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January 10, 2008

RRR000659

VIA OVERNIGHT MAIL AND FACSIMILE

Dr. Jane R. Summerson
Mr. Lee Bishop
Environmental Impact Statement Office
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
1551 Hillshire Drive
Las Vegas, NV89134

RE: Comments on U.S. Department of Energy's National Environmental Policy Act Documents for the Yucca Mountain Repository

Dear Dr. Summerson and Mr. Bishop:

The Attorney General of California believes that transporting radioactive waste through California, both from commercial reactors within the state and numerous sources without, including vestiges of the nuclear weapons program, has not been adequately analyzed by the Department of Energy ("DOE"). DOE proposes to send hundreds of trains and trucks full of radioactive waste from other states through populated areas of California without first analyzing the risks posed by various routes through the state. Proceeding with the project in the manner described in the National Environmental Policy Act documents DOE recently released for comment[1] could pose a threat to the people, natural resources, and environment of California.

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[1] These comments address the following documents issued by the Department of Energy on October 12, 2007: (1) Draft Supplemental Environmental Impact Statement for a Geological Repository for the Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain, Nye County, Nevada (DOE/EIS-0250F-S1) ("Draft Repository SEIS"); Draft Supplemental Environmental Statement for a Geological 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 Nevada Rail Corridor SEIS"); and (3) 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) ("Draft Rail Alignment EIS"); collectively referred to in this letter as the "NEPA Documents."

The Attorney General submits these comments pursuant to his independent authority under the California Constitution, common law, and statutes to represent the public interest. Along with other State agencies, the Attorney General has the power and duty to protect the natural resources of the State from pollution, impairment, or destruction. *See* Cal. Const. Art. V, sec. 13; Cal. Gov. Code §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 14-15 (1974). These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office.

2 [Although these NEPA Documents reflect a great deal of effort by DOE, they fall far short of providing California with the information it is entitled to regarding impacts to its citizens and environment from transportation of radioactive waste through its cities and farmlands. DOE's NEPA Documents fail to identify routes that will be used to transport radioactive waste in California and fail to analyze the risks of routes that may be used. Millions of Californians live near routes that will likely be used to transport waste if the DOE approves this project. DOE must analyze and describe impacts from the project to ensure that members of the public know that they are not being exposed to an unreasonable risk.

An Environmental Impact Statement ("EIS") must "set forth sufficient information for the general public to make an informed evaluation . . . and for the decision maker to consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action." *Sierra Club v. United States Army Corps of Engineers*, 701 F.2d 1011, 1029, n.18 (2d Cir. 1983). An EIS must permit those who do not participate in its preparation to understand and consider meaningfully the reasoning, premises, and data relied upon, and to permit a reasoned choice among different courses of action. *See Friends of the River v. FERC*, 720 F.2d 93, 120 (D.C. Cir. 1983). NEPA requires that an EIS contain a reasonably thorough discussion of the significant aspects of the probable consequences of an action. *Oregon Natural Resources Council v. Lowe*, 109 F.3d 521, 526 (9th Cir. 1997). Without analysis of the likely routes, and hazards posed by each, these NEPA Documents do not fulfill the statutory obligations.]

3 [**DOE fails to analyze the impacts in California of the choice between construction of the Caliente or Mina lines in Nevada.**

DOE is considering building one of two possible new rail lines within Nevada to carry radioactive waste from existing rail lines in Nevada to Yucca Mountain. DOE's preferred rail line option, called the "Caliente line," would begin in the southern corner of the state near Caliente, Nevada (north of Las Vegas), and would run approximately 330 miles east and then south to Yucca Mountain. The second option, called the "Mina line," would begin approximately 290 miles northwest of Yucca Mountain, near Hawthorne, Nevada (40 miles east

of Carson City) and run southeast to Yucca Mountain. Because the proposed Caliente and Mina junctions would be accessed by entirely different existing rail lines, are hundreds of miles from each other, and are on opposite sides of Yucca Mountain, whether DOE chooses the Caliente line or the Mina line will have a significant impact on how much radioactive waste must travel through different parts of California prior to reaching the new junction in Nevada.

