March 25, 2013

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Dear Ms. Cohn:

On February 22, 2013, a Notice provided in the Federal Register- Environmental Protection Agency Notice of Availability EIS No. 20130036 regarding the FEIS (Document DOE/EIS-0426) for the above noted document is acknowledged. This Notice also stated the review period ends: 03/25/2013 and to contact yourself.

Clark County’s comments focus on a number of key issues, including:

- Low-level radioactive waste transportation risks and stigma are not adequately analyzed or addressed.
- Clarification of “Constrained” and “Unconstrained” routes in the Las Vegas valley that could include the Western Beltway.
- Evaluation of cumulative impacts and risk assessment are not properly vetted.
- Impacts on emergency personnel and first responders in an Expanded Operations hybrid scenario.
- Clarification of responses to Clark County’s comments as submitted in December 2011 on the DEIS.
- The lack of full disclosure on reasonably foreseeable actions by the Agency.

The National Environmental Policy Act (NEPA) Section 1501 2 (d) requires agencies “to integrate NEPA process early with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.”
Each agency shall:

(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that:

(2) The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.

Clark County has made it clear several times as to why a 30 review period is not functional. The approval review process, after the review of the document, requires an ascending final approval with the final review and approval by the Board of County Commissioners. The process of getting document review would require in itself, anywhere from 2 weeks to a potential 30 days for scheduling depending on timing let alone the comprehensive review period of the FEIS itself. The DOE has been stating since at least the Nevada Site Specific Advisory Board (NSSAB) Meeting January 18, 2012 they had expected the decision on the Nevada National Security Site (NNSS) Site-Wide Environmental Impact Statement (SWEIS) in the forthcoming summer time frame while at the NNSAB meeting July 18, 2012, the FEIS was in a final review process requiring signatures with an anticipated release date in November 2012. Multiple times and in subsequent NSSAB meetings, this date was pushed back due to DOE delays in review and signatures. Thus, it would seem reasonable to have incorporated a simple request and understanding from interested stakeholders and not tort agencies ability to review because of an extremely and minimally provided review period.

Back in 2011 with the release of the Draft Environmental Impact Statement (DEIS) for the NNSS, it was recognized early in the public scoping period, including public meetings, the short comment period was not going to be sufficient and the DOE/NNSA extended this period by 36 days, so interested parties could analyze and provide meaningful and effective comments including coordinated efforts by DOE/NNSAA staff to hold meetings with local interested agencies to address concerns within the document. This was very valuable to the applicant and the commenter's reviewers for understanding issues and addressing some concerns in advance.

The latter sentence in this Section is not time restrictive and requires the agency to consult with other State and local agencies to help understand the contents of the document including criteria used for modeling impacts as well as other details that were used to make determinations found within the document. DOES/NNSA staff had stated directly to me and others they would make efforts to clarify any questions/concerns once the FEIS was released in an effort to provide more effective review of the document and subsequently more thorough comments on the FEIS as they were aware of the short 30-day comment and review period and timing of the Record of Decision. At no time after receiving the FEIS has anyone that I am aware of who has reached out to DOE/NNSA staff received any kind of effort that was to be provided by DOE/NNSA staff in order to facilitate a better review of the FEIS.
Prior to the formal release of this FEIS, you and I had discussions regarding the responses and comments that were made by Clark County. You had suggested that we should have discussions to address any concerns Clark County may have prior to submitting its comments on the FEIS in the hopes of non-duplication and clarification of DOE/NNSA responses as well as the new and previously unseen and thusly non-reviewed ‘hybrid’ or preferred alternative that was to be presented within this FEIS. Expecting this alternative to be a permutation of many functions with multiple integrations in nature with specifics on technical changes, possibly detailed modeling and unknown criteria factors, this informal meeting would have helped to clarify what this hybrid alternative entails and how the overall impacts to the NNSS and Clark County were too be measured.

The afternoon of February 20, you delivered to me two hard copies of the FEIS although the electronic summary of the FEIS was already available on-line as Clark County did not receive a hard copy of this document even though it was requested and we had provided comments to the DEIS SWEIS in December 2011. At that time you advised the Federal Registry (FR) Notice was expected the forthcoming Friday (February 22). The FR was released not through the DOE/NNSA but through, as it turns out, the Environmental Protection Agency because of a recent change in FR noticing by the federal government. Nonetheless, the Notice was located by Clark County the day of publication and immediately noted the 30-day review period ending March 25, 2013. Recognizing this very short review period, I advised our elected County Commission and were fortunate to be able to get an item with such short notice, on the upcoming Board of County Commission Joint Meeting Agenda on March 5 and made a brief presentation before the Board.

On March 5, the Clark County Commission wrote a letter to you and your office requesting primarily a meeting with Clark County staff who are responsible for the reviewing of this document and to address concerns to the responses provided by DOE/NNSA staff to the County’s comments submitted on the DEIS to this SWEIS back in December 2011 (see attached letter from Commissioner Sisolak). I was designated as the point of contact for Clark County to coordinate the efforts of other agencies and provide a single source for both questions and comments on the FEIS.

On March 8, I sent the Commission’s letter to you via electronic submittal because of the narrow timeframe, and I received an automated response that you would be out of the office until January 14. As I had not heard any response, I sent a follow-up email (see attached email string dated March 18, 2013 @ 8:21 AM) to you reiterating the hopes of having this meeting and expressing the concerns Clark County has in providing detailed and fully vetted comments as a result of the review of the FEIS. No response was received to this email. With less than a week for the review period, on March 19, I sent a follow-up letter (see attached letter to Scott Wade) via email (attached March 19, 2013 @ 3:34 PM) to the DOE Environmental Management Assistant Manager—Mr. Scott Wade and with you copied on the email— with the intent of obtaining a response to Clark County’s formal requests for both a meeting and at this point an extension in review time.
Seven minutes later, I received a response through your office and on your behalf via email (see attached March 19, 2013 @ 3:41 PM) including an attached letter stating “The NNSA does not intend to extend the 30-day review and waiting period...” It also continues on to say, “I am unable to meet with you at the present time...and NEPA Regulations...do not call for a formal public comment period on a FEIS” These statements are unfortunate and have probably severely disadvantaged Clark County in both reviewing this FEIS and fully vetting the impacts within the highly restrictive short review period on the proposed activities that will be in support of the mission presented within the FEIS at the NNSS. Clark County has not requested a formal public meeting on the FEIS at any time. It was DOE/NNSA staff who said they would make themselves available with interested stakeholders for a better review and understanding of contents within the FEIS and given the convoluted nature and structure of the ‘hybrid’ alternative found inside the document, there is little doubt this meeting would have been beneficial for Clark County.

