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December 12, 2006

Mr. M. Lee Bishop, EIS Document Manager
Office of Logistics Management
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Re: *Eureka County, Nevada Comments on the Amended Notice of Intent To Expand the Scope of the Environmental Impact Statement for the Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, NV*

Dear Mr. Bishop:

Eureka County, Nevada is an affected unit of local government under Section 116 of the Nuclear Waste Policy Act as amended. We conduct oversight of the Yucca Mountain project and assess potential impacts to our county.

The above referenced Notice of Intent is of direct interest to us. We are providing the following comments to inform the Department of Energy in the preparation of the Draft Environmental Impact Statement for the Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, Nevada.

Eureka County is concerned about the potential impacts from transportation of high level waste and spent nuclear fuel through the county. The "Carlin" rail corridor which would originate in Eureka County is one of five alternatives described in the Yucca Mountain Final Environmental Impact Statement (FEIS). The above referenced Federal Register Notice states that DOE will be updating baseline information about all five corridor alternatives, including Carlin, as part of the expansion of the scope of the rail line EIS.

When DOE announced its decision to study only the Caliente rail corridor in its April 8, 2004 Record of Decision, it identified the Carlin rail corridor as the "secondary

preference” in the event that the proposed rail routes are not feasible or affordable. Until DOE issues a Record of Decision to select a rail corridor for construction, the Carlin corridor is still an official option for DOE.

In addition, Eureka County is impacted by existing rail and highway corridors. The Union Pacific rail line runs through the northern part of Eureka County, as does Interstate 80. U.S. Highway 50 crosses the southern part of the county, and Highway 278, often used as an alternate when I-80 is impassible, connects the two major thoroughfares.

We have the following comments concerning the scope of the above referenced EIS regarding process, Nevada transportation impacts, and the Carlin corridor.

Process

The simultaneous scoping of the Supplement to the Yucca Mountain Final Environmental Impact Statement (EIS) and the Mina route has been confusing and incomplete. DOE should have communicated in advance with stakeholders including the Affected Units of Local Government regarding timing, location of meetings, and the length of the comment period.

Originally DOE allowed only 45 days for the stakeholders and public to comment. After requests from the State of Nevada and other stakeholders, DOE provided an additional 15 days. Eureka County believes that for the Yucca Mountain project, which is both complex and controversial, a 90 day comment period is the minimum that should be proposed by DOE especially when stakeholders and the public are being asked to scope two major repository-related EISs at the same time.

DOE held some public meetings to gather scoping comments but did an inept job of scheduling. The week that rural Nevada meetings were held in Goldfield, Hawthorne, and Fallon (November 13-16) was the same week that the Nevada Association of Counties held its annual meeting in Las Vegas. Thus key local officials in those and neighboring counties were unable to attend the scoping meetings. Finally, DOE's interest in the Mina corridor means that the northern Union Pacific mainline will receive nearly all the waste shipments from the east. This is a significant change from the impacts of the Caliente corridor. DOE should have held meetings in northern Nevada communities such as Elko, Wells, Carlin, Crescent Valley, Battle Mountain, and Winnemucca, as well as in affected communities in Lyon County. The addition of the Reno meeting, while commendable, should have been part of the original announcement, and is not an adequate substitute for meetings in northeast Nevada.

We have heard that DOE intends to take input from the Affected Units of Local Government regarding the location and timing of meetings for the Draft EIS hearings. We will be providing input, and appreciate that DOE is now more open to holding hearings in the areas of Nevada where impacts will occur.

Nevada Transportation Impacts

The Draft Environmental Impact Statement should identify and analyze impacts to existing rail lines, and provide a comparison of the Caliente route, the Mina route and the no action alternative including the impacts on existing rail from the point where shipments diverge to the point where shipments enter on the rail spur. This analysis should not be blended with the national route analysis, but should be addressed as part of the Nevada rail spur analysis.

DOE must identify and address in the above referenced EIS impacts as a result of shipments on existing rail lines in order to do a thorough comparative analysis of the Mina and Caliente corridors and the no action alternative.

As a decision support document which must justify selection by DOE of either an action alternative (the Caliente or Mina corridor) or a no action alternative, the EIS must provide an adequate comparative analysis of each alternative. Because selection of the Caliente corridor would require use of different segments of the Union Pacific mainline than would selection of the Mina route, the analysis of both the Caliente and Mina corridors must include a comparative analysis of the effects of using their companion segments of the Union Pacific mainline in order to access those corridors.

The comparative analysis of the Caliente and the Mina corridors should begin at the division point along the Union Pacific mainline where mainline access to each alternative varies (to the east this point appears to be located at Ogden, Utah and to the west in Sacramento, California).

The analysis should also consider the impacts and logistics of shipping waste stored at the Private Fuel Storage facility in western Utah. While PFS is currently stalled, it is possible that it could be revived in the future, and shipments from there to Yucca Mountain via Caliente or Mina should be considered in the impact analysis.

