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August 21, 2006

Dr. Jane Summerson
EA Document Manager
U.S. Department of Energy
1551 Hillshire Dr.
Las Vegas, NV 89134

**Re: Federal register Notice 7/6/06, Volume 71, No. 129
Yucca Mountain Project Draft Environmental Assessment, Infrastructure
Improvements**

Dear Dr. Summerson:

This letter represents Clark County's comments on the above referenced draft Environmental Assessment (EA). Most importantly, Clark County officials expect the Department of Energy (DOE) to ensure worker and public safety at all times, and we believe the no action alternative as described in the draft EA will adequately provide such worker and public safety. Further, it is Clark County's position that this draft EA does not provide adequate justification for proceeding with the proposed action. The proposed action is unnecessary, and seems to go beyond required basic safety improvements, considering the current level of activity at the repository study facility. Finally, the draft EA is insufficient to determine whether the actions described lend themselves to increased efficiency as purported in the document. Therefore, it is our opinion that the proposed action lacks sufficient nexus between the activities proposed and the safety and efficiency issues as described in the draft EA. The Board's position as to the appropriateness and adequacy of the draft EA is supported by the following staff analysis.

General Comments

There are a number of critical areas that federal law requires DOE to focus on at the Yucca Mountain site in order to prepare for a possible construction authorization from the Nuclear Regulatory Commission (NRC). These are to protect worker health and safety, and to continue scientific investigations, both for preparing a license application and to prepare for performance confirmation activities.

The DOE's stated purpose in the proposed action for these improvements is "to enhance safety at the project; and to enable the DOE to continue ongoing operations, scientific testing, and routine maintenance until such time as the NRC decides whether to authorize construction of a repository." The no action alternative's stated purpose is to "continue to operate the Yucca Mountain Project using the existing infrastructure with appropriate mitigations to protect worker

health and safety, and continue maintenance and replacement of an as-needed basis only." In both of these alternatives emphasis is placed, as it should be, on worker health and safety. What the difference is between enhancing worker safety and appropriate mitigations to protect worker health and safety is not obvious. In addition, both the proposed and the no action alternative would allow the DOE to continue with operations in the area and to conduct scientific investigations as needed.

Specific Comments

Some of the major improvements proposed by the DOE in the proposed action are:

- Road Construction
- New power lines
- Development of a central operations area
- Site repair and construction of other facilities (repair of the 15-acre equipment storage pad and construction of a new sample management facility)

Each of the proposed infrastructure improvements is discussed below.

Road Construction

The draft EA cites traffic safety as a justification for the extensive improvements; yet, no accident rate (actual or estimated) data for past, existing, potential construction-related or post-construction accident rates are provided as a basis for comparative analysis. Current roads have served the project for over 15 years and have been kept in adequate condition by performing maintenance on an as needed basis. It is difficult to determine how the construction of new access roads to the Yucca Mountain operations area would either enhance worker safety or improve the collection of scientific data. The road to the Yucca Mountain crest is arguably not built to current standards for highways. It is unclear from the draft EA what the exact purpose and benefits are for these extensive roadway improvements. However, given that the only needs for access to the top of Yucca Mountain are for the occasional maintenance of wells and collection of some scientific data, careful driving with the occasionally required grading, should be adequate for these purposes. If the road is to be used for sightseeing and public tours, then an upgrade may be justified for these reasons only, but not to the extent outlined in the draft EA.

New Power Lines

It is difficult to determine from the draft EA why a new power line is needed. However the addition of a feeder line to the South Portal makes some sense from a safety standpoint. The current system for ventilation and power is operated from the North Portal (not counting standby generators) and thus is subject to single point failure.

Development of a Central Operations Area

The current operations area at the North Portal is, with the exception of two buildings, made up of temporary structures. Unquestionably some of these temporary structures are at, or have exceeded, their design life. They have however been adequate for operations while tunneling and major scientific investigations were in progress. Now that the DOE is basically in a holding mode, until a possible construction authorization is obtained, it is unreasonable to spend large amounts of money on facilities that may never be needed. As long as sufficient maintenance is done to avoid any worker health and safety issues then the current facilities should be totally adequate until a construction authorization is obtained.

Site Repair and Construction of Other Facilities

According to the draft EA, the 15-acre equipment storage pad is in need of repair because of erosion. Whether this is due to inadequate provisions for drainage when the pad was constructed is not discussed in the draft EA. Given the current level of activity at the Yucca Mountain site it is not obvious why this issue needs to be addressed prior to receipt of a construction authorization. Again, periodic maintenance targeted at specific problem areas should be totally adequate until that time.

The Sample Management Facility is currently located in two buildings that are owned by the NNSA/NSO. Given the current level of activity for sample collection (low) a new facility would be hard to justify. If maintenance on the buildings is needed, DOE should negotiate with NNSA/NSO for a suitable maintenance program. If a construction authorization is received after approval of a license application for the repository, there is still adequate time to address this issue.

Costs and Efficiencies

The draft EA repeatedly discusses costs savings and efficiencies, yet no cost/benefit analysis is provided for any of the proposed infrastructure improvements. The draft EA should have either included a cost/benefit analysis or costs should not be relied upon as a justification for the proposed improvements and accompanying expenditures.

Key questions that should be addressed are: If the NRC does not approve construction of a repository, are the proposed infrastructure improvements a wise use of the Nuclear Waste Fund, considering the level of uncertainty in the program at this time? If the NRC does not approve the project, how will these costs be reimbursed back to the ratepayers who contribute to the Nuclear Waste Fund? The nine items located on page 9, Section 2.1, No Action Alternative, seem adequate until the NRC either approves or denies a permit to construct. This alternative seems to balance environmental issues, safety concerns and economics with minimal impacts on any critical areas.

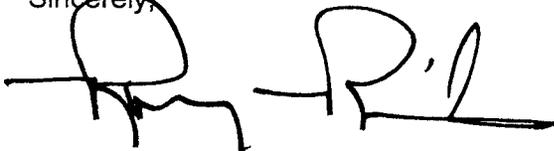
Cumulative Impacts

Cumulative impacts related to transportation, the environment, public safety, and emergency management have not been addressed. The draft EA has not addressed Clark County's population, potential socioeconomic impacts, impacts to transportation systems and public safety and emergency management capabilities. An ideal opportunity to truly accomplish interoperable communications with federal, state, tribal, and local jurisdictions also does not seem to have been considered. Clark County officials encourage dialog with affected stakeholders to further address public safety and emergency management infrastructure and capabilities, particularly in the area of communications interoperability.

Recommendation

The proposed action as described in the draft Environmental Assessment contains no reasonable nexus, no scientific or technical basis, and insufficient public health and safety justification to support the proposed action over the no action alternative. Therefore, Clark County officials urge the DOE to withdraw the draft Environmental Assessment from consideration. If DOE decides to proceed with the proposed action, a draft Environmental Impact Statement should be prepared and issued to allow for meaningful stakeholder and public comment due to the proposed scope, costs, and potential impacts of the proposed actions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rory Reid', written over a horizontal line.

Rory Reid, Chair

cc: Board of County Commissioners
Virginia Valentine, County Manager
Barbara Ginoulas, Director
Irene Navis, Planning Manager