The Council on Environmental Quality (CEQ) was established within the Executive Office of the President as part of NEPA (1969) regulations. Clark County does recognize NEPA Sec 1506.10 (d) the lead agency may extend prescribed periods for review. Well prior to the release of the FEIS, the lead agency in this case, the DOE/NNSA was made aware at several public meetings and by several interested parties, as well as direct communication to DOE/NNSA where there was considerable concern over the proposed 30-day comment review period that was anticipated and hinted by DOE/NNSA staff (NSSAB Full Board Meetings – March 21, 2012, July 18, 2012, September 12, 2012 and January 16, 2013 as well as TWG Stakeholders meeting November 16, 2012). In fact, Clark County also requested a significant comment review period in their DEIS response document in December 2011 given the need to review and assess the preferred ‘hybrid’ alternative(s) that would be provided in the FEIS.

However, DOE/NNSA neglected and disregarded these concerns for their own purposes and gains thereby subjecting reviewers with limited resources an unnecessary burden in order to meet this well intended short deadline. Knowing the complexity and concerns initially presented by Clark County in the DEIS comments 16 months ago, the substantial and yet unevaluated ‘hybrid’ alternative presented in the FEIS, and the comprehensive review of changes in the document as a result of comments not only by Clark County but from others as well, it would be reasonable to expect a moderate extension to a review period for this FEIS. This action would have been in good faith for the DOE/NNSA not to have an initial minuscule review period but upon recognizing the hardship this created, been forthcoming and create an equitable balance, meeting all stakeholders needs and not just their own.
Section 1502.14 or the 'environmental consequences section' of NEPA itself is truly the heart of any EIS. In this section, environmental consequences and specific environmental impacts, including cumulative, are to be analyzed including the preferred or hybrid alternative(s) and primarily devoted largely to a scientific analysis of the direct and indirect environmental impacts and effects of the proposed actions thereby forming the analytic basis for the concise comparison in the alternative section. Without knowing what the alternative is/was and then deciding how best to analyze the proposal, it is once again reasonable to understand the needs for more than a 30-day review period by a submitting agency (DOE/NNSA) in order to decide and proceed with an analytical and scientific review by an impacted agency with limited resources. There is no possible way Clark County or most if not all stakeholders, would be able to conduct a comprehensive review, evaluate and analyze the cumulative impacts that can be associated to an expanded alternative or the plethora of variables associated with a hybrid alternative thereby severely putting an interested stakeholder in a situation not to be thorough but to be as thorough as it can with limited resources restricted by a decision made to disadvantage reviewers.

Beyond potential environmental and public health impacts, significant socioeconomic impacts resulting from an accident or incident involving radioactive waste regardless of the DOE waste management program would occur. Clark County is 7,910 square miles in size, roughly the size of the State of New Jersey including five incorporated cities (Las Vegas, North Las Vegas, Henderson, Boulder City, and Mesquite.) Clark County's jurisdiction encompasses the internationally famous Las Vegas Strip and Downtown Las Vegas, including 15 of the world's largest resort hotels. The bulk of Nevada's economic impact comes from this area. A study by the RAND Center for Risk Management in 2007 identified Las Vegas as the ninth – likeliest city to be targeted for a terrorist attack. Clark County sees no evidence the FEIS adequately addresses socioeconomic impacts associated with a potential accident or incident, including the stigma-induced impacts related to tourism and property values. Many studies have been conducted on stigma related to impacts on local economies including Las Vegas but there is no mention in the FEIS as to how this aspect will be addressed.

The FEIS Volume 3, also known as the Comment Response Document, outlines specific responses to comments received to the DEIS prior to closing of the comment period in December 2011. Included in these responses are the specific DOE/NNSA comments to Clark County's letter submitted by Commissioner Brager dated December 1, 2011. Several concerns are subsequently raised by these responses in themselves and will be addressed in this comment document. It is Clark County's belief some of our concerns have been addressed adequately and many have not met the burden required by NEPA and its evaluation and subsequent determinations.

When the DOE/NNSA evaluated the Constrained versus Unconstrained scenarios for transportation of Low-Level Radioactive Waste (LLRW) as well as Mixed Low-Level Radioactive Waste (MLLWRW), it states (paragraph 56-1), 'while the DOE/NNSA's environmental analyses showed no meaningful differences in the potential environmental effects between the Constrained and Unconstrained Cases...' While this
may be true, neither detail nor descriptions of these analyses has been provided and
goes only to the interpretation of the DOE/NNSA who made the ‘no meaningful
difference’ determination. In fact, this is not the reason the Unconstrained case was
chosen because the DOE/NNSA in conjunction with a preponderance of stakeholders
along with the NNSS Waste Acceptance Criteria (WAC), there would be no reason to
revise current shipping restrictions as provided by an agreement between the Governor
of the State of Nevada and the DOE.

Considerable confusion exists in defining whether the Constrained case versus
Unconstrained case is definitive to truck shipments and rail shipments are excluded.
The DOE/NNSA in their response makes reference to analyses conducted for the
Unconstrained case. Does the Constrained case restrict rail shipments into or through
the Las Vegas highway systems with intermodal transfer? Table E-17 shows the risks of
transporting radioactive wastes under the expanded operations alternative –
Unconstrained case. In this table, Apex and Arden are designated as transfer stations.
At each location, estimated rail shipments are 27,000 along with 54,000 truck
shipments. Rail to truck from Apex to NNSS is represented via C-215 to US 95. Arden
to NNSS is represented as an option using the I-215 to C-215 and onto US 95. A rail-to-
truck scenario is presented Henderson to the NNSS (from Kingman/Parker). If the
DOE/NNSA has no intention of utilizing the Unconstrained case for any purpose, it
should have been removed from this document and any reference to it should be
justified for comparison only. However, if the Unconstrained case is potentially a reality
as part of an intermodal transfer system, it needs to be defined and not be confused
with an Unconstrained truck only where it avoids all routes not included in the informal
commitment found in Section 4.1.3.2.1. Clark County would not agree to any changes to
this commitment without policy-makers approval through a fully vetted process.

The FEIS in Chapter 5.1.3.1 states the DOE/NNSA was assumed to maintain current
operational practices including the interstate system in the Las Vegas valley. No where
in the FEIS does it exclude the use of other highways not stated in Governor Sandoval’s
letter September 16, 2011 as sent to Hon. Steven Chu –Secretary of Energy (attached
Office of the Governor, State of Nevada). Clark County does express concern with this
lack of exclusion as at no point has Clark County suggested the DOE/NNSA could seek
alternative transportation routes except for those that were and are explicitly outlined in
the letter and agreed upon by the DOE. The wording in the FEIS suggests the highways
in the Las Vegas area have been upgraded since the last FEIS of 1996 and should be
used for shipments and the needs of the NNSS. Indeed the highway system has been
updated since 1996 but the highways are in constant upgrade through infrastructure
degradation on lack of capacity in highly congested areas.

