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2138 Bristol Pl.
Carson City, NV 89703
Sept. 5, 2001

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Mr. Lake H. Barrett, Acting Director
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, D.C. 20585

Dear Mr. Barrett:

Thank you for your letter of Aug. 28 inviting me to comment on DOE's plan to establish a permanent nuclear waste repository at Yucca Mountain in southern Nevada. Although it is apparent to me and many other Nevadans that this decision has already been made, we nevertheless appreciate this opportunity to register our objections to your highly toxic plan for our small, sparsely populated state. As a retired U.S. Foreign Service officer, I'm well aware of how federal studies are all too frequently conducted. First, you draft the conclusions, and then you collect data to support the predetermined conclusions. Simple!

Once Congress passed the "Screw Nevada" bill in 1987, the nuclear dump was destined for Yucca Mountain, no matter what the state of Nevada did or said about it. Our only hope at this late date is that we can deny you the water you need in order to operate the dump, or that Sen. Harry Reid (D-NV), Tom Daschle's chief deputy in the Senate, can find a way to derail your rush to judgment. Referring to your call for public comment, Reid spoke for me yesterday when he said, "The books have been cooked. This (your premature public hearing) doesn't pass the smell test." It sure doesn't!

I have expressed my opinion on the Yucca Mountain project in two columns published by our local daily, the "Nevada Appeal," which I enclose. My comments are political rather than scientific because this is a political issue, as you well know. Thus, you and I know that your speculation about whether the President will accept Secretary Abraham's "positive recommendation" (What else could it be?) later this year is pure window dressing. In any case, thanks for including my "Appeal" columns in the public record.

Sincerely,

Guy W. Farmer

Enclosures: two columns

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opinion

Water is key to Nevada's

A case heard in the Ninth Circuit Court of Appeals at San Francisco last week will go a long way toward determining whether the federal government can locate a nuclear waste dump at Yucca Mountain, Nevada, despite overwhelming public opposition in the Silver State.

The U.S. Energy Department appealed a Feb. 2, 2000, decision by Nevada State Engineer Mike Turnipseed denying the feds the water they need to operate the proposed nuclear waste repository. It's a classic case of federal vs. states' rights.

Oral arguments before a three-judge Circuit Court panel came a week after Vice President Dick Cheney said the Bush administration's preference for nuclear power as a long-term energy source requires a permanent nuclear waste dump. Yucca Mountain is the "furthest along and most advanced" nuclear waste repository, Cheney said in an Associated Press interview, although he acknowledged that a final decision hasn't been made. So there's no doubt where the Bush administration is headed despite Republican promises to the contrary during last year's presidential election campaign.

And there's also no doubt that DOE is continuing its efforts to manufacture scientific data to support a political decision made by Congress in 1987 to put the nuclear dump in a sparsely populated western state with little political clout. In fact, Yucca Mountain is the only site being studied as a "temporary" dump for nearly 80,000 tons of radioactive waste. As the fastest growing state in the nation, however, we have more political clout these days and DOE bureaucrats and Washington politicians know they're in for the fight of their lives.

During oral arguments in San Francisco, Federal Appeals Judge Milton Shadur summed up the dispute when he asked who had the authority — the state of Nevada or Congress — to set national policy on where to store the country's nuclear waste. "Isn't that really the question?" he asked. Government lawyer Jared Goldstein replied that Nevada is "interfering with a congressional mandate" by refusing to issue a water permit.

But Nevada Deputy Atty. Gen. Paul Taggart countered that the state can't allocate water for Yucca Mountain until DOE environmental impact studies are completed and Congress approves the site. Moreover, he added, since Congress hasn't approved the site, the feds have no legal authority to order Nevada to issue a water permit. And he suggested that Nevada might deny water even if Congress approves the site later this year. Last September, Federal District Judge Roger Hunt refused to hear DOE's challenge to Turnipseed's denial of water rights to the Feds.