The Draft Nevada Rail Corridor SEIS and the Draft Rail Alignment EIS, however, only analyze the environmental impacts *within Nevada* of the construction and operation of those two alternate rail lines. The documents do not discuss the environmental impacts that would occur outside of Nevada depending on which of these rail lines DOE chooses to build. Specifically, the documents contain no analysis whatsoever of the impacts of using various rail routes in California that will be dictated by DOE's choice of the new rail junction in Nevada. Thus, these documents contain insufficient information to allow DOE and members of the public to evaluate all of the environmental impacts from the proposed Caliente and Mina rail lines.

The Draft Repository SEIS does contain some analysis of impacts outside of Nevada due to transportation of radioactive waste, but the analysis is insufficient to serve as the basis of DOE's decision on the two proposed rail routes because, primarily, no specific rail routes in California or other states are analyzed. Instead, DOE analyzes certain impacts from the use of "representative" rail and truck routes that could be used, even though DOE repeatedly points out that these may not be the actual routes carrying radioactive waste to Yucca Mountain.[2] Even these imprecise projections raise concerns for California because they would carry hundreds of shipments of radioactive waste through major metropolitan areas and farmland of the state. DOE apparently has no plans to engage in a future NEPA analysis of the environmental impacts on specific routes once it actually selects them for transport. Thus, even though none of the myriad combinations of national rail routes and their accompanying risks and benefits has been identified or publicly analyzed, DOE's current NEPA Documents appear to be the extent of DOE's public discussion of the routes. The absence of analysis of routes outside of Nevada and their attendant risks is a serious deficiency of the NEPA Documents.

The lack of specificity as to which routes will be used and the resulting absence of analysis of the impacts of those routes poses a particular problem in California because the Caliente and Mina rail lines in Nevada present different risks for California. If the Caliente route is chosen, 755 rail casks (on 252 trains) will travel through California en route to Yucca Mountain. (California sources would send 299 of the rail casks, and the other 456 would enter

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[2] There is some projection of rail and truck routes (Draft Repository SEIS at pp. A-5 to A-8; G-5 to G-15) and minimal evaluation of generic cumulative health impacts from transportation (Draft Repository SEIS at pp. 8-28 to 8-35).

the state from sources as far away as Louisiana.) (Draft Repository SEIS at pp. 6-14, G-16, G-64.) If the Mina route is chosen, 1,963 rail casks (on 654 trains) will be carried on California rail lines. (Draft Repository SEIS at pp. 6-15, G-16, G-64.) Selection of the Mina route thus results in a 365 percent increase in the amount of radioactive waste entering California from other states en route to Yucca Mountain according to DOE's "representative routes."[3]

Moreover, it is not just the number of casks traveling through California that will change depending on the new Nevada route selected, but the path of that waste within California will change significantly as well. If the Caliente line is constructed, radioactive waste traveling by rail will pass though southern California's Mojave Desert and enter southern Nevada near Las Vegas, passing through the city of San Bernardino (population 200,000), among others, and the Imperial Valley and Coachella Valley agricultural region. Under this route, most transportation by rail will be limited to this portion of the state, according to DOE's projection of routes used to access the Caliente junction. As explained later, however, San Bernardino and surrounding communities are at risk of exposure to shipment of a large proportion of all radioactive waste in the nation under reasonable transportation scenarios. Impacts to these California communities from the Caliente route have not been studied by DOE.

If the Mina line is constructed, however, radioactive waste on rail will travel hundreds of miles through California's populous and agriculturally rich Central Valley before crossing the mountains near Lake Tahoe and entering Nevada near Reno. DOE estimates over one hundred trains from out of state will pass through the cities of Bakersfield (population 323,000), Fresno (481,000), Modesto (209,000), Stockton (290,000), and Sacramento, the state capital, (467,000). Also, from the north, more than 1,000 casks of high-level radioactive waste from DOE's Hanford site in Washington will travel 200 miles through the agricultural lands of the Sacramento Valley and the city of Sacramento. Then all of these trains will climb into the Sierra Nevada mountain range at Donner Summit on a route that contains train tunnels and snow sheds and that is occasionally made impassible due to heavy snowfall.