Clark County would expect a defined and guaranteed transport routing system clearly
mapped and presented in a figure so there is no misinterpretation or misunderstanding
to the DOE/NNSA statement as to what routes will be used for all transportation
purposes to the NNSS. However, the DOE/NNSA in Appendix E, Figure E-6, still
provides an Unconstrained Case truck route map from Las Vegas to the NNSS, as well
as Appendix E, Figure E-5 Unconstrained truck routes to Las Vegas Entry Points. It
certainly would be useful for the DOE/NNSA to provide similar local maps for the Constrained case as this is the chosen case for transportation of NNSS shipments and not create a focus on the Unconstrained case by providing maps that have no intention of being used for shipments to and from the NNSS. Further defined clarification on this issue is definitely needed and prior to the Record of Decision being issued.

The evaluation of shipping cumulative impacts along the highway and railway systems is severely flawed in its assumptions. The models (RADTRAN and TRAGIS), as I understand them, average risk over the shipping route (originator to destination) and thus a rural area in the central United States would receive the same radiological dose as Las Vegas from a shipment. This is probably a true statement when viewed as a separate shipment scenario. The cumulative impact is ignored in this model based on regions receiving much higher shipments of radioactive materials. Over the past two years from data received by DOE/NNSA staff, the burden of shipments has not been equally shared as is represented falsely in the DEIS response comments.

In FY 2012, the DOE reported 942 LLRW shipments (785,579 cu ft) and 99 MLLRW (41,531 cu ft) that included some unknown amount of on site shipments, were disposed of at the NNSS of which 673 shipments travelled through Clark County (see email attachment dated February 12, 2013 @ 4:36 PM from Robert Boehlecke). This equates to a minimum of 65% of all shipments (as it is unknown the number of shipments that were entirely on-site thus the percentage is even greater). I do note the disclosure these numbers are preliminary and have not undergone quality check. Clark County has not evaluated how this data compares with previous years shipments to the NNSS as they were depicted in the 1996 SWEIS.

On June 19, 2012, the DOE Environmental Management group hosted an Open House town hall presentation in Pahrump, Nevada; statistics for LLRW/MLLRW shipments were presented. The data showed 2,388 such shipments were transported to the NNSS while 70% travelled through the town of Searchlight, NV and 82% of shipments passed through Pahrump, NV (see Attached Regional LLRW/MLLRW Shipments Map – Figure 1.). Understanding the Constrained Case routes in southern Nevada presented in Ch 5.1.3.1 approaching the NNSS from the south are as follows: U.S. Route 95 to Nevada State Route (NSR) 164, to I-15, north to NSR 160, to U.S. Route 95., it is safe to interpret that between 70-82% of all LLRW/MLLRW shipments travel through Clark County along NSR 160 which is a developing populated community in Clark County. Thus, the statement made by DOE/NNSA to Clark County’s concerns - ‘The risk over the entire transportation route is generally not dominated by one specific local area; therefore, analysis of specific local hazards on many possible routes is neither ‘practical nor necessary’ for the purposes of this NNSS SWEIS.’

‘Generally’ this statement may be true to the United States and the broader view of shipments coming from various point sources across this country. However, this statement in itself is ignorant to the impacts on population risk assessments, including cumulative radiological exposures, the potential for increased exposures for an accident, etc when there is an obvious non-equal share of burden of risk. The
DOE/NNSA data as presented verify this is not even the local case on shipping routes to the NNSS within 100 miles and three major transportation pathways. To ignore the potential for such cumulative impact on a unique local population is certainly meaningful and failure to analyze this environmental risk is a gross violation of NEPA.

Table 5-9 shows the estimated number of truck shipments of LLRW and MLLRW over a 10 year period. The expanded operations scenario shows upwards of 80,000 shipments, including 8,400 (approximately 11%) will be Type B containers which are used to transport remote-handled wastes primarily. Based on the above calculated parameters for estimation purposes and noting Appendix E, Figure E-3 for truck routes to the NNSS, Clark County could expect roughly a minimum of 70% of all shipments or 56,000 (5,880 Type B shipments) and thereby assuming a greater cumulative risk to the population of Clark County as well it’s visitors and first responders. This number would potentially increase with the use of an intermodal facility in Clark County and would require a further impact risk assessment to analyze the cumulative radiological risk, as well as other risks, in the immediate region.

In the summary document, Table S-2 shows the estimated number of shipments of radioactive waste and materials. Under the expanded operations scenario with a both a rail and truck components, an estimated 92,000 shipments to the NNSS is expected. There is no mention as to the estimated number of shipments from the NNSS that would possibly include TRU wastes, Special Nuclear Materials (SNM) such as plutonium, uranium -233 and uranium-235 and other specialized nuclear materials and device assemblies, other hazardous wastes, etc. Not knowing the number of these types and numbers of shipments could possibly and probably does grossly underestimate the potential risk as well as cumulative assessment on Clark County. There is no analysis that would be associated to specific time of day/year restrictions that would need to be included in unique local conditions such as construction schedules, special events or other activities that would restrict transportation- similar to rural highway CA-127 but on a much greater risk determination. There is no evaluation or determination of the reasonable foreseeable action put forth by the DOE DEIS for the disposal of Greater-Than-Class-C (GTCC) Radioactive and GTCC-Like Waste – DOE/EIS-0375-D. This will be discussed in significantly more detail later in this document.

At the January 12, 2011 NSSAB meeting, the DOE Federal Project Director made a presentation titled, “Study of Treatment for Mixed Low-Level Waste at the Nevada National Security Site” whereby the DOE, along with the current radioactive waste contractor at the NNSS – National Securities Technologies, LLC (NSTech), were evaluating and exploring the benefits of accepting only DOE waste that was not treated. This untreated waste would arrive at the NNSS for treatment at a newly constructed treatment facility and subsequent disposal at one of the low-level disposal areas. Clark County is not disagreeing with the potential need for such a facility but to our knowledge, this process, including the mandate of the Waste Acceptance Criteria, treatment technologies and land disposal restrictions, and Waste Analysis Plan, has not
been fully disclosed other than at this meeting. Clark County would have to understand the risks associated with handling such wastes other than this presentation. The DOE represents the shipments of these untreated wastes as safe as the contractors would ship wastes with no organics or liquids. However, as will be discussed later in this document, there are considerable serious and consistent problems with verification, safety, handling and transportation of wastes currently managed by the DOE through their contractors and sub-contractors.

There is no direct reference to the proposal of the construction of this treatment facility at the NNSS except possibly a reference in the Waste Management Program 3.2.2.1 under the expanded operations alternative: "DOE/NNSA would treat and store various types of MLLW received from on- and offsite generators. MLLW treatment capacity would be developed within the Area5 RWMC, including repackaging by means of macroencapsulation and/or stabilization/microencapsulation, sorting/segmenting, and bench-scale mercury amalgamation of both onsite- and offsite-generated MLLW...To handle the increased volumes and more-frequent shipment receipt rates of LLW and/or MLLW, a waste offloading and staging area would be established at the Area5 RWMC."

