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TESTIMONY OF DAN FREHNER
CHAIRMAN, BOARD OF LINCOLN COUNTY COMMISSIONERS AND VICE-CHAIRMAN, LINCOLN COUNTY/CITY OF CALIENTE JOINT CITY/COUNTY IMPACT ALLEVIATION COMMITTEE ON THE ADEQUACY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA MOUNTAIN

November 9, 1999
Caliente, Nevada

My name is Dan Frehner and I am Chairman of the Board of Lincoln County Commissioners. I am also Vice-Chairman of the Lincoln County/City of Caliente Joint City/County Impact Alleviation Committee. I have come this evening to provide preliminary reactions to the Draft Environmental Impact Statement (DEIS) for the Yucca Mountain project. My initial comments tonight will be supplemented by formal written comments to the DEIS to be submitted by Lincoln County and the City of Caliente. My statement this evening is a supplement to remarks offered this afternoon by Mayor Kevin Phillips of the City of Caliente. I wish that Mr. Phillips testimony this afternoon be incorporated by reference and made a part of my statement

As I begin, I wish to convey my gratitude to the Department of Energy (DOE) for deciding to hold hearings on the Yucca Mountain DEIS in Lincoln County. Since the early 1980's, DOE has considered Lincoln County and the City of Caliente as a candidate corridor for truck and/or rail shipments of spent nuclear fuel and other high-level radioactive waste destined for Yucca Mountain. Beginning in 1984, the Lincoln County Commission and the Caliente City Council have, through their Joint City/County Impact Alleviation Committee, sought to keep area residents fully informed about DOE proposals for management of radioactive waste potentially impacting upon the County and City. I am convinced that among all affected units of local government and the State of Nevada, Lincoln County and the City of Caliente have maintained the greatest degree of public involvement in repository oversight activities. As a consequence of local public information and involvement initiatives, County and City residents have become well informed and

are interested in the implications, both negative and positive, of radioactive waste management activities in Nevada. Such interest has been borne out by the excellent degree of resident participation at this and other meetings held in the County regarding radioactive waste
1 management issues. As my comments will reveal, Lincoln County and the City of Caliente are concerned that DOE has, and may continue in the future, to largely ignore the legitimate concerns of the County, the City and their residents.

Let me also thank the staff from the Nuclear Regulatory Commission who are in attendance this evening. Your willingness to return to Lincoln County to learn of local concerns and to gain local insights into NEPA related subjects is a credit to the degree to which residents of Lincoln County
2 and the City of Caliente are informed about nuclear waste management issues. I believe that the perspectives of local residents can serve to improve federal decisions. I trust that the NRC will work with the DOE to prepare a Final EIS which is responsive to the verbal and written comments from Lincoln County and the City of Caliente.

As Mayor Phillips noted this afternoon, it is important to note that our comments today are not another uninformed "not-in-my-backward" reaction to Draft Yucca Mountain EIS. To the contrary, my remarks reflect a recognition that our Nation faces a serious environmental problem and the desire of Lincoln County and the City of Caliente to ensure that if it is the will of the Congress to dispose of spent nuclear fuel and other high-level radioactive waste in Nevada, that the resulting waste management system be developed and operated in a manner which minimizes risks and maximizes local economic and fiscal benefits. The ability of the County and City to provide DOE with quality input is based upon the lengthy involvement of concerned citizens, independent local research, and prior experience with DOE NEPA compliance activities.

For the past fifteen years, Lincoln County and the City of Caliente have conducted a joint repository oversight and impact alleviation planning program. Through a memorandum of understanding, the County and City have established the Joint City/County Impact Alleviation

Committee (JCCIAC) to oversee repository oversight and independent impact assessment activities. During this period, the eight-member JCCIAC Committee has diligently sought to provide guidance to local repository programs. The Committee, representing both geographic and disciplinary diversity, has met no less than 80 times and has invested over 1,500 hours of largely volunteer time to understand the implications of the Nation's nuclear waste management program to the residents of, visitors to and institutions within Lincoln County and the City of Caliente.

Recently, the Lincoln County and City of Caliente Joint Impact Alleviation Committee has reaffirmed the goals of the County/City repository oversight program. The three goals which drive County and City oversight initiatives include:

1. to understand and minimize risks;

2. to understand and minimize impacts; and

3. to understand and maximize potential benefits associated with Department of Energy radioactive waste management activities in Nevada.