Every Nevadan who cares about the future of our state should be supporting Taggart, Turnipseed, our congressional delegation and everyone else who's fighting against the Yucca Mountain nuclear dump. As I wrote after attending a DOE public hearing in Carson City last year, "Al-

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case against nukes

though the waste dump would be a financial bonanza for the nuclear power industry and its lobbyists, the potential costs to Nevada and Nevadans far outweigh any benefits."

And, as Gov. Kenny Guinn told Congress, "It (the dump) creates health and safety risks, not only for the people of Nevada but for all those whose homes and businesses are in the transportation paths of the deadliest substances known to mankind." You go, Kenny!

It's also worth noting that Yucca Mountain is one of the nation's most seismically active regions with more than 620 earthquakes of magnitude 2.5 or more registered over the past 20 years. U.S. Rep. Jim Gibbons, R-Nev., who holds a master's degree in geology, has cautioned that if DOE doesn't "recognize these earthquakes as a (negative) signal, something is wrong with their approach to this matter." The whole thing reminds me of that old TV commercial where two kids feed what they don't want to eat to cute little Mikey, who doesn't know any better. Well, we know better, and we don't want what the feds are offering (a fistful of dollars). Thanks anyway.

Sen. Harry Reid, the Senate's second-ranking Democrat, has led the fight against the proposed Southern Nevada site in Congress. Earlier this year, the Nevada congressional delegation challenged DOE's handling of the Yucca Mountain project on grounds of "gross mismanagement." In their request for a General Accounting Office investigation, the delegation cited continually escalating costs including unnecessary travel expenses, lack of professional qualifications of senior managers and an "adversarial relationship" between DOE management and the Technical Waste Review Board. Earlier, Reid asked the Department's inspector general to investigate alleged bias resulting in waste, fraud and abuse, charging that DOE was collaborating with the nuclear industry to win approval for Yucca Mountain.

On the state level, the Nevada Legislature is considering a bill that would make it illegal to ship nuclear waste within 10 miles of any city or town in Nevada. And Las Vegas Mayor Oscar Goodman, a high-powered criminal defense attorney, has threatened to sue the Energy Department to keep nuclear waste out of Nevada; Yucca Mountain is about 90 miles northwest of Las Vegas.

Meanwhile, DOE plunges ahead with its environmental impact studies in what appears to be a "Damn the torpedoes, full speed ahead" approach to this sensitive issue. Only by sticking together and supporting our elected officials can we head-off the Yucca Mountain monstrosity and its potentially devastating impact on our state and its citizens.

MEDICAL MARIJUANA: The U.S. Supreme Court last Monday handed pot smokers a major setback, ruling unanimously that there is no exception in federal law for so-called "medical" marijuana. The 8-0 decision is a decisive victory for those of us who oppose drug legalization.

Guy W. Farmer, a semi-retired journalist and former U.S. diplomat, resides in Carson City.

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DOE gives a nod and wink

I have a question for you this morning: Who do you think contributes more money to political campaigns, (a) the nuclear power industry and its highly paid lobbyists or (b) Nevada middle school students?

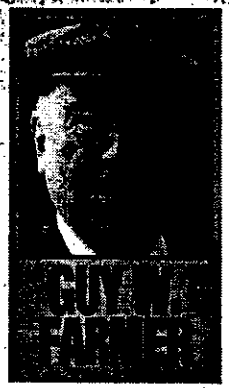
If you answered "a," you win the prize (to be determined), and you probably understand why Yucca Mountain, Nevada, is the only site under consideration to become the nation's permanent nuclear waste dump.

In 1987 our Congress, in its infinite wisdom, made a blatantly political decision to dump all of our country's radioactive nuclear waste into a sparsely populated western state with little electoral clout. No alternatives were considered.

And now, the U.S. Department of Energy is saddled with the task of "cooking" scientific data in an environmental impact statement that will support a 13-year-old political decision. That's what was going on behind the scenes when DOE held a Dec. 2 public hearing on the Yucca Mountain site at Carson City's Legislative Building.