These statements misrepresent and lack full disclosure to the public the actual intentions of the DOE/NNSA and NNSA as presented at the January 12, 2011 NSSAB full board meeting. Clark County review may have missed a specific reference hidden within the FEIS to the construction of a treatment facility for transported untreated DOE LLW/MLLW wastes. There is an additional risk of different and specific handling/transport needs. No where in this section does it state nor evaluate the impacts and consequences of the reasonable foreseeable actions as portrayed in this meeting of accepting untreated wastes and treating them through a newly constructed facility at the NNSS for disposal of DOE wastes. A projected annual average volume for treatment, as presented at this meeting is 73,664 cu ft. Projected MLLW to be disposed of at NNSS by treatment type between 2010-2016 ranges from 61,800 to 951,600 cu ft. Is there treatment of untreated off-site wastes presently occurring? It is unknown neither the amount that is generated on-site for disposal nor the amount that is expected from off-site—including the number of equated shipments. The risks or stigma associated to public exposure through an accident have not been evaluated nor included in any cumulative impact scenario presented in this FEIS or any other method by DOE/NNSA.

The DOE/NNSA response to concerns raised by Clark County regarding unique local conditions is very vague and fails to recognize some unique conditions, particularly when evaluating the ‘majority of shipments to the NNSS transported in Clark County and along NSRs 160 and 164 as well as US 95. FEIS Section 5.1.3.2.4 states only Mercury Highway would experience a substantial increase in traffic with a degradation of service. This is undeniably true given the amount of traffic that travels this highway but the assertion that no other highway would experience a change in service is misleading. The FEIS Table 3.4 Summary of Impacts At The NNSS states in the subsection Regional traffic impacts Expanded Operations Alternative may detect impacts on regional traffic with increases in traffic volumes during peak hours and this undoubtedly would occur in the Towns of Searchlight and Blue Diamond.
NSR 160 is a high volume and often congested highway that transects the southwest portion of the Las Vegas valley with a population estimated within one-half mile radius in excess of 10,000 permanent residents (Figure 2. Major Traffic Points). This highway system, although it has been improved over the past few years, still changes from a six lane undivided highway with multiple stoplights to a two lane undivided steep grade mountain pass with an elevation almost to 5500ft above sea level. Weather including snow and freezing rain, often times causes this highway to be closed for long durations. Severe accidents involving large trucks regularly occur creating a sudden shutdown situation and thereby leaving vehicles stationary on this highway for hours. With steep drop-offs and little to non-existent shoulders in places, it would be impossible and extremely dangerous to have a hazardous shipment turn around on the grade and narrow highway thereby potentially creating a stationary radiological source for an extended period of time. If a situation were to occur and with sufficient notice to the shipper, what would be the procedure for the shipper to reroute if the shipment was within 50-75 miles of this region?

Clark County does note the DOE/NNSA is not proposing construction of any rail-to-truck (intermodal) transfer sites in Clark County. The DOE/NNSA does analyze in Chapter 5, Sec 5.1.3.1 the use of the Arden transfer station (Clark County) surrounded by various populations including residences, schools and businesses (Figure 3. Major Traffic Points Arden Train Yard). The DOE/NNSA statement comparing this facility with others currently utilized is presumed not accurate as the details for comparative purposes are not disclosed – the use of this transfer station “would yield comparable results because it is located along the truck route between Parker and the NNSA.” There is a significant assumption of comparison here that is not accurately described. Clark County has no way to determine how the DOE/NNSA were able to make this assumption of comparable results based on the fact it is located along a transportation route. Was the risk for local population (.5 mile radius) evaluated? Was the security and risk assessment completed for the intermodal facility? What percentage of the rail shipments provide in Table 5-11 would transfer occur at the Arden facility in the Constrained Case as well as under the Expanded operations?

On August 30, 2007, a fully loaded chlorine tanker car – estimated 25,000 gallons escaped from the Arden rail yard due to several sequential human errors and successfully travelled along the mainline northbound through downtown Las Vegas until it was finally manually stopped going up a grade in North Las Vegas. It travelled a total distance 18.6 miles in 21 minutes. The severity and risk of this turning into a tragedy cannot be underscored enough, and demonstrates that severe incidents do occur. The Arden yard is not a secure location and regularly the public may trespass through and onto the property with relative ease thereby showcasing the significant risk to potential human intrusion, sabotage or other negative aspects to the safe handling of wastes. A considerable risk is associated to the lack of security with intermodal transfers at this site and to not understand and analyze this risk would certainly be a failure to the risk assessment needs of NEPA.
In general, public safety considerations have not been adequately addressed in the FEIS. Clark County police, fire, and emergency management personnel responsibilities will be significantly impacted under increased shipment scenarios. Increases in the number of shipments have not been adequately considered in the context of the EPWG program, which is designed to enhance readiness to respond to incident involving hazardous materials. Under the EPWG funding formula, allocated funds are calculated using figures for past shipments, not planned future shipments. Clark County relies on EPWG funding to train and equip emergency personnel, especially in remote areas of the county along designated transportation routes. At a minimum, the funding formula and the Agreement in Principle under which these grant funds are allocated should be revisited to ensure compatibility with the shipment scenarios outlined in the FEIS. There is an increased risk to first responders especially with SNM or other ‘classified’ shipments being transported as LLRW. It is also important to reiterate from a public health and safety perspective that University Medical Center, a Clark County hospital, provides the only Level 1 Trauma Unit and Level 1 Burn Unit in the region, and leads the 23-hospital regional network for Medical Surge capacity in the event of a disaster resulting in mass casualties. This unique regional role and responsibility does not appear to be recognized in the FEIS as a potential significant impact to Clark County.

The DOE/NNSA state in their response to Clark County they used the model Web-TRAGIS for their analysis on impacts to populations within 0.5 miles of the routes in Appendix E, Table E-17. They continue to state ‘Because the Web-TRAGIS model uses census block population data, the estimated population densities do not include people that temporary occupy a location or newly developed area.’ The City of Las Vegas and Clark County are very unique communities with a substantial temporary/transient population that should not be ignored simply because the model chosen by the DOE/NNSA for analysis does not acknowledge temporary populations. As can been seen in Figure 2 titled Major Traffic Points Las Vegas Valley, there are multiple resorts and major hotels with a substantial temporary population that regularly inhabit the 74,000 rooms that fall within the .5 mile region of influence for radiological impact analysis. On any given day, an estimated temporary population of workers, visitors, conventioneers, etc present is estimated by Clark County to be in excess of 250,000 people and on multiple special occasion weekends, this temporary population approached 500,000. Clark County believes NEPA requires any agency to analyze the full spectrum of impacts, independent of agency choices for modeling and not intentional exclude variables in order to reduce impact analysis or fully evaluate the cumulative impacts to all who may be at risk.