Over the past several years, a majority of County residents have demonstrated their concurrence with the direction Lincoln County and the City of Caliente are taking with regard to risk minimization, impact minimization and benefit maximization. It is obvious to me that public information initiatives implemented by the County and City have resulted in a public which is informed about DOE plans and potential positive and negative consequences of radioactive waste management in Nevada.

Utilizing funding provided by the DOE, the Joint City/County Impact Alleviation Committee has overseen the preparation of nearly 50 reports documenting repository system implications for Lincoln County and the City of Caliente. Topics addressed within these studies include emergency

response, ethnography, transportation routing, economic/demographic impact assessment, media amplification of risks, community development, transportation risk assessment, risk communication, tourism impact assessment, fiscal impact assessment, and risk perception, among others. The numerous studies sponsored by the County and City of Caliente were conducted by teams of highly trained and competent researchers representing both academic and private entities. In addition, the State of Nevada Nuclear Waste Projects Office has conducted numerous studies, which directly or indirectly address repository implications within Lincoln County and the City of Caliente. Copies of a bibliography of County and City sponsored research are available on the display table.

The extensive information base represented by these various studies was used by Lincoln County and the City of Caliente to develop a comprehensive DEIS Scoping Report which was provided to the Department of Energy in December of 1995. In response to a request from DOE or reference documents, Lincoln County and the City of Caliente also provided DOE and DOE contractor staff with a briefing on the numerous studies sponsored by the Joint City/County Impact Alleviation Committee. Diskettes containing databases and economic/demographic models were also provided to DOE and DOE contractor staff. Copies of the County/City DEIS Scoping Report are available on the display table.

3... Like Mayor Phillips, I am very concerned that despite the extensive efforts by County and City staff to respond to DOE requests for information, little, if any, of the information has found its way into the DEIS. I find that not one of the many documents provided by the County and City are even referenced in the DEIS. Absent such references, I must conclude that DOE did not utilize the information provided to it. I find this to be a serious deficiency in the DEIS. DOE has elected to largely ignore most, if not all, of the issues raised by Lincoln County and the City of Caliente during scoping for the DEIS. DOE has failed to base little, if any, of its descriptions of existing conditions and evaluations of impacts upon the extensive base of information provided by Lincoln County and the City of Caliente. As a consequence, the Yucca Mountain DEIS is largely non-

3 cont. responsive to the issues of most concern to the County and City. Examples of issues raised by the City and County during scoping but not addressed adequately, if at all, in the DEIS include:

17 1. Page 25 of the County/City EIS Scoping Report notes that Lincoln County and the City of Caliente have prepared periodic assessments of local emergency first response capabilities and that such capabilities have been found to be insufficient to adequately respond to accidents involving spent nuclear fuel.

18 2. Page 28 of the County/City EIS Scoping Report points out the need for the DEIS to consider unavoidable impacts which can not be mitigated (ie. additional transportation risk) and that compensation for such impacts must be considered.

19 3. Page 32 of the County/City EIS Scoping Report presented evidence that a transportation accident characterized by extensive media reporting might result in stigmatization of tourist destinations in Lincoln County (including five state parks). A loss of tourism during peak season could pose significant economic and fiscal consequences in Lincoln County. Mitigation of such a potential impact might include a contingent tourism marketing plan which is ready to implement the instant an accident occurs.

20 If the DOE renders any decisions based upon the content within the DEIS, such decisions will be made without sufficient knowledge of the consequences of such actions upon the residents, visitors, institutions and environment of Lincoln County and the City of Caliente. The DOE's failure to consider issues of concern to Lincoln County and the City of Caliente will preclude effective minimization of risk, minimization of impacts and maximization of benefits. DOE is encouraged to prepare a Final EIS, which addresses concerns raised in scoping by Lincoln County and the City of Caliente and which presents viable proposals for mitigation and compensation of impacts.

4... I feel it important to restate a concern raised by Mayor Phillips this afternoon. The DEIS describes the objections of the United States Air Force to the use of the Chalk Mountain route. Based upon these objections, the DEIS has characterized the Chalk Mountain Route as a "non-preferred

4 cont. alternative", the only transportation corridor alternative to be so labeled. The objections of the elected leaders of Clark County and its municipalities to shipments of radioactive waste through the Las Vegas Valley have been repeated and well-publicized. Why, given these steadfast objections, did the DEIS not also consider transportation alternatives through Clark County to be "non-preferred". Insufficient justification for labeling the Chalk Mountain route as "non-
5 preferred" exists within the DEIS. If the Chalk Mountain route serves to minimize risks of transporting radioactive wastes through Nevada then it should be considered a preferred alternative and every effort made in the FEIS to identify options to mitigate concerns of the Air Force.