Even though the Mina route is not DOE's "preferred" alternative, DOE may later select the Mina route if the Walker River Paiute Tribe changes its mind and allows DOE to use its land for the new rail line to Yucca Mountain. It is likely that DOE would then argue that no further NEPA study is required as the route had been thoroughly analyzed in these documents. As described in this letter, however, the possible impacts to the communities through which radioactive waste would pass en route to the Mina junction have not been fully analyzed and discussed. The Attorney General believes that the discussion of the Mina route in the NEPA

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[3] As explained below, there are other transportation scenarios, possibly even more likely than DOE's "representative routes," that would bring far more radioactive waste into California.

Documents does not comply with NEPA in that it does not provide full information of the impacts on California. Until an evaluation of all of the risks and impacts from the Mina route in California is performed, the Attorney General requests that DOE entirely exclude the Mina alternative from the final NEPA Documents and from consideration as a possible route to Yucca Mountain. As described throughout this letter, the NEPA Documents fail to adequately address the impacts on California from DOE selecting either the Caliente or Mina routes, and cannot serve as a basis for such a decision.

4 **DOE fails to determine which routes are likely to be used and fails to analyze the effects outside of Nevada from various transportation scenarios.**

The above discussion of the impacts within California of DOE's choice of the Caliente and Mina route assumes that the "representative routes" to those junctions in Nevada as estimated by DOE are used. In fact, however, the impacts on California could easily be much greater than estimated by DOE because routes other than the "representative routes" may take far more radioactive waste into California and through populated areas compared to what DOE projected. In the Draft Repository SEIS (Appendix A, section A.3) DOE produced an alternative to the "representative routes" scenario by running its computer simulation with "constraints in the rail network that illustrate another way the railroads might route shipments." (Draft Repository SEIS at p. A-5.) These constraints were suggested by "representatives of the railroad industry, stakeholder groups, and other interested parties."

The maps of the "constrained routes" DOE produced show the potential for greater impacts in California than what DOE addressed. (Draft Repository SEIS at p. A-7.) By looking only at fatalities from cancer, exposure to vehicle emissions, and traffic accidents, DOE concluded that "the use of constrained routing would not measurably affect transportation impacts." DOE failed to analyze any other type of impact due to the use of the "constrained routes," such as the risk of sabotage in a populated area and the environmental, economic, and public health impacts of such an event. To reach the Mina junction using the "constrained routes," it appears that radioactive waste from the entire southern Untied States would first travel hundreds of miles by rail through California (including the numerous populated and agricultural areas identified above) before crossing Donner Summit into Nevada. This would bring *hundreds more* radioactive waste trains through populated areas of California's Central Valley. The map also shows that scenarios are possible in which nearly all radioactive waste in the nation would travel this route through California.

DOE did not say that the "constrained routes" were was any less likely than the "representative routes" generated by its computer model, and the fact that the "constrained routes" were developed with the assistance of the railroad industry suggests that these routes are

actually more realistic and more likely to be used. The NEPA Documents also do not provide any rationale that would allow the public or decision makers to determine which routes are most likely. Thus, while DOE calculates the number of trains that may enter California if the "representative routes" are used, DOE does not analyze whether those estimates are actually the most likely or if the actual likely routes would result in additional hundreds of trains entering California, as "constrained routes" imply.

5 **DOE has not analyzed of the risk of terrorism created by the transportation routes under consideration.**

DOE fails to address the fact that trains passing through or near major California cities are likely an attractive target for sabotage by terrorists. The United States government has concluded that terrorists may want to use a radiological dispersion device (sometimes called a "dirty bomb") in a populated area as a means of causing mass panic and economic damage even though the casualties produced by such a device may be low.[4] The Draft Repository SEIS calculates the number of cancer fatalities that could occur due to sabotage of a shipment in an urban area and concludes that the number is not great. That exposure calculation, however, does not discuss or analyze the degree to which the shipment of radioactive waste through populated areas would *increase the risk* of a terrorist attack.