The DOE/NNSA responses regularly state there is no need to review a worst case scenario situation. NEPA requires an agency to perform a detailed, public review of the environmental impacts of a proposed action before deciding to proceed. An agency is required to engage in reasonable forecasting and speculation while identifying which environmental effects are unknown, while considering the probabilities and consequences of actions. The agency shall present to the fullest extent possible the spectrum of consequences that may result from agency actions and decisions even if there is missing information but is essential to a reasoned choice among alternatives.
while balancing costs, and provide details of their potential consequences for the human environment. In addition to an analysis of low probability or catastrophic impact, the worst case analyses should also include the range of higher probability events. Much case law exists requiring an agency to provide a worse case scenario. Nonetheless, the standard directive within NEPA is promoting a 'full disclosure...of the potential consequence of agency decisions and to cause agencies to consider those potential consequences in their action.' It is Clark County's belief the courts have framed the outlines of the worst case obligations requirements especially when it comes to evaluating cumulative impacts on citizens and a substantial temporary population.

Section 1.5 notes the relationship between this FEIS and other NEPA analyses, including the Final West Valley Demonstration Project (DOE/EIS-0337F), the FEIS For A Geologic Repository for Spent Fuel and High-Level Radioactive Waste at Yucca Mountain (DOE/EIS-0250-F) and several others. Clark County respectfully disagrees with the assertion the DOE has withdrawn its application to construct and operate Yucca Mountain. The Nuclear Regulatory Commission (NRC) Construction Advisory Board ruled the DOE did not have the authority to withdraw the application. This ruling was upheld by the NRC Commission shortly thereafter but the NRC did stop their internal review of the license application. Subsequently, several parties filed writ of mandamus suit in the D.C. Court of Appeals with a decision expected at any time either ordering the NRC to recommence license review or not. If the NRC is ordered to recommence review, it is also reasonable to expect the DOE to also provide support in requests for additional information at some point shortly thereafter. Clark County does recognize a plethora of issues makes a restart of the Yucca Mountain licensing proceeding unlikely; however, should the Court and/or Congress so direct, it is possible that a restart of this proceeding could occur within two to five years.

Despite the DOE/NNSA downplaying GTCC waste volumes in Table 6-14 with projected GTCC generation rates through 2083, stating “Note that these projections include waste that may never be generated depending on the outcome of decisions that are independent of this NNSS SWEIS.” What decisions are being referenced here and why is there avoidance on mentioning the proposed DOE action made on February 25, 2011? On this date, the DOE made a Notice of Availability of the DEIS for the GTCC LLRW and GTCC-Like Waste - DOE/EIS-0375-D (referenced as the GTCC document). In June 2011, Clark County provided comments on this GTCC DEIS. At the January 16, 2013 Nevada Site Specific Advisory Board (NSSAB) it was disclosed the FEIS for this document is expected out in April 2013. It should be reasonable to assume the DOE has an understanding of a proposed action (shipments and disposal methodology of GTCC wastes) and whether or not these are going to be disposed and handled through the DOE Environmental Management group given the amount of time they have had to develop a preferred/hybrid alternative(s) and potential FEIS release in a few weeks.

The FEIS before us on NNSS activities fails to evaluate any of these impacts that would be and could be associated with this GTCC DEIS document. The GTCC DEIS does recognize the potential for disposal of wastes at the NNSS through various methods including deep bore holes, shallow burial as well as other methods even though the
NRC Rulemaking only permits a deep geologic disposal for these wastes. As was the case in this FEIS, no preferred alternative was provided in the GTCC DEIS and Clark County must go with the reasonable assumption the NNSS is a site to be used for disposal of these waste streams. In Table S-3 of the GTCC DEIS, a total of 12,600 truck shipments or about 5,000 rail shipments would be required. Knowing there is no railroad that connects the NNSS with the outside lines, all shipments would need to be moved via truck at some point. This FEIS does not include either of these truck or rail shipments in their dose calculations and thus radiological exposures are underestimated. Thusly, the DOE/NNSA has failed once again to evaluate and analyze radiological cumulative impacts on populations and workers, transportation cumulative impacts, etc in the FEIS. This failure to evaluate and analyze a reasonably foreseeable action by the same agency and with a proposed action in place and made public is negligent and a severe violation of NEPA and substantial risks to the permanent and temporary populations of Clark County.

The DOE Office of Packaging and Transportation (OPT) released its 2012 annual report in February 2013. Of all the DOE Offsite Hazmat shipments in FY12, 75% were Environmental Managements including 81% LLRW and 9% MLLRW. In Section 2.4.2 it states since January 2011 approximately 40% of ‘transportation occurrences’ involved subcontractors. “Unfortunately, a negative trend was identified through multiple DOE oversight activities in FY2012 regarding the inconsistency of DOE Order requirements being flowed down to subcontractors. In addition, it was found that some of our prime contractors are not performing adequate oversight of their subcontractors. Also, some of the prime contractors are subcontracting out the packaging and transportation functions, and did not have sufficient expertise to oversee compliance for those activities.”

In this same OPT document, a pie chart depicting ‘Areas of Noncompliance for Offsite Occurrences (2011-Nov 2012) (even though there are no actual numbers provided to quantify the percentages given) would depict as follows:

29% noncompliant with receipt requirements;
24% hazard communication violation;
14% undeclared hazmat shipment;
12% contamination/dose rate limits exceeded;
12% packaging noncompliance;
9% inadequate material characterization.

Over 90% of the noncompliance occurrences, in descending order are listed below:

- noncompliance with the Waste Acceptance Criteria/receipt requirements,
- hazard communication
- packaging noncompliance
- material characterization
- undeclared hazardous materials
Not able to further quantify the numerical side of these results and how they relate to NNSS activities and Nevada is of concern. Further clarification and understanding to these violations is absolutely need by the public in order to verify concerns. Not knowing the extent of such occurrences and to what level, if any, radiological release associated to them makes it difficult to understand the impacts to the models the DOE/NNSA used to model health effects and environmental impacts in the models GENII-2 and MACCS2 mentioned in G.6.1 and G.6.2. Were these models run since the release of the DEIS in the summer of 2011 with more current data? Without knowing the criteria and assumptions that were used to make the DOE/NNSA values and if they were adjusted or needed adjusting based on newer information, Clark County cannot readily comment on the radiological exposure risks and latent cancer fatality determinations.

Clark County does recognize the sensitivity in postulated intentional acts of destruction and understands the classified nature of this document with the increased security nature of homeland security (Section G-5). However, not knowing what populations were evaluated and to what level of severity is of concern and expressly request the DOE/NNSA to evaluate this with all the given information available. It is unknown as to whether the Arden rail yard was evaluated in this classified document since it is being considered for intermodal transfers and provided the lack of security and higher proportionate security risks with a rail yard operation. It’s proximity to residential, commercial, as well as a Clark County School District property (Figure 3.) is of concern and it is hopeful the DOE/NNSA has addressed this risk and evaluated thoroughly the potential consequences to these populations.