For example, if the Air Force is concerned about breaches in security, then DOE could require that all truck drivers and escorts or rail crew members have necessary security clearances. Given the nature of the materials to be transported across the Nellis Range, it does not appear overly difficult to mitigate the concerns of the Air Force. Rather than diminishing the potential of the Chalk Mountain route, the Final EIS should seek to find ways to make the route as workable as possible. The Final EIS must provide a better justification for the use or failure to use the "non-preferred" label on all routes considered.

Lincoln County and the City of Caliente's review of the DEIS is focused in part upon the extent to which the document provides sufficient information to assist with accomplishment of the
6 aforementioned goals of the joint City/County repository oversight program. Our preliminary review of the document suggests that adequate detail is not available to understand the nature and magnitude of repository system risks, to understand the nature and extent of environmental, socioeconomic, sociocultural, fiscal and fiscal impacts; and to understand the types, characteristics and implementation modes for benefits.

With regard to benefits, let me close by observing that, as presented within the DEIS, the greatest source of death resulting from management of spent nuclear fuel and other high-level radioactive
21 wastes will not be migration of radioisotopes to the accessible environment. Information contained

21 cont. within Table 2-7 of the DEIS reveals that the largest source of fatalities will be highway accidents resulting from the transportation of radioactive waste. Table 2-7 of the DEIS suggests that if protection of public health and safety is the primary goal of the Nation's radioactive waste management program, than on-site storage during the next 100 years will minimize fatalities.

7 Lincoln County and the City of Caliente recognize however, that many compelling reasons exist to move waste to a central repository, not the least of which may be to achieve long-term health and safety benefits. The fact remains that if waste is brought to Nevada, risks will be minimized or eliminated at existing storage sites and concentrated in south-central Nevada. Table 2-7 of the DEIS indicates that during the emplacement phase of the repository, risks will be highest along the transportation corridors used to move waste to Yucca Mountain. Lincoln County and the City of Caliente see this shifting of risks from current storage sites to Nevada as a question of equity, one that is not addressed at all within the DEIS. At a minimum, the Final EIS should provide an estimate of the cost and risk benefits which will accrue to the Nation by moving waste to Nevada.

8 The Final EIS should evaluate the feasibility of compensating Nevadan's for the new risk they will incur.

Thank You.

Phillips

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TESTIMONY OF KEVIN PHILLIPS MAYOR, CITY OF CALIENTE AND CHAIRMAN, LINCOLN COUNTY/CITY OF CALIENTE JOINT CITY/COUNTY IMPACT ALLEVIATION COMMITTEE ON THE ADEQUACY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA MOUNTAIN

November 9, 1999
Caliente, Nevada

My name is Kevin Phillips and I am Mayor of the City of Caliente. I am also Chairman of the Lincoln County/City of Caliente Joint City/County Impact Alleviation Committee. I am here today to offer initial comments on the sufficiency of the Draft Environmental Impact Statement (DEIS) for the Yucca Mountain project to support waste management program decisions. My preliminary observations today will be supplemented by formal written comments to the DEIS to be submitted by Lincoln County and the City of Caliente. The remarks which follow are intended to supplement those to be offered by Chairman Dan Frehner of the Lincoln County Commission this evening. My testimony this afternoon incorporates by reference this evening's comments by Chairman Frehner.

At the outset, let me express my appreciation to the Department of Energy (DOE) for electing to hold hearings on the Yucca Mountain DEIS in Caliente. Since the early 1980's, DOE has considered Lincoln County and the City of Caliente as a candidate corridor for truck and/or rail shipments of spent nuclear fuel and other high-level radioactive waste destined for Yucca Mountain. Beginning in 1984, the Lincoln County Commission and the Caliente City Council have, through their Joint City/County Impact Alleviation Committee, sought to keep area residents fully informed about DOE proposals for management of radioactive waste potentially impacting upon the County and City. As a consequence of local public information initiatives, County and City residents have become well informed and are interested in the implications, both negative and positive, of radioactive waste management activities in Nevada. Such interest has been borne out by the excellent degree of resident participation at this and other meetings held in the County

22 regarding radioactive waste management issues. As my comments will reveal, Lincoln County and the City of Caliente are concerned that DOE has, and may continue in the future, to largely ignore the legitimate concerns of the County, the City and their residents.

