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May 27, 2004

TO:
EIS Document Manager Robin Sweeney, Office of Civilian Radioactive Waste Management, U.S. Department of Energy

Dear EIS Document Manager Robin Sweeney:

Re: Scope of Environmental Impact Statement for Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, NV [69 FR 68: 18565-18569]

My thoughts and concerns about the scope of the Environmental Impact Statement (EIS) are as follows:

First, picking a specific rail corridor for transporting high-level nuclear waste to the proposed Yucca Mountain repository within the state of Nevada will have implications for route selection across the country. The scope of the EIS should be broadened to include national effects, and the comment period extended further to allow ample time for affected communities to fully analyze the potential impacts.

In keeping with the need for a comprehensive national focus on transportation, the U.S. Department of Energy (DOE) should schedule public hearings along other major transportation routes that will be heavily impacted by the selection of the Caliente Corridor at locations around the country, not just in Nevada. Transportation is a national issue, and citizens around the country deserve the chance to ask questions and offer input on the record in a public setting.

Second, when evaluating the environmental impact of the proposed rail spur, DOE must include the whole of the surrounding environment in the scope of its analysis. This means that the proximity of many of those affected by the rail spur to the Nevada Test Site (NTS) should be taken into account; these are citizens who have been exposed to more than their fair share of radiation and the effects of government experiments. The EIS should incorporate a comprehensive analysis of the cumulative effects radiation has had and will have on the surrounding population.

Third, DOE should include in its analysis the potential effects construction and operation of the rail spur will have on current land use and environmental attributes. This includes effects on ranchers and other property owners/users, surrounding plant and animal species (including endangered and protected species), the desert ecosystem (including soil health), water quality and availability, air quality, and the visual impact.

While much of the land within the rail corridor may be sparsely populated and owned by the Bureau of Land Management, it does not follow that no one relies on that land for survival. Many ranchers are

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permitted to use public lands for their activities, including those lands withdrawn as part of the rail corridor. A rail line that cuts across their grazing land could severely impact their operations. Despite this, few if any of the ranchers currently using land withdrawn for the rail spur were notified in advance or consulted on the best way to design the corridor to cause the least amount of disruption, or even given the courtesy of being notified they may be put out of business. The same is true of people who own mineral rights. Will these people be compensated if their ranching or mining rights are inhibited? If so, how?

Fourth, of serious concern regarding the construction and operation of this 319-mile rail line is whether such activities would have the potential to spread dust contaminated by above-ground nuclear tests that have taken place at the nearby NTS. Radioactive fallout from these tests has settled over most if not all of the planned rail alignment, and radionuclides that have settled in the ground could be excavated, re-suspended in the air, and carried by the wind, allowing rail workers and the surrounding population to inhale dangerous particles such as plutonium. The EIS should fully address potential radiation doses to workers and the individuals from such disturbances, as well as potential health consequences from such exposure. Before construction begins, DOE should measure background radiation and airborne particle levels in all areas along the corridor and those likely to be affected by construction, in order to obtain a baseline standard against which future contamination can be measured.

Finally, the trains traveling the rail line will carry highly radioactive material that could devastate a large portion of Nevada for decades if a cask is breached, either accidentally or intentionally, making them a rather attractive terrorist target. The EIS must fully analyze the possible environmental impact of a severe accident or attack on a train carrying high-level radioactive waste through the corridor, making the assumption that the cask sustains significant damage and is breached. Dismissal of this concern on the grounds that such an event is not likely enough to be significant is unacceptable.

Thank you for accepting and considering these comments.

Sincerely,

Lloyd Downs