The DOE/NNSA states in Section 5.1.8, Air Quality, estimates of average annual emissions of criteria pollutants associated with the waste transportation system referencing specifically Tables 5-34, 5-39, and 5-42. At no place in any of these three tables does it specifically address pollutants from rail and intermodal. Given the reasonable probability of rail shipments into Clark County and potential intermodal transfer within the non-attainment air basin (212), an analysis and impacts on air quality, including hazardous and criteria pollutants as well as radiological air quality, must be evaluated while ensuring compliance with federal air quality standards established by the Federal Environmental Protection Agency (EPA). Even though the Department of Air Quality Management does not regulate mobile sources, including rail and truck, there are restrictions placed on mobile sources by the EPA. Consideration must go to the occupants of nearby residences and public buildings including schools for time of use, radiological and air quality monitoring requirements, emergency response needs, etc.
In conclusion, Clark County has not had the ability to comprehensively review this document and has expressed concerns regarding the assumptions made within the FEIS as well as the lack of information and understanding that was easily discernable given the limited amount of review time provided by the FR Notice and the DOE/NNSA agencies.

Sincerely,

Phil Klevorick
Senior Management Analyst
Clark County Comprehensive Planning Department
Nuclear Waste Division

cc via email:

Senator Harry Reid
Senator Dean Heller
Senator Richard Bryan – Chairman Nevada Commission of Nuclear Projects
Clark County Department of Air Quality Management
Clark County Department of Aviation
Clark County Department of Public Works
Clark County Fire Department/Office of Emergency Management
Regional Transportation Commission of Southern Nevada
City of Boulder City
City of Henderson
City of Las Vegas
City of Mesquite
City of North Las Vegas
Chairman at Las Vegas Band of Paiutes
Chairman at Moapa Band of Paiutes
Director of State Nuclear Projects Office – Bob Halstead
State of Nevada Office of Attorney General – Marta Adams
Director of Nevada Division of Environmental Protection – Dr. Colleen Cripps
March 5, 2013

Linda M. Cohn, SWEIS Document Manager
NNSA Nevada Site Office
U.S. Department of Energy
P.O. Box 98518
Las Vegas, Nevada 89193-8518


Dear Ms. Cohn,

Clark County recognizes the Notice provided in the Federal Register regarding the FEIS (Document DOE/EIS-0426). The short 30 day comment period is of very serious concern to Clark County as we feel we may be at a significant disadvantage in being able to provide effective, meaningful and thorough comments in this time frame, especially given we must review the answers to our comments from December 2011 and analyze the preferred or ‘hybrid’ alternative put forth in this FEIS that was not provided in the Draft document in 2011.

Clark County respectfully requests the Department of Energy document representatives provide Clark County a meeting opportunity within the next week. We feel it is absolutely necessary to have this meeting as soon as possible as there is a significant need for clarification regarding the vagueness of certain issues that related to:

1) Transportation, the model and subsequent modeling methodology that does not adequately represent potential impacts to Clark County and the safety of both it’s residents and visitors;
2) Clarification of the meaning of Constrained transportation and Unconstrained routes in the Las Vegas Valley;
3) Evaluation of cumulative impacts and the subsequent risk assessment associated with transportation of radioactive shipments;
4) Radiological exposure limits to those who may come into contact with shipments, as well as workers and residents along transportation routes;
5) Long term Expanded Operations and planning for first responders and emergency management;
6) DOE misrepresentation of known facts and figures in response to Clark County’s comments as submitted in December 2011 on the Draft EIS (DOE/EIS-0426D).

Clark County staff has only just started the review of this FEIS and will be prepared to have additional questions for the DOE at this meeting. We need to have a better understanding of this document as quickly as possible within the 30 day comment period before we take our next step.
Please coordinate scheduling this meeting with Phil Klevorick - Clark County Comprehensive Planning Nuclear Waste Division. His contact information is provided below.

Phil Klevorick  
Comprehensive Planning – Nuclear Waste Division  
500 South Grand Central Parkway  
Las Vegas, NV 89155  
(702) 456-6933  
klevorick@clarkcountynv.gov

I thank you for your attention to this matter.

Sincerely,

[Signature]

Steve Sisolak  
Chair

CC: Clark County Department of Air Quality Management  
Clark County Department of Aviation  
Clark County Department of Public Works  
Clark County Fire Department  
Regional Transportation Commission of Southern Nevada  
City of Boulder City  
City of Henderson  
City of Las Vegas  
City of Mesquite  
City of North Las Vegas  
Chairman at Las Vegas Band of Paiutes  
Chairman at Moapa Band of Paiutes  
Director of State Nuclear Projects Office – Bob Halstead  
State of Nevada Office of Attorney General – Marta Adams  
Director of Nevada Division of Environmental Protection – Dr. Colleen Cripps
Good morning Linda.

Back on March 8th, I forwarded you a letter from the County Commission (please see attached email string). I received an automated response at that time stating you will be out of the Office until March 14. I had expected to hear from you so that a coordinated meeting could be arranged and discuss also the very probable need for an extension for comments on the responses by DOE/NNSA as well as review of the 'hybrid alternative. To date, I have received no response either via an email, phone call or any other form of communication. I am not sure where this leaves Clark County as well as others although the City of Las Vegas may have received a response to a similar request. I believe the State of Nevada has also sent a letter late last week.

I will be in and out of the office today for meeting and preparing a response to this document. It is unfortunate that the DOE/NNSA office has not responded to Clark County’s request in a timely manner. This has created an unnecessary burden and hardship in preparation for the March 25 deadline for comments to the FEIS.

I will continue to do what is in the best interest of Clark County. Regards. Phil

Phil Klevorick  
Program Manager  
Nuclear Waste Division  
Clark County Comprehensive Planning Department  
500 South Grand Central Parkway  
Las Vegas, Nevada 89155-1751  

Phone: (702) 455-6933  
Fax: (702) 380-6996

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From: Cohn, Linda M. [mailto:Linda.Cohn@nnsa.doe.gov]  
Sent: Friday, March 08, 2013 7:55 AM  
To: Philip Klevorick  
Subject: Out of Office: County Commission letter 3.5.13

I will be out of the office until Thursday, March 14th.  
Linda Cohn  
702-630-2221
Good morning Linda. Not sure if you have received this letter yet but wanted to make certain you got this sooner vs. later.

The County is requesting a meeting with NNSA/DOE representatives to go over the FEIS...in particular how and what was commented to Clark County's and others comments as well clarification on the hybrid/preferrred alternative.

Also, there is a very strong need for an extension of time to provide effective review and comments both on the NNSA/DOE responses from the draft and the analysis needed for the vetting of the potential impacts as a result of the selection of the preferred/hybrid alternative.

You will note in the letter that I will be coordinating things from the County end. I also am aware the City of Las Vegas has had a letter signed by their mayor with a similar request earlier this week. It may be possible to combine this meeting given our very short time frame (March 25 deadline).

