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-->DOE's bad process

DOE's decision to use "mostly rail" shipments to haul 77,000 tons of highly radioactive wastes to its proposed national dumpsite at Yucca Mountain, Nevada, and to build a rail line from Caliente, NV to provide direct rail access for waste shipments to Yucca Mountain, has vast implications for where, and how much, high-level radioactive waste would travel across the U.S. These decisions inevitably impact the entire national high-level radioactive waste transportation system, meaning larger numbers of shipments on certain railways in certain states and cities and less in others. DOE has not adequately assessed or analyzed these national impacts of its decisions. Thus, DOE's scoping process must encompass these vast implications and impacted localities. DOE has only allowed a 52 day comment period, insensitively including the Memorial Day holiday weekend. How are concerned citizens across the U.S. supposed to be able to figure out the impacts of DOE's announcements on their communities and submit comments in just 52 days, when DOE has not performed adequate national assessments in the past two decades? DOE should allow for 180 days of public comment.

In addition, DOE should hold public scoping hearings for gathering public comments in the states and cities across the country that would be most

impacted by its decisions. All comments received should be transcribed and posted immediately to the DOE's website to enhance public participation and interaction. Hearings should be conducted so that speakers go one at a time, so that all present can hear what is being said. If this means that longer hearings or multiple days of hearings must be held in the same city to accommodate meaningful public involvement, then so be it. What is DOE's rush? DOE is putting the cart before the horse on high-level radioactive waste transportation route decisions within Nevada. How can DOE select a specific rail spur route within Nevada when it has never completed an adequate nationwide transport analysis? Not only is this illogical, it also violates the legal requirements of the National Environmental Policy Act.

DOE's manipulation of the facts for political purposes

Leading up to the 2002 votes in Congress on whether to override the Governor of Nevada's veto of the Bush Administration's "thumbs up" to a dump at Yucca Mountain, Energy Secretary Abraham said that as few as 175 train casks annually would be needed to haul waste from reactors across the U.S. to the proposed dump. But in DOE's "mostly rail" scenario in its Final Environmental Impact Statement (FEIS) for Yucca Mountain (Feb. 2002), DOE projects that it would require from 10,725 train shipments over 24 years to 22,057 train shipments over 38 years. That's 447 to 580 shipments per year under the "mostly rail scenario," not 175 as Secretary Abraham told Congress. Did DOE use "fuzzy math" with Congress, to try to downplay public concerns? What about the 2,500 barge (on the Great Lakes, rivers, and seacoasts) and/or heavy-haul truck shipments that would be required to get waste from certain reactors sites lacking rail access to the nearest railway?

DOE making it up as it goes along (at public expense and peril)?

In its March 2004 "Supplemental Analysis," DOE proposed shipping smaller "legal weight truck casks" (40 tons loaded) upon rail cars (and then off-loading them in Nevada onto semi trucks for the final leg of the journey) for the first six years of Yucca Mountain operations, until the Caliente-to-Yucca Mountian rail spur is constructed that could accommodate larger rail-sized casks (100 to 150 tons loaded). But DOE itself had rejected such a proposal in its Yucca FEIS as "impractical," increasing shipment activities by more than a factor of 5," as well as leading to the "highest estimates of occupational health and public health and safety impacts" (Chapter 6, Environmental Impacts of Transportation, page 6-33; Appendix J, Transportation, J.2 Evaluation of Rail and Intermodal Transportation, pages J-74 and 75). Such "intermodal" transport would involve multiple handling steps "loading, unloading, transfer, activities between transport lines" which DOE in its own FEIS admitted lead to worse impacts and dangers to the environment, worker and general public health and safety. Risks from "routine" radiation exposures would increase, as would risks of accidents.

In addition, not only 30 sites across the country lacking rail service or ability to load rail-sized casks would need intermodal capabilities, all 77 current high-level radioactive waste storage sites discussed in the FEIS would need intermodal capability. In addition, truck casks could heat up so much more quickly than the larger rail casks in a railway fire, exposing the irradiated fuel in their center to dangerous and damaging temperatures. How many hours would a truck-sized cask have endured the temperatures of the July 2001 Baltimore Train Tunnel fire? Even though truck-sized containers hold less

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fuel than rail-sized containers (up to 40 Hiroshima bomb's worth of radioactive cesium isotopes, as opposed to over 200), a breach of a truck sized container could still release catastrophic amounts of radioactivity. For all these reasons, DOE must perform a Supplemental Environmental Impact Statement on its new "legal weight truck cask" piggybacking rail cars proposal.

Dangers and destructive impacts along the targeted corridor of land between Caliente and Yucca Mountain, Nevada

It is truly frightening that this proposed rail line hugs the border of the Nellis Air Force bombing range for hundreds of miles. An accidental or intentional aircraft crash or bombing of a high-level radioactive waste train could release catastrophic amounts of radioactivity impacting large areas downwind and downstream.

It is similarly frightening that this railway would pass so closely by mining operations, raising the specter of accidental or intentional explosions of high-explosives used in mining.

It is very troubling that much of the land has never been evaluated or inventoried for threatened and endangered species of wildlife. A comprehensive assessment of animals and plants in the targeted rail corridor must be done during DOE's environmental impact statement process. DOE should pay for such work to be done by an independent organization that can be trusted to not allow political or economic pressures to bias its wildlife survey.

It is unacceptable that DOE would trample Native American rights by constructing this railway. The entire Caliente-to-Yucca Mountain railway would lie on lands belonging to the Western Shoshone Indian Nation under the Treaty of Ruby Valley, which the U.S. government signed and ratified in 1863. Such treaties with sovereign Native American tribes are the highest law of the land, equal in stature to the U.S. Constitution itself, and DOE should not violate the Treaty of Ruby Valley by building this proposed railway, or by building the Yucca Mountain dump. DOE's proposed rail line and dump immorally and illegally threaten cultural resources, archaeological sties, artifacts, sacred sites and holy lands of the Western Shoshone and other Native American tribes.

It is dangerous to public and worker health that DOE's proposed rail line is likely blanketed with radioactivity from nuclear weapons testing fallout from the Nevada Test Site. Given that large scale railway construction would disturb massive amounts of contaminated soil and release radioactive dust into the air, DOE must do a complete inventory of the radioactive contamination of the proposed land corridor. After all, it was the Atomic Energy Commission and DOE itself that conducted those nuclear weapons tests and caused that radioactive contamination in the first place.