

Department of Comprehensive Planning

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April 30, 2009

Mr. Frank Moussa
U.S. Department of Energy
OCRWM Office of Logistics Management
1000 Independence Avenue, SW
Washington, DC 20585-0001

Re: Comments on National Transportation Plan, DOE/RW-0603, Revision 0

Dear Mr. Moussa:

Clark County appreciates the opportunity to comment on the Department of Energy's (DOE) Draft National Transportation Plan (NTP). Clark County has been particularly attentive to the DOE efforts to provide details to its proposed transportation of radioactive waste to Nevada as, according to DOE's EIS documents, a significant number of these proposed rail and truck shipments will traverse our County. Various estimates suggest that about 113,000 residents of Clark County live within one half mile of the likely highway route for trucks to Yucca Mountain, and another 95,000 residents or so live within one half mile of the Union Pacific line that will carry rail shipments through Caliente to Yucca Mountain (State of Nevada, 2009).

Clark County since becoming an Affected Unit of Government, has conducted a myriad of studies demonstrating the potential negative impacts of a High-Level Nuclear waste (HLW) transportation campaign through its borders. These studies have examined transportation impacts on property values, both County and Cities' emergency management and public safety agencies, as well as transportation related impacts on Clark County and Cities' non-public safety agencies. The DOE has failed to respond to these studies and a number of commentary documents offered by Clark County on the Department's proposed Section 180 (c) program design and proposed program implementation. Clark County's expectation was that the latest draft of the NTP would address many of the issues the County has raised and provide the necessary details of the DOE's proposed transportation project. Hence, the County is both disappointed and incredulous at the generic document that DOE has produced as its NTP which fails to both provide the necessary specific detail of how it plans on integrating its planning efforts, as well as decisions and data that might qualify the document as an actual plan that affected units of government can rely upon for planning, decision making and preparedness.

In the remainder of this comment document, Clark County offers it specific comments regarding the failure of the NTP to rise above a generic effort at planning, and then addresses some of the County's key concerns that are not addressed in the NTP.

The Draft NTP Is a Generic Effort Lacking Required Detail

The draft NTP fails to provide the specifics of the DOE's strategy for integrating its two proposed capital projects that will compose its transportation system. Specifically, how the National Transportation project will be integrated with the Nevada Rail Infrastructure Project in the context of its Institutional Program entailing and involving a variety of stakeholder groups (the proposed goals of the NTP) is not provided. Indeed, the NTP does not rise above a document that often simply resorts to outlining, listing or

identifying various elements and activities that will need to be implemented if components of the NTP are to be achieved. How these various components are to be integrated or implemented can not be answered from the NTP. Rather, as the DOE notes about the current status of operations planning, "Due to the early stage of system development, operational planning has been limited" (page 15.). It appears that the DOE utilizes a previous document to identify the operational elements although it still lacks any planning detail. The document relied upon for this system's elements is the Transportation System Concept of Operations that it developed in April of 2006. In reality the DOE's transportation planning seems to have progressed little beyond this document's publication in 2006. A Plan is more than just a listing of generic elements and activities, it must provide at the very least the details of how these different plan elements will be implemented into an integrated whole. In the document that the DOE provides, it has failed to provide Clark County and other affected units of government and stakeholders with anything resembling a National Transportation Plan. If the DOE continues to employ a fragmented, compartmentalized approach to repository operations, Nevada transportation, and National transportation planning, the development and implementation of a meaningful plan which results in safe, secure shipment of high-level radioactive waste and spent nuclear fuel is not possible.

The lack of detail in the NTP is evident when it takes up the issue of a Preliminary Suite of National Routes (page 25.) The 2006 National Academy of Science/National Research Council report entitled, "Going the Distance? The Safe Transport of Spent Nuclear Fuel and High-Level Radioactive Waste in the United States" noted the lack of DOE progress in identifying its suite of preferred highway and rail routes (page 18.) Unfortunately, the NTP simply provides the map of potential representative routes that is has been distributed for years and notes the importance of the activities (whatever they might be) to identifying the preferred suite of routes (page 25.) This lack of specificity results in a document that neither adds substance to Clark County's efforts to monitor transportation planning by the DOE, nor its efforts to continue to ensure public safety of its residents and visitors.

