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October 18, 2001

Ms. Carol Hanlon
U.S. Department of Energy
Yucca Mountain Site Characterization Office, (M/S #025)
P.O. Box 364629
North Las Vegas, NV 89036-8629

Re: Eureka County Comments on Possible Site Recommendation for Yucca Mountain

Dear Ms. Hanlon:

At the Department of Energy's site recommendation hearing in Crescent Valley, Eureka County, Nevada on October 10, 2001, Commissioner Donna Bailey testified on behalf of the Eureka County Board of Commissioners and submitted our Impact Assessment Report to the DOE hearing officer.

This letter augments Eureka County's comments by explaining to the Department of Energy how we believe the Yucca Mountain project would impact our county, as detailed in the Impact Assessment Report.

The Impact Assessment Report is related to the U.S. Department of Energy's proposed shipments of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) through Eureka County, Nevada. These shipments would be part of the transportation component of the proposed geologic repository at Yucca Mountain, in Nye County.

We submitted this report to DOE as an "affected unit of local government" pursuant to the Nuclear Waste Policy Act, as amended. The Board of Eureka County Commissioners approved the report at its regular meeting on August 6, 2001.

In January 2000, Eureka County submitted written comments to the DOE on the draft environmental impact statement for the proposed repository, including the transportation components. The County said, and continues to believe, that the DEIS is insufficient for decision-making. This impact assessment report, which is a preliminary survey of anticipated effects and possible needs for mitigation, does not take the place of the complete environmental review required of the DOE under the National Environmental Policy Act (NEPA).

Eureka County's primary responsibility is to protect the health and safety of its residents. The proposed shipping campaign, which the Congress and the president may impose on Eureka County and the State of Nevada, involves great risk. It would have numerous impacts, which have not yet been fully disclosed. Since the DOE's risk analysis assigns higher weights to urban areas than rural areas, it downplays the impacts that would be felt by rural people. Our rural population received damaging doses of radiation in the 1950s and 1960s from nuclear weapons tests conducted by the Atomic Energy Commission. The current proposal would continue the pattern of placing disproportionate risks on our residents.

Under the DOE's proposal, one of five potential rail corridors for the shipment of SNF and HLW to Yucca Mountain would pass through Eureka County. The Carlin corridor would originate at the Union Pacific Railroad tracks near Beowawe and pass through the center of the Crescent Valley. Along the way, it would cross the broad 100-year flood plain. Various terminal facilities would be constructed near Beowawe, at the connection to the main line.

Construction of the proposed rail line would require about 500 workers, most of whom would be housed in construction camps along the route, and would take two and one-half years or longer to complete.

Under any of the transportation plans the DOE is considering, legal-weight trucks would carry some of the SNF and HLW to Yucca Mountain. Weather and other factors could require the use of Interstate 80, U.S. 50, and Nevada 278 in Eureka County for periodic or regular transportation of these radioactive loads.

The shipping campaign would probably last at least 38 years, and would involve the movement of over 40,000 shipments. For shipments by rail, the DOE would use either general or dedicated freight service to ship the casks to Beowawe. Under the general freight option, shipments of SNF and HLW could be parked at Beowawe as much as half the time, while awaiting transport to Yucca Mountain.

The DOE's proposal also involves many other shipments, by rail or truck, to and from Yucca Mountain. In-bound shipments would include empty disposal containers (for use under ground at the repository) and various supplies. Low-level radioactive wastes would also be shipped to and from Yucca Mountain for disposal. Shared use of the rail line, with mines or other users along the route (including the Nevada Test Site), is also a possibility.

It is inevitable that accidents would occur during the shipping campaign. There have been a number of serious railroad accidents on the existing tracks crossing Eureka County, and elsewhere in the western United States. Statistically speaking, a very severe accident is unlikely, but it would release radioactive materials to the environment. Eureka County is also concerned about accidents involving fire or explosion adjacent to the Union Pacific tracks at Beowawe, where there is a bulk propane facility, and at Dunphy, where an ethanol production plant is being considered.

With respect to natural resources, the construction of a rail line through the Crescent Valley would affect wildlife habitat for mule deer, pronghorn antelope, sage grouse, and other species. The proposed action would reduce wildlife habitat and create barriers to wildlife movement.

The soils in the Valley are fragile and easily disturbed, difficult to revegetate, and vulnerable to invasion by noxious weeds. The proposed rail line would create conditions conducive to invasion by noxious weeds and create pathways for the spread of weeds, from motor vehicles and construction work.

The flat cross-sections of the rail corridor would create a significant demand for borrow material on which to construct the road bed. The DOE has not identified the source of the 1.6 million cubic yards of fill or the 155,000 cubic yards of ballast that would be required. Extensive areas of land disturbance would be involved, especially considering the Valley's shallow water table, which would limit the depth of excavation. Railroads typically use box culverts to provide underpasses for the movement of livestock and equipment under their tracks, but this option may not be feasible in the Crescent Valley, again due to the flat terrain and high water table.

Two grazing allotments in the Crescent Valley would be affected--the Geyscr allotment and the South Buckhorn allotment. The affected operators are currently licensed by the BLM for over 7,500 animal unit months (AUM) annually. Depending on which alignment is selected and whether or not the right-of-way is fenced, the rail line could eliminate over 1,000 acres of forage and 400 AUM per year, due to interference with livestock movement, management complications, loss of forage, and loss of access to stock water.

