadans have been observing and commenting on the ever-changing and evolving plans for development of a Yucca Mountain high-level waste repository and waste transportation to and within Nevada for more than twenty years, always pressured by DOE's claimed need to meet yet its next imperative schedule for decision. The Notices of October 13, 2006, are yet another example of DOE burdening Nevadans with short time limits and inadequate information for meaningful participation. Our urgent request for amendment of the Federal Register Notices is necessitated by the short comment period imposed and the minimal time allotted for preparation for the meetings and comments by the public. We look forward to your immediate attention to this matter of great importance to the citizens of Nevada and affected public nationwide.

Sincerely,



Robert R. Loux
Executive Director

RRL/cs

cc Governor Guinn
Nevada Congressional Delegation
Governor Huntsman, UT
Governor Schwarzenegger, CA
U.S. Bureau of Land Management
U.S. Surface Transportation Board
Walker River Paiute Tribe
Nevada Local Governments/Tribes