DOE's choice of the Caliente or Mina routes will affect the opportunities terrorist would have to conduct a radiological attack in a populated area because the routes in Nevada will dictate how frequently radioactive waste shipments will travel through which cities in California. The choice of specific routes to be actually used within California and other states – a matter not addressed by DOE – also determines the number opportunities for sabotage in a populated area. In addition, a successful terrorist attack on a rail route would make large portions of that route unusable for an unpredictable amount of time. If the tracks merely needed to be rebuilt, the route may be out of commission for weeks, but if any radiation escaped due to the event, the route might be unusable for any commerce for years. Given that the public would likely protest continued use of a route that had been targeted by terrorists (no matter how successful the attack was), DOE may never be able to use that route again. Despite these risks, DOE fails to analyze

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[4] "While much less destructive than an improvised nuclear device, the dispersed radioactive material could cause radiation sickness for people nearby and produce serious economic costs and psychological and social disruption associated with the evacuation and subsequent cleanup of the contaminated areas." (United States Government Accountability Office, *Combating Nuclear Terrorism: Federal Efforts to Respond to Nuclear and Radiological Threats and to Protect Emergency Response Capabilities Could Be Strengthened* (September 2006) at p. 8.)

which routes within and outside of Nevada will have relatively greater risks of sabotage.

The National Academy of Sciences has also raised concerns about the security of the proposed shipments of radioactive waste. (Draft Repository SEIS at p. H-24.) The Academy recommends that an independent, non-governmental group without institutional or financial conflicts evaluate the threats to transportation, ability of the shipping containers to withstand attack, and security requirements for protecting the shipments. The Academy further recommends that the findings and recommendations of that process be made public to the fullest extent possible. DOE's response to these recommendations is to merely to point out that DOE is working with other governmental bodies to assess and improve transportation security. While using the expertise of a range of other organizations is certainly a crucial aspect of security planning, DOE does not fulfill its obligations under NEPA to inform the public about impacts from sabotage when all of this analysis is done outside of public view.

6 **DOE has not sufficiently analyzed the economic consequences of sabotage in a populated area.**

The hundreds of trains and trucks passing through heavily populated areas of California – which would be increased if the Mina route is selected – contain sufficient radioactive material to create great economic and environmental harm to those communities if terrorists were successful in releasing only a small portion of their contents. DOE fails to analyze any effects from a successful act of sabotage other than the number of latent cancers produced. The Draft Repository SEIS (Section G.10.7 of Appendix G) discusses the costs of cleaning up after a radioactive waste transportation accident as being only "a few million dollars" or possibly "10 times greater" for a presumed maximum release of 30 curies of radiation. (Draft Repository SEIS p. G-54.) DOE's cleanup cost estimates may be too low. The State of Nevada estimates that transportation accident cleanup costs could be in the low hundreds of *billions* of dollars. (Draft Repository SEIS p. G-54.) A report from the Pentagon's National Defense University concluded that a "dirty bomb" attack on a major metropolitan area could require a clean up at least as expensive as the tens of billions of dollars required to return lower Manhattan to its pre-September 11, 2001, condition.[5] Also, while DOE assumes that the maximum release from a transportation accident would be 30 curies of radiation, each rail cask will carry 5.3 million curies of radiation. The enormous amount of radiation contained in each cask raises the possibility that saboteurs who designed an attack specifically to release radioactive material from a cask may succeed in releasing far more than 30 curies (0.0006 percent of the total contents).

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[5] Zimmerman, Peter D. & Loeb, Cheryl, "Dirty Bombs: The Threat Revisited," *Defense Horizons*, No. 38 (Center for Technology and National Security Policy, National Defense University, January 2004) at p. 9.

DOE seeks to put its "few million dollars" cleanup number in "perspective" by comparing it to the $10.62 billion insured liability under the Price-Anderson Act. (Draft Repository SEIS p. G-54.) Appendix section H.9 also points out that "The Price-Anderson Act provides indemnification for liability for nuclear incidents that apply to the proposed Yucca Mountain repository." (Draft Repository SEIS p. H-19.) An act of sabotage that causes a release of radioactive material may not be covered by any form of insurance at all, however, leaving state and local governments or the victims themselves with the enormous expenses of decontamination and recovery. "Claims arising out of an act of war" are excluded from coverage under the Price-Anderson Act, and it is unclear whether an attack by a foreign terrorist group would be considered an excluded "act of war." (*See* 42 U.S.C. § 2014 (w)(ii).) In addition, acts of terrorism are very often specifically excluded from homeowners and commercial insurance policies. While the Price-Anderson Act might provide the hundreds of millions of dollars that might be required to clean up an *accident*, it is far from certain who would supply the hundreds of millions of dollars needed to clean up after a *sabotage* incident of equal proportions.