Turning to the human environment, the proposed railroad facilities would irreversibly alter a historic way of life in the rural West. Construction near Beowawe could affect the historic Maiden's Grave, Gravelly Ford, and the California Trail. The corridor passes through Western Shoshone territory, creating concern for traditional lands, archeological sites, and burial grounds.

Within Eureka County, the corridor of the proposed rail line includes up to 59 percent private land, depending on the alternative selected. Almost 60 percent of the assessed private parcels of land in Eureka County are within 10 miles of the proposed corridor. Construction of the rail line would convert a large, but presently unknown, amount of private land to public use. In addition to having adverse impacts on the County's tax base and economy, this conversion is contrary to the County's adopted master plan, which encourages the transfer of public land to private ownership.

Furthermore, economic impacts on private property owners in close proximity to the rail line can be expected. Eureka County's assessor estimates that property values within three miles of the rail corridor and the existing UP tracks would be adversely affected. Property values would be diminished, even in the absence of an accident, as soon as shipping of SNF and HLW commenced. In the case of a severe accident, property values would decrease by a large amount, from 10 to 34 percent, depending on their use and proximity.

Economic sectors that could be affected by construction and operation of the rail line include mining, government, tourism, recreation, agriculture, and retail business. During the construction phase, there would be a small stimulus to the local economy while work crews were in the vicinity, but it would be unlikely to create additional investment. Construction and operation of rail headquarters facilities near Beowawe, however, would have a permanent economic effect. Such facilities could become the nucleus of expanded economic development, planned or unplanned, along the I-80 corridor. In either case, they would create increased demand for housing, schools, and government services.

Although the effect of the presence of the rail line on visitation and tourism is unknown, it is unlikely to increase the number of visitors. If annual visitation were to decrease by 10 percent, Eureka County's economy would suffer a loss of \$186,695 a year in total economic activity. Compounded over a 38-year shipping campaign, this represents a very sizeable loss.

Certainly, the health and safety of numerous individuals would be affected by their proximity to the proposed transportation routes. Even without accidents, the shipping casks for SNF and HLW would still emit radiation, and some latent cancer fatalities would be likely to occur among transportation workers and the public. Transportation inspectors would absorb more radiation than other workers, and would have a six to eight percent greater likelihood of a fatal cancer than the average person. Also, persons exposed to radiation from parked rail cars at Beowawe could receive a significant increase above background radiation doses.

In a worst-case accident on the Carlin rail line, the DOE says that 31 latent cancer fatalities would occur among the exposed population. In addition, such an accident (and the response to it) could cause numerous other impacts, such as contamination of the Humboldt River or the Crescent Valley aquifer; wildfire; soil contamination; spread of noxious weeds; permanent loss of range resources and wildlife habitat; damage to scenic resources; distress sales of private property; damage to County infrastructure; and severe and long-lasting economic impacts. The cost burden on the County would potentially be far greater than the County's ability to pay, revenue losses could be severe, and it is unclear whether the County would be exposed to liability from the consequences of an accident.

Until the DOE has adequately described the proposed action and its anticipated environmental impacts, any description of mitigation can only be tentative and preliminary. Also, it may be impossible to mitigate some of the impacts described in the impact report. Nevertheless, Eureka County has attempted to describe some of the mitigation measures that would be required.

All mitigation measures described in the enclosed report must incorporate rigorous monitoring and follow-up, during both construction and operations. State and local authorities must oversee all monitoring efforts, but the DOE or its contractors must pay all monitoring costs.

In addition, certain mitigation programs require full funding, up front, without the need for subsequent Congressional action. These would include compensation for owners of any water rights rendered useless by radioactivity; compensation for private property devalued by routine operations or a transportation accident; and an escrow account to pay for health claims of persons exposed to radioactivity.

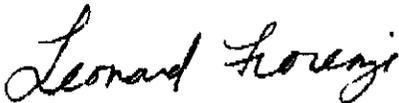
Finally, we want to re-emphasize our comments about the hearing process made on October 10 in Crescent Valley. The timing of the hearings and official announcement are unfortunate. First, in letters dated May 21 and September 28, 2001, Eureka County requested a full hearing in Crescent Valley. It is important for residents finally to give DOE their opinions about the Yucca Mountain project (as required by Section 114 of the Nuclear Waste Policy Act) but all hearings should be full hearings, not mini-hearings. The lack of adequate notice for the mini-hearings is disappointing; the Federal Register notice did not appear until the first day of the hearings, October 3.

We also believe that the site consideration hearings are premature. The county and its residents want review and comment upon the full site recommendation, not preliminary information. We also very much want to review the Final Environmental Impact Statement and DOE's comment response document. People who participated in the DEIS hearing in Crescent Valley in December of 1999 are still waiting for answers from the DOE on questions and comments they made then, nearly two years ago. At the October 10 hearing, nearly every speaker asked when DOE will respond to their DEIS comments.

The Commission hopes that their Impact Assessment Report contributes to a complete, thoughtful examination of the Yucca Mountain project and its impacts, including transportation shipments, their associated risks, and their anticipated impacts on the environment and people of Eureka County and Nevada.

If you have questions regarding this letter or the impact report, please contact me at 775/237-5372 or Abigail Johnson, our nuclear waste advisor, at 775/882-0296.

Sincerely,



Leonard Fiorenzi
Program Director

cc:

Governor Guinn, State of Nevada
Nevada Congressional Delegation
Nevada Agency for Nuclear Projects
AULGs