It is important to note that my comments today are not another uninformed "not-in-my-backyard" reaction to Draft Yucca Mountain EIS. To the contrary, my remarks reflect well informed and carefully considered reactions to DOE's evaluation of the possible impacts of building, operating and closing a proposed nuclear waste repository at Yucca Mountain. The ability of the County and City to provide DOE with quality input is based upon the lengthy involvement of concerned citizens, independent local research, and prior experience with DOE NEPA compliance activities.

For the past fifteen years, Lincoln County and the City of Caliente have conducted a joint repository oversight and impact alleviation planning program. Through a memorandum of understanding, the County and City have established the Joint City/County Impact Alleviation Committee (JCCIAC) to oversee repository oversight and independent impact assessment activities. During this period, the eight-member JCCIAC Committee has diligently sought to provide guidance to local repository programs. The Committee, representing both geographic and disciplinary diversity, has met no less than 80 times and has invested over 1,500 hours of largely volunteer time to understand the implications of the Nation's nuclear waste management program to the residents of, visitors to and institutions within Lincoln County and the City of Caliente.

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9 I am deeply disappointed that despite the exhaustive efforts by County and City staff to respond to DOE requests for information, little, if any, of the information has found its way into the DEIS. DOE has elected to largely ignore most, if not all, of the issues raised by Lincoln County and the City of Caliente during scoping for the DEIS. DOE has failed to base little, if any, of its descriptions of existing conditions and evaluations of impacts upon the extensive base of information provided by Lincoln County and the City of Caliente. As a consequence, the Yucca Mountain DEIS is largely non-responsive to the issues of most concern to the County and City. Examples of issues raised by the City and County during scoping but not addressed adequately, if at all, in the DEIS include:

10 1. Pages 25 and 26 of the County/City EIS Scoping Report note that construction and operation of a rail line may impair access to forage and water by domestic livestock. The DEIS indicates that rail corridors would cross grazing allotments but does not describe the impacts construction and use of a rail line would have on domestic livestock operations in Lincoln County.

11 2. Page 29 of the County/City EIS Scoping Report points out the need for the DEIS to consider distributional equity. Nowhere in the DEIS could we find any consideration of the inequitable distribution of risk and related impacts which will accrue to south-central Nevada.

12... 3. Page 30 of the County/City EIS Scoping Report provided a range of estimates of the population and demand for housing which would be induced by a range of new jobs. While the DEIS estimates the number of jobs which might be associated with intermodal activities in Caliente, rail line construction in the County and operation of heavy-haul trucks across Lincoln County, no estimate of induced population and related demands for housing and

12 cont. other public services (ie. schools) is provided.

13 Furthermore, if the DOE renders any decisions based upon the content within the DEIS, such decisions will be made without sufficient knowledge of the consequences of such actions upon the residents, visitors, institutions and environment of Lincoln County and the City of Caliente. The DOE's failure to consider issues of concern to Lincoln County and the City of Caliente will preclude effective minimization of risk, minimization of impacts and maximization of benefits. DOE is encouraged to prepare a Final EIS, which addresses concerns raised in scoping by Lincoln County and the City of Caliente and which presents viable proposals for mitigation and compensation of impacts.

I would be remiss if my preliminary comments did not highlight one curious inconsistency Lincoln
14 County and the City of Caliente have identified within the DEIS. The document describes the objections of the United States Air Force to the use of the Chalk Mountain route. Based upon these objections, the DEIS has characterized the Chalk Mountain Route as a "non-preferred alternative", the only transportation corridor alternative to be so labeled. The objections of the elected leaders of Clark County and its municipalities to shipments of radioactive waste through the Las Vegas Valley have been repeated and well-publicized. Why, given these steadfast objections, did the DEIS not also consider transportation alternatives through Clark County to be "non-preferred". Insufficient justification for labeling the Chalk Mountain route as "non-preferred" exists within the
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25 The Final EIS should evaluate the feasibility of compensating Nevadan's for the new risk they will incur.

Thank You.