DOE officials were exceedingly tolerant and ever so polite as a parade of Nevadans, including several bright young Carson City Middle School students, urged the Feds to put their nuclear waste someplace else or keep it where it's generated — at 77 sites in 35 states, none of which is in Nevada. (By the way, these attentive, neatly dressed students were quite a contrast to the troublemakers who infest some of our area's middle schools).

"If Nevada doesn't generate any nuclear waste, why do we have to store it here?" asked one of the



students. Good question.

"I've lived in Nevada all my life and I want to keep it safe for my generation and future generations," added another student.

The DOE bureaucrats smiled tolerantly and nodded knowingly, but after the students had left the hearing room I saw some of them exchanging smirks and winks. They already knew what their decision would be, and it isn't going to be to ship the radioactive material to California or New York, where the electoral votes are.

I did my civic duty by sending a letter to DOE's North Las Vegas-based Yucca Mountain project manager for inclusion in the public record. In it, I recycled an Appeal column that I wrote last February asserting that "although the waste dump would be a financial bonanza for the nuclear power industry and its lobbyists, the potential (environmental and human) costs to Nevada and Nevadans far outweigh any benefits."

And I quoted Gov. Kenny Guinn, who said in congressional testimony earlier this year that "this (nuclear dump) legislation throws science out the window ... and places raw political expediency as the driving force for dealing with difficult problems involving technology and the environment."

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Y, DECEMBER 12, 1999

to Yucca Mountain flaws

Finally, I urged DOE to comply with the National Environmental Protection Act of 1969, "which requires you to 'take actions that protect, restore and enhance the environment.' The Yucca Mountain Project does none of the above."

But DOE's final environmental impact statement will finesse that requirement even though the law says the statement "shall serve as a means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made," which is exactly what is happening in this protracted bureaucratic charade.

Nevada Sen. Harry Reid, the second-ranking Senate Democrat, weighed in early this month when he accused DOE of attempting to change siting rules in the middle of the game.

Reid said a DOE proposal published in the Federal Register would lower the standards by which the nuclear waste dump could be located at Yucca Mountain. "This is a transparent effort to change the rules of the game in the third quarter," Reid wrote in a letter to Energy Secretary Bill Richardson. "It's a rule change that could threaten the health and safety of the people of Nevada."

Earlier, Rep. Jim Gibbons, R-Reno, who holds a master's degree in geology, had noted that continuing seismic activity at Yucca Mountain — more than 620 earthquakes of magnitude 2.5 or greater in the past 20 years — "is just another serious warning about the unsuitability of the Yucca Mountain site." And what was DOE's response to our Nevada legislators? A stone wall of silence.

At the Carson City hearing, I asked one of the DOE officials about the earthquake problem and he responded that seismic activity at Yucca Mountain is only "moderate," well within tolerable limits. But then, he probably doesn't live in southern Nevada, which would bear the brunt of the earthquake threat.

Transportation of radioactive waste poses another hazard to several Nevada cities and towns. Some of the waste would be shipped south by train from the Idaho-Nevada border to U.S. 95 near Tonopah, then to Yucca Mountain on 220-foot-long, heavy-haul trucks.

Proposed truck routes run through or near Tonopah, Goldfield, Beatty, Indian Springs, Caliente and, believe it or not, Las Vegas. Just imagine the human, economic and environmental fallout from a nuclear accident on the outskirts of Las Vegas.

Even though the 1987 congressional decision prohibits DOE from considering other possible storage sites, many of us favor a so-called "no action" alternative including the option of storing nuclear waste where it's generated for the next 100 years or so, or until a viable plan can be developed.

In the meantime, because we're the fastest-growing state in the nation, we should use our increasing political clout to pressure Congress and Secretary Richardson to consider alternative solutions to the nuclear waste problem.

Guy W. Farmer, a semi-retired journalist and former U.S. diplomat, resides in Carson City.

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