I thank you in advance for your attention to this matter. Have a great day. Phil

Phil Klevorick
Program Manager
Nuclear Waste Division
Clark County Comprehensive Planning Department
500 South Grand Central Parkway
Las Vegas, Nevada 89155-1751

Phone: (702) 455-6933
Fax: (702) 380-9996

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March 19, 2013

Mr. Scott Wade
Assistant Manager Environmental Management
DOE/NNSA Nevada Site Office
U.S. Department of Energy
P.O. Box 98518
Las Vegas, Nevada 89193-8518
Scott.Wade@nnnsa.doe.gov (sent via email)


Dear Mr. Wade,

On March 5, the County Commission signed a letter (attached) and subsequently forwarded to Linda Cohn as the SWEIS Document Manager. On March 8, I sent this same letter in PDF to Ms. Cohn via email and immediately received an automated response stating she will be out of the office until March 14. She is listed in the FEIS as the person to contact for additional information requests. Having not heard from her, I sent a follow-up email yesterday (March 18). I have not been contacted by anyone in the DOE/NNSA universe regarding the County’s request for a meeting, prior to the comment closure period on March 25, for clarification on responses as well as further explanation of the hybrid alternative. I clearly remember both you and Ms. Cohn were seeking cooperation in providing defined questions from interested stakeholders in an effort at providing more effective and meaningful comments before filing responses and this has definitely not happened with respect to Clark County’s formal and informal requests.

In November 2012 when the DOE hosted the Transportation Working Group (TWG), the presentation was extremely vague and failed to provide a detail of the contents of the upcoming FEIS that had been stated was forthcoming, at that time at any point. Very
little was focused on the transportation aspect and more so on an environmental front and even this was vague as details would not be discussed until the FEIS was released. I also stated that Clark County as well as other reviewing agencies will have an extremely difficult and practically impossible opportunity to provide effective and meaningful comments to the FEIS with a short 30 day comment period. I also mentioned and stated these same concerns at the Nevada Site-Advisory Board meeting held January 16, 2013 with a hope the DOE/NNSA would be reasonable and not require such a short comment review period for not only myself representing Clark County but for others including NSSAB members who have no familiarity with the DEIS to begin with, let alone be expected to review and write comments and meeting schedule if necessary. No NSSAB meetings are scheduled until April nor was there a meeting during the comment period and thus the Board would not be able to take action within the comment period. I recognize that you were not present at this NSSAB meeting but DOE/NNSA staff stated they would relay my concerns once again to you.

At this same meeting I asked if the DOE had any plans for the TWG getting together once the FEIS was released so that interested parties could gain potential valuable insight with DOE/NNSA plans and interpretations of transportation issues to which the collective DOE/NNSA responded there were no immediate interests in getting the TWG together until sometime this summer. It would seem to me there is an enormous value to such a working group to the parties who are interested in being actively involved. Even though this decision is a DOE one, to conduct an open and transparent activity that clearly impacts the citizens as well as visitors of Clark County seems to be missed and possibly the impacts not fully understood by this action. I was a very active part of the restart of the TWG when the DEIS was being prepared and subsequent release. It created a unified voice by several parties and helped provide direction to DOE/NNSA staff in the document preparation.

Along with other agencies such as ours, as well as your own, we can not operate on a 30 day review schedule and I presented this concern at both times as listed above for a plethora of reasons including a review process that includes approval through a chain of command structure (the DOE took at least 5-8 months to gain its signatures for approval of the FEIS release), review of the DOE responses to comments provided to a document from December 2011, not too mention an alternative that was not made available in the DEIS that is multi-faceted in itself. There are other issues as well but I think the three presented here would suffice in extending the comment period by at minimum 60 days so the interested stakeholders such as Clark County are not disadvantaged by the short timeline the DOE/NNSA group provided in the Federal Register on February 22, 2013. Most agencies would take at least 30 days to review a document such as this with a plan to have it for final review and approval so that it can be ratified before the elected governance within 2-3 weeks. Scheduling this type of action is not easy and is dependent on many factors and variables, most of which the DOE has within its own structure. Nonetheless, the DOE has seen fit to ensure small agencies with extremely limited resources are disadvantaged by their actions without respecting limitations that are not in their own control.
In conclusion, Clark County feels there maybe extreme prejudice against us by the DOE/NNSA. Clark County has extended specific requests on multiple occasions in order to gain valuable insight and understanding into the conclusions as presented in the FEIS and yet no response to these requests has been offered up to this point in time. I respectfully request the DOE/NNSA to heed the requests for a meeting to help clarify concerns Clark County and others have with respect to this document.

Sincerely

[Signature]

Phil Klevorick
Senior Management Analyst
Clark County Comprehensive Planning Department
Nuclear Waste Division

Cc via email

Clark County Department of Air Quality Management
  Clark County Department of Aviation
  Clark County Department of Public Works
  Clark County Fire Department
  Regional Transportation Commission of Southern Nevada
  City of Boulder City
  City of Henderson
  City of Las Vegas
  City of Mesquite
  City of North Las Vegas
Chairman at Las Vegas Band of Paiutes
Chairman at Moapa Band of Paiutes
Director of State Nuclear Projects Office – Bob Halstead
State of Nevada Office of Attorney General – Marta Adams
Director of Nevada Division of Environmental Protection – Dr. Colleen Cripps
Good afternoon. Over 10 days have transpired since I sent on behalf of Clark County the County Commission’s letter requesting a meeting for clarifications on the DOE/NNSA comments to the FEIS. On March 8, I sent this letter via email to Linda and received an automated response stating she was out of the office until March 14. Yesterday, I sent a follow-up email to Linda and reiterated the fact I have not received any communication from any DOE/NNSA personnel.

I, along with others, have expressed concerns about the short comment period long before being published in the Federal Register on February 22, 2013. Please find attached yet another attempt to reach out to DOE/NNSA staff although I am not sure what can occur given the need to provide comments by March 25. I know the State of Nevada and the City of Las Vegas have also provided their concerns and I am not aware as to any responses to their requests at this point in time.

I myself may be sequestered over the next 5 days so Clark County’s final comments can be as prepared as possible but in no way will they be thorough or complete and certainly not approved by the Clark County Commission. Phil

Phil Klevorick  
Program Manager  
Nuclear Waste Division  
Clark County Comprehensive Planning Department  
500 South Grand Central Parkway  
Las Vegas, Nevada 89155-1751  

Phone: (702) 465-6933  
Fax: (702) 380-9996

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Enclosed is subject letter: “Final SWEIS for the NNSS and Off-Site Locations in the State of Nevada (DOE/EIS-426”).

**PLEASE NOTE:** Mr. Sisolak: This is an “Advance Copy”….you will be receiving the Original “signed” letter via regular mail.

**PLEASE NOTE:** All Others: This is your "Official Copy"....you will not be receiving a hard copy of this letter . Should you need a hard copy, please print one for your files. This file is a pdf version of the "signed original" letter.

