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January 10, 2008

Dr. Jane Summerson
Mr. Lee Bishop
Environmental Impact Statement Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive
Las Vegas, Nevada 89134

Subject: The State of California's Comments on the U.S. Department of Energy (DOE) Draft Environmental Impact Statements Related to a Proposed Geologic Repository at Yucca Mountain, Nevada
(DOE/EIS-0250F-S1D, DOE/EIS-0250F-SS2D, DOE/EIS-0369D)

Dear Dr. Summerson and Mr. Bishop:

On behalf of the State of California, I am writing to provide comments on the following U.S. Department of Energy (DOE) documents:

- *Draft Supplemental 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 (DOE/EIS-0250F-S1D)*
- *Draft Supplemental 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 – Nevada Rail Transportation Corridor (DOE/EIS-0250F-S2D)*
- *Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada (DOE/EIS-0369D)*

Our comments supplement and update those provided by Ms. Barbara Byron, California Energy Commission, at DOE's public meeting in Reno on November 19, 2007, as well as comments that the State of California previously provided on documents prepared by DOE, as required under the National Environmental Policy Act (NEPA) and the Nuclear Waste Policy Act (NWPA), for the proposed repository at Yucca Mountain, Nevada.

Having reviewed these documents, we have concluded that:

- The environmental analyses required under NEPA and the NWPA for the proposed Yucca Mountain high-level radioactive waste repository in Nevada are incomplete until the necessary route-specific transportation analyses and the analyses needed to evaluate the potential groundwater impacts in California, including impacts to the aquifer in the Death Valley region, have been completed.
- DOE has provided insufficient information upon which to make a decision on the suitability of the Yucca Mountain site and to characterize the potential impacts from the proposed actions.

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- DOE has provided insufficient information and analyses on the proposed Transportation, Aging and Disposal (TAD) canister system and the at-reactor impacts compared with alternatives.
- DOE's proposal to transport 70,000 metric tons of spent nuclear fuel to Yucca Mountain would have major transportation impacts in California. The transportation of materials to the repository could impact approximately 22 California counties impacted by potential repository shipments if by truck and 24 counties for repository shipments if by rail. In addition, projected large numbers of spent nuclear fuel and high-level waste shipments from out-of-state would traverse major metropolitan areas in California, could have major impacts on transportation hubs and systems including goods movement throughout the state, and could traverse unsuitable back-country roads in San Bernardino and Inyo Counties.
- DOE's proposed action could have significant groundwater impacts in California. Additional studies are needed to fully evaluate these potential impacts.
- The Draft NEPA documents should be revised to fully characterize and bound the potential impacts in California from the proposed action.

Since the 1980s, California has provided comments on various DOE analyses, proposals, and documents related to the proposed repository and its potential impacts from the proposed actions described in these documents. We have raised concerns regarding the potential major impacts in California -- primarily transportation and groundwater impacts -- that have not been adequately addressed and analyzed by the DOE. DOE should address these major concerns in revised Draft NEPA documents and release them for public review and comment before issuing them in final form.

Our more detailed comments and specific recommendations on these documents are attached. If you have any questions regarding these comments, please contact me or Barbara Byron at (916) 654-4976.

Sincerely,



JAMES D. BOYD, Vice Chair and
California State Liaison Officer to
the U.S. Nuclear Regulatory Commission

Attachment: California's Comments on DOE/EIS-0250F-S1D, DOE/EIS-0250F-SS2D, and
DOE/EIS-0369D

cc: Dan Dunmoyer, Cabinet Secretary
Mike Chrisman, Secretary for Resources Agency
U.S. Senator Dianne Feinstein
U.S. Senator Barbara Boxer
Jackalyne Pfannenstiel, Chairman
Melissa Jones, Executive Director