7 **DOE did not analyze the effects of transportation accidents on commerce.**

Although the NEPA Documents have some generic discussion of possible impacts on public health from rail accidents using computer modeling, there is inadequate analysis of the economic impacts, both long-term and short-term, resulting from an accidental release of radioactive material caused by a long duration fire. Recent tunnel accidents along Interstate 5 near Santa Clarita, California and the Caldecott Tunnel in the San Francisco Bay Area, resulting in long-lasting fires, highlight the risk from fires in such contained circumstances. The ability of such a fire and its aftermath to interrupt and interfere with interstate transportation is a major threat to commerce that is not discussed by DOE. Such an accident, with its attendant risk, or the public perception of risk, could shut some of the busiest rail corridors in California (such as the route over Donner Summit) for substantial periods of time, with a large economic impact. Yet, there is no analysis of the impacts on commerce from such accidents, and the failure to perform this analysis violates NEPA.

8 **DOE did not provide sufficient information about emergency response planning necessitated by the proposed action.**

The National Academy of Sciences, which is quoted in the Draft Repository SEIS, urges DOE to perform detailed analysis of likely routes and the hazards associated with each route. (Draft Repository SEIS at pp. H-29 to H-31.) Without this information, California, as well as other states that will be subject to shipments of radioactive waste, are left without information as to impacts of transportation, especially the hazards along particular routes, the kind of local and state resources and equipment that will need to be made available, the type of training that should

be offered, and how the training and equipment will be financed. Without this information, the documents do not comply with NEPA.

The NEPA Documents also fail to fully analyze the impacts on local and state emergency response personnel in California, who would likely be the "first responders" to any accident involving shipments to the Repository. Proper preparation of local emergency response teams will require an enormous commitment in equipment and training for communities along the routes through the State. For instance, the fire departments in Inyo County, California, are volunteer fire departments and would need a great deal of assistance to be properly equipped and prepared. If is far from clear in reading the NEPA Documents whether funds made available pursuant to section 180(c) of the Nuclear Waste Policy Act will be sufficient to train all of the fire departments as well as other emergency responders along the route, and whether DOE has considered how expensive providing adequate training along the routes throughout the country, and in California, will be. Further, DOE has not answered the question of whether there will be any funds for providing the emergency responders with the necessary equipment for addressing the various kinds of emergencies that might result from an accident involving radioactive waste shipments. The failure to address those issues in the NEPA Documents does not comply with the informational requirements of NEPA.

9 **Highway 127 should not be used for trucked shipments of radioactive waste to Yucca Mountain.**

Although DOE has chosen a mostly rail option to Yucca Mountain, it anticipates 2,650 overweight trucks will be on the highways transporting radioactive waste to the site. (Draft Repository SEIS at p. G-14) According to DOE's "representative routes" estimate, 857 truckloads of radioactive waste would pass through California from other states en route to Yucca Mountain. But because no routes have actually been selected, the actual number of truckloads passing through California could be much greater. (Draft Repository SEIS at p. G-64.) California's Highway 127 has been discussed as a possible route to Yucca Mountain because DOE already uses it for low-level radioactive shipments to the Nevada Test Site. (These shipments are less hazardous than the spent fuel and high-level radioactive waste proposed to be shipped to Yucca Mountain.) Use of this route would be contrary to United States Department of Transportation requirements found at 49 C.F.R. 397, et seq. The California Highway Patrol has never designated Highway 127 as suitable for "highway-route-controlled quantity" shipments of radioactive waste, as required pursuant to 49 C.F.R. 397.103. This narrow, two-lane highway with its many blind curves and its abbreviated, often soft shoulders, combined with its propensity for flash floods in some segments, is not an appropriate route for transportation of hundreds of

overweight truckloads of radioactive waste.[6] According to the California Department of Transportation, there were 63 accidents on Highway 127 between April 1, 2000, and March 31, 2005. There are safer and more direct highway routes to the Repository, and these should be utilized instead.