Should you have any questions regarding this letter, please contact Linda Cohn at (702) 295-0077.
March 19, 2013

Mr. Steve Sisolak
Board of County Commissioners
P.O. Box 551601
Las Vegas, NV 89155-1601

FINAL SITE-WIDE ENVIRONMENTAL IMPACT STATEMENT (SWEIS) FOR THE NEVADA NATIONAL SECURITY SITE (NNSS) AND OFF-SITE LOCATIONS IN THE STATE OF NEVADA (DOE/EIS-426)

I am writing in response to your letter dated March 5, 2013, regarding the Final Site-Wide Environmental Impact Statement for the Nevada National Security Site and Off-Site Locations in the State of Nevada (NNSS SWEIS). The National Nuclear Security Administration (NNSA) does not intend to extend the 30-day review and waiting period between announcing the availability of the Final SWEIS and making decisions informed by the SWEIS. Also, I regret to inform you that I am unable to meet with you at the present time. The NEPA Regulations (40 CFR 1500 and 10 CFR 1021) do not call for a formal public comment period on a Final Environmental Impact Statement. The Record of Decision (ROD) for the NNSS SWEIS is expected to be issued in April 2013, and will be provided to your office at that time.

NNSA strongly believes that all substantive issues identified during the 2011 formal comment period for the Draft NNSS SWEIS have been thoroughly vetted and responses to the comments are presented in the Final NNSS SWEIS. Although we are not in a formal public comment period, comments on the Final NNSS SWEIS received by March 25, 2013, will be acknowledged, and addressed, to the extent practicable in an appendix to the ROD.

Linda M. Cohn
SWEIS Document Manager

EMOS:9504.LC

cc via e-mail:
Phil Klevorick, Clark County Comprehensive Planning, Las Vegas, NV
Hon. Steven Chu, Ph.D
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Transportation of Low-Level, Mixed Hazardous and Radioactive Waste

Dear Secretary Chu:

In 1999, Nevada Governor Kenny Guinn and Energy Secretary Bill Richardson agreed that shipments of low-level radioactive waste (LLW) and mixed hazardous and radioactive waste (MLLW) being imported to the Nevada Test Site (now known as the Nevada National Security Site –NNSS) for disposal from other U.S. Department of Energy (DOE) facilities would use highway routes that avoid the heavily populated metropolitan Las Vegas area, including the interchange known as the ‘Spaghetti Bowl’ where Interstate 15 and US 95 meet. (At the time, DOE also agreed to keep LLW and MLLW shipments off Hoover Dam, but that has since become moot because of Homeland Security restrictions that were instituted following 9/11.) This arrangement was part of a larger, albeit informal, agreement whereby Governor Guinn agreed not to challenge the Record of Decision for DOE’s Waste Management Programmatic Environmental Impact Statement designating NNSS/NTS as a regional disposal site for LLW and MLLW resulting from clean-up activities at other DOE locations. In exchange, Secretary Richardson agreed to certain “equity considerations” on the part of DOE, a key one of which was the highway routing concession.

To implement the agreement, DOE instituted certain extra-regulatory mechanisms to assure that waste shipments would stay out of metro-Las Vegas and off of Hoover Dam. DOE amended its waste acceptance criteria for NNSS to specifically require that waste slated for disposal at the site must be transported there using only the agreed-upon routes. In addition, DOE increased the fee charged to waste generators for disposing material at NNSS by fifty cents per cubic foot, with the additional monies dedicated a special fund for rural local governments located along shipping routes. Those funds are used by these local governments to create and enhance their emergency preparedness and response capabilities.
Hon. Steven Chu, Ph.D
Secretary of Energy
U.S. Department of Energy
Page 2 of 2

For over 12 years this arrangement has worked to the mutual benefit of DOE and the state of Nevada. Now, however, it appears that DOE/NNSS, through the vehicle of the site-wide environmental impact statement (EIS) for the test site, is considering abandoning its long-standing agreement. The draft of the EIS that was released for public comment on July 29th contains an “unconstrained” transportation scenario that assumes renewed shipments of waste along through the Las Vegas metro area along 1-15, the Las Vegas beltway, the Spaghetti Bowl and the new Hoover Dam bypass bridge.

The rationale for this proposed action appears to be financial. The draft EIS postulates the use of intermodal shipments of waste to NNSS, with the material being transported from DOE’s generator sites by rail and then off-loaded onto trucks at locations proximate to Interstate 15 for the last leg of the trip to NNSS. The draft EIS asserts that using I-15 and the Las Vegas beltway through metro Las Vegas is now acceptable because of improvements to the area’s highway system that were not in place when the original agreement was made. This is emphatically not the case. Since 1999, the population of the Las Vegas metro area has increased exponentially. While I-15 and the beltway have undergone almost constant reconstruction over the past decade in an effort to mitigate ever-increasing traffic, congestion and gridlock continue to be major problems.

I am deeply concerned that DOE/NNSS appears to be setting the stage for abandoning the extremely successful agreement that has served the interests of both DOE and the State of Nevada exceeding well for over twelve years. I am asking that you reaffirm DOE’s commitment to the routing arrangement for LLW and MLLW shipments originally agreed to by Governor Guinn and Secretary Richardson in 1999. I very much appreciate your attention to this matter.

Sincerely regards,

BRIAN SANDOVAL
Governor
Phil,

Please see the email below from Noey which answers the Packaging and Transportation questions you had asked.

Let us know if you have any additional questions. Sorry for the delay in getting the answers to you.

Thanks
Rob Boehlecke

295-2099

From: Brewer, Nohemi
Sent: Tuesday, February 12, 2013 4:09 PM
To: Boehlecke, Robert
Cc: Appenzeller-Wing, Janet
Subject: Answers to Phil

Dear Phil,

As discussed in our Transportation Working Group meeting in November, we committed to having responses to your questions by the end of January. The responses were available by January 31st, but we had a misunderstanding in the office and did not relay them to you sooner. We apologize. Please let us know if you need any clarifications on these or would like to have a phone call to discuss.

Note: The following information is preliminary and has not undergone quality check.

- In the October 2012 NSSAB monthly report, it was reported that during FY 2012 785,579 cu ft of LLW and 41,531 cu ft of MLLW were disposed.
  How many shipments did this entail for each?

  Including onsite shipments, 942 were LLW shipments and 99 were MLLW shipments.

- Of these shipments, how many traveled through Clark County?

  673 shipments traveled through Clark County.

- What was the amount shipped by rail and then intermodal?

  20 shipments

- What are the number of certified carriers?
16 carriers shipped to us in FY12

- How many total CARs and observations were made in FY 2012? (Six CARs and 52 observations)

The Radioactive Waste Acceptance Program issued a total of six CARs in FY12, three of which were P&T related. There were 53 total observations.

- Provide an explanation on Type A and Type B containers – in particular how they relate to Strontium 90 materials

See attachment for a full explanation.

Regards,