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Joan Claybrook, President

January 27, 2004

Dr. Margaret S. Y. Chu
Director, Office of Civilian Radioactive Waste Management
U. S. Department of Energy
Office of Repository Development
1551 Hillshire Drive
Las Vegas, NV 89134

Re: Comments on OCRWM Notice of Preferred Nevada Rail Corridor

Dear Dr. Chu:

Public Citizen is a national, non-profit, consumer advocacy organization based in Washington, DC. Public Citizen was founded in 1971 and is supported by more than 150,000 members across the country. Our Critical Mass Energy and Environment Program works closely with local, state, and national organizations on nuclear energy and nuclear waste issues. Our comments on the U.S. Office of Civilian Radioactive Waste Management (OCRWM) Notice of Preferred Nevada Rail Corridor to the proposed Yucca Mountain waste repository site follow.

DOE's decision on a preferred rail corridor in Nevada to the proposed Yucca Mountain repository site should not be separated from other decisions on waste transportation to Yucca Mountain, in particular decisions on the mode of transport (rail versus truck) and the routes nationally. The selection of a rail transportation corridor in the state of Nevada has profound implications in other states as to what routes will properly connect with the Nevada routes. Decisions as to what rail routes would be preferable within Nevada cannot be made by looking solely at the merits and demerits of a particular route within the state; the effect on other states is inextricably linked to the decisions made about Nevada. Likewise, decisions made on a national scale and in other states have a direct impact on Nevada. Transportation decisions should be based on a comprehensive Environmental Impact Statement that compares the relative impacts of the alternative modes of transport and routes.

The Caliente and Carlin corridors, both of which are designed to avoid the large population in and near Las Vegas, enter Nevada from the east in on tracks that pass through Salt Lake City and other densely populated areas such as Cheyenne, Wyoming and Denver, Colorado. It seems prudent to avoid *all* major population centers, not just those that are as aware of the Yucca Mountain dangers as Las Vegas. However, in routing around Las Vegas, both routes traverse mountainous terrain that will pose a significant challenge in constructing the rail spur on time

Ralph Nader, Founder

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and within budget. As such, it is expected that construction will begin on this new line before the license application for the repository is even approved – jumping the gun, to say the least, on such an expensive project.

DOE has provided no documentation to support its decision to select the Caliente and Carlin corridors as its first and second choices, respectively. While several factors are presented as forming the basis for the decision—its relatively remote location, lower probability of land use conflicts, and fewer national security issues relating to Nellis Air Force Base—none of the stated benefits of the Caliente and Carlin corridors are expounded upon to state the specific advantages in concrete terms. This evidence should be presented publicly prior to a final determination of the rail corridor, with ample time for public hearings and comment on the record.

On January 20 and 21, several ranchers testified at the Nuclear Waste Technical Review Board meeting in Las Vegas that these corridors cut directly through their land, threatening to put them out of business after generations of working and improving that land. They were not contacted by OCRWM or the U.S. Department of Energy prior to selection of these corridors and notified that their land would be impacted. The area ranchers, as well as the rest of the public, deserve to know the facts concerning the corridor selection decision prior to its being finalized, with ample opportunity to challenge the underlying facts and assumptions.

In light of the significant public and private interests affected by the choice of a corridor, and the likelihood that the agency's decision-making process would be enhanced by public comment on the agency's designation of its preferred corridor, we believe an opportunity for public comment should be provided. DOE's notice of the preferred route stated that the final decision would not be made before 30 days, which implies, but does not state explicitly, that the OCRWM is looking for public comment on its decision. The notice should have included either an official call for public comment on the matter or a statement that the OCRWM is not looking for input, along with an explanation of why there is not a public comment period. In the future, DOE notices should clearly state whether DOE is taking public comments.

Thank you for the opportunity to present our views. If you have any further questions, please feel free to contact me directly at (202) 454-5130 or via email at bhoffman@citizen.org

Sincerely,

Brendan Hoffman
Organizer, Nuclear Energy & Waste
Critical Mass Energy and Environment Program