Additionally, there is also the possibility that the mostly rail alternative will prove infeasible, both for reasons of cost (at least a 2.5-billion dollar price tag) or because of engineering challenges in its construction. In that instance, it is possible that Highway 127 could become the exclusive transportation route by default, even though this would currently be prohibited under federal regulations. There has been some discussion of addressing the safety concerns by widening Highway 127 to a four-lane highway, but such mitigation would itself cause environmental impacts to a vulnerable high desert environment that is also the gateway to Death Valley National Park. Impacts to this scenic corridor, utilized by millions of tourists on their way to Death Valley, has also not been analyzed in these NEPA Documents. DOE should consider safer and more direct trucking alternatives to Highway 127 for shipping the nation's radioactive waste to the Repository.

As with the failure to discuss rail routes outside Nevada, the lack of information about truck routes, and what particular risks or hazards may be inherent in each, deprives the public of knowledge about possible risks and the decision makers of essential environmental information necessary to choosing between options.

10 **The use of TAD canisters requires additional evaluation.**

DOE presents the Transportation, Aging and Disposal ("TAD") containers as an efficient and safe technology for containing radioactive waste. DOE fails to note that at some reactors sites in California the repackaging of radioactive waste from the current spent nuclear fuel casks to this new container will be required. Under the proposed action, all commercial spent fuel will be packaged in TAD containers prior to transportation. Thus, spent fuel currently stored in dry cask storage containers, for example, at Rancho Seco and San Onofre, would be required to be transferred to TAD containers. Repackaging will increase handling of the radioactive material and the chances of accidental exposure to radioactive waste at the reactor sites. The spent fuel handling facilities have been removed at Rancho Seco, so that site does not even have the equipment needed to repackage its waste from dry storage canisters into TAD canisters. The NEPA Documents need to adequately analyze this increased risk to workers and the surrounding communities where repackaging into TADs will occur. Further, DOE cannot properly analyze the transportation risks of its proposal because casks for transporting TADs have not been tested or, indeed, even designed. (Draft Repository SEIS at p. H-8.) The proposed action should not

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[6]The number of truckloads would of course be much higher if the capacity of the Repository is doubled, as has been discussed as "Modules 1 and 2."

depend so heavily on the use of TADs until their use has been proven as safe, efficient, and cost effective and until the impacts of their use on workers and the surrounding communities has been adequately evaluated.

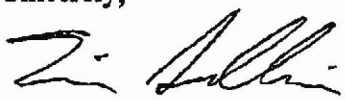
11 **DOE did not provide adequate opportunities in California for public participation.**

No effort has been made to ensure that heavily populated areas of California received notice and were made aware of DOE's proposed action, which will transport thousands of tons of radioactive waste near or through these communities. Under any scenario, hundreds of radioactive waste shipments will travel by rail through San Bernardino and the major cities of the Central Valley of California, including Sacramento, no public meetings were held in these areas. Instead, the only public meeting on the Draft Repository SEIS, the Draft Rail Alignment EIS, and Draft Nevada Rail Corridor SEIS occurred in Lone Pine, California, a remote town of 2,000 people, with no commercial airport, which is a four hour drive from Los Angeles, six hours from Sacramento, and almost 300 miles from the Donner Summit, where trains headed to the Mina junction would pass through the Sierra Nevada. DOE refused to hold additional California public meetings, even though the California Energy Commission, as well as others, repeatedly asked for at least one public meeting in Sacramento, as well as other cities. As California may have half or more of all radioactive waste in the nation transshipped by rail through its cities, DOE has not provided for adequate public participation by California's citizens.

Conclusion

12 For the reasons stated above, the Attorney General of California believes that the NEPA Documents have omitted essential information about transportation risks and impacts to California. He also believes that Californians did not receive sufficient notice or opportunity to become involved in the public process. Accordingly, the Attorney General urges DOE not to approve the NEPA Documents until they address the points raised above.

Sincerely,



TIMOTHY SULLIVAN
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

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MESSAGE/INSTRUCTIONS

Please find attached comments of the Attorney General of California on: Draft Supplemental Environmental Impact Statement for a Geological Repository for the Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain, Nye County, Nevada (DOE/EIS-0250F-S1) ("Draft Repository SEIS"); Draft Supplemental Environmental Statement for a Geological 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 Nevada Rail Corridor SEIS"); and (3) 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) ("Draft Rail Alignment EIS")

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