Specific Comments on Elements of the NTP that Are Lacking

In a variety of comments and studies alluded to earlier, Clark County has expressed its continuing concerns about the emergency management and public safety planning approach being utilized by the DOE. The NTP repeats this myopic and error filled approach by DOE relying almost completely upon Section 180(c) of the Nuclear Waste Policy Act and its Amendments to ensure adequate training and preparedness. Clark County has conducted its own studies of the impacts of transporting nuclear waste through borders on a number of public safety and non-public safety agencies and activities, as well as recent commodity flow and critical infrastructure identification studies. Clark County has repeatedly commented on DOE's failure as it relates to Section 180(c) planning. Yet, embedded in the NTP is the same reliance on Section 180(c) by the DOE to ensure adequate preparedness and training by emergency managers and public safety personnel (page 23.) Indeed, Clark County is being told again to wait for an emergency plan that will ensure coordination with on-scene state, local and tribal responders (page 23.). Yet, the DOE makes no mention of the National Incident Management System (NIMS) being utilized throughout the country and developed by the Department of Homeland Security. It is not clear whether the DOE plans to be consistent with NIMS within the context of the National Transportation Plan and related implementation. The DOE appears to try to cover its shortfalls in ensuring adequate preparedness and planning under Section 180 (c) by reminding us that funding for these provisions is subject to ". . . available appropriations" (page 25-26). While such institutional uncertainties are a given, the DOE should accept public input and admit that the 180(c) policy document DOE relies upon in the NTP is inadequate and flawed in its assumptions, approach, and conclusions. Instead, the DOE should focus on identifying the true costs of public safety preparedness by integrating its proposed needs assessments with impact assessments based on meaningful feedback from jurisdictions actually responsible for public safety and emergency management. Again, the NTP suffers from a lack of linkage and integration by segmenting policy from planning.

Further, Clark County encourages the DOE to update its 2003 "Guide to Stakeholder Interactions" if it plans on using it as the basis of its Institutional Program (page 20.) This portion of the Institutional Program is insufficient and will need careful consideration and effort to make it germane to future transportation planning. In fact, Clark County encourages the DOE to seek and incorporate increased stakeholder participation from those agencies and groups actually impacted in the preparation of future drafts of the NTP.

The DOE should access the national data base being constructed by the Department of Homeland Security (DHS) on the nation's critical infrastructure and key resources. In addition as the DHS program moves forward, additional risk based data and assessments should be available to the DOE for its transportation planning. It is surprising that the DOE fails to acknowledge or even recognize these data and the DHS program in the NTP (page 16.) Further, the DOE should consider including in a future NTP draft an assessment of road and railroad track capacity and conditions for likely routes to ensure safety and security of such routes.

For the NTP to be a relevant and useful document, Clark County encourages the DOE to develop and include critical schedule and decision points in the program. The current NTP's Critical Decision process is inadequate because it lacks any useful information but instead shows some generic steps in the process or deriving critical dates, schedules and decision points (page 3.)

The NTP fails to correct DOE's inadequate and faulty NEPA processes for identifying rail routes. Clark County encourages the DOE to reexamine the Caliente Rail Route selection utilizing real alternative rail routes. The current NTP simply perpetuates a deficient rail route selection process.

Clark County requests that the DOE carefully consider comments submitted in the hopes that the NTP will ultimately provide the planning and implementation guidance warranted for an activity as critically important as the safe and secure shipment of high-level radioactive waste and spent nuclear fuel across the United States for five decades.

Sincerely,

Irene Navis, AICP
Planning Manager