As a decision support document enabling DOE to choose between the Caliente and Mina corridors, the EIS should provide detailed evaluation of the radiological exposure risk and related acute and latent fatalities associated with incident-free and rail accident conditions to rail system workers, residents and visitors along the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives.

The EIS should provide an evaluation of the socioeconomic consequences of incident-free and rail accident conditions including stigma-induced effects to agriculture, tourism and the local economy along the entire study route (including companion Union Pacific mainline segments) for the Caliente and Mina alternatives. Fiscal consequences of

stigma-induced adverse impacts to ad valorem, sales and use tax revenues within each county and city along the entire study route should also be considered as well as the fiscal consequences of any enhanced emergency first response capabilities required to effectively respond to incidents/accidents involving transportation of spent nuclear fuel.

The analysis of impacts must include a clearly defined "bounded" analysis with regard to the maximum number of shipments of spent nuclear fuel and/or high-level radioactive waste which might be transported along the entire study route (including companion Union Pacific mainline segments) for both the Caliente and Mina alternatives.

DEIS should provide an analysis of rail operations including proposed speeds for nuclear waste shipments, and the interface with non-dedicated trains which share the track. Of special concern are the speeds through the communities on the Union Pacific mainline including the City of Wells, City of Elko, the City of Cartin, Beowawe, and Battle Mountain.

DOE should identify additional sidings and locations that might be needed as a result of this lengthy shipping campaign through northern Nevada. DOE should also disclose the location, condition and use of existing rail sidings, and analyze the potential impacts to and conflicts with existing sidings if they were used for nuclear waste transportation. Current Association of American Railroads (AAR) operating policies for trains carrying spent nuclear fuel and high level waste require these trains to operate at reduced speeds. The impact of following this policy on rail traffic on the Union Pacific main line across northern Nevada should be assessed, including the possible need for increased number of rail sidings to accommodate "meets" and "passes" of other trains. It should be noted that the current rail corridor along the Humboldt River could very well restrict the ability to add additional sidings.

With the prevalence of mining in the northeast Nevada vicinity and the presence and shipment of a hazardous materials used in mining, the Union Pacific rail line through northern Nevada is already shipping hazardous materials with the potential to create a "toxic brew." DOE should address the potential for and impacts of hazardous materials collisions. What are the possible risks and circumstances where a shipment of nuclear waste bound for Yucca Mountain could collide with a hazardous materials shipment bound for a mine? What can be done to improve the track and operations to prevent these accidents?

DEIS should identify the at-grade and private rail crossings along the entire existing rail route and assess their condition, and provide in the document the accident record and maintenance record for each. The DEIS should analyze rail accidents, cause and frequency along the mainline.

The DEIS should also examine the age and condition of railroad bridges and tunnels on the Union Pacific mainline in Nevada. Within Eureka County, there are areas of safety concern including but not limited to the Barth area and the Palisade area which have

aging track, bridge and tunnel infrastructure; are adjacent to the river, are subject to flooding, lack emergency response access, and are vulnerable to communications inoperability.

The DEIS should include a risk assessment and accident consequence analysis including a bounded analysis for shipments of nuclear waste along the Union Pacific, which parallels and crosses a major river and interstate highway. A scenario involving an accident where the train plunges into the Humboldt River should be considered. The DEIS should disclose how much track is adjacent to rivers and identify the points where the track is susceptible to accidents.

If a nuclear waste train were to crash into the river, the EIS should disclose the consequences of a release of radiation, the clean up time, costs involved, and address the stigma effect from contaminated water and land resources.

Furthermore, the DEIS should examine the hydrology and flood zones for the existing rail line including the history and potential for track to be flooded or washed out. The document should disclose what measures would be necessary if the track were washed out including safe harbor sidings and alternative routes.

The imposition of all shipments on the northern Union Pacific mainline requires each jurisdiction to have adequate first responder capabilities, the responsibility of local government. The DEIS should identify current hazmat response teams in the vicinity, and address the need for a northeast Nevada hazmat team. The EIS should also identify the location and role of the hazmat teams that serve the mines, and whether they are available for nuclear waste accident first response.

The DEIS should identify who is the first responder in each county affected and provide a full list of the capabilities and costs associated with being prepared to respond to an accident involving a shipment of spent nuclear fuel.

The DEIS should provide an assessment of the accessibility of the track for emergency first response. In Eureka County, the lack of access roads to the track for first response and emergency management is common.

Emergency medical capability is another local government responsibility. The DEIS should disclose the capacity for the local governments along the route to provide emergency medical response. The location and preparedness of hospitals should be examined especially how they would handle contaminated members of the public and emergency workers.

The DEIS should examine the rail and highway intersections to identify possible areas where grade separation is needed to ensure public safety and safer nuclear waste transportation.

For the Nevada existing transportation corridor, the DEIS should provide an analysis of the impacts from exposure to nuclear waste rail transportation including the buildings, facilities and homes that will be exposed to radiation because of their proximity to the casks. The DEIS should thoroughly analyze the radiation exposure issues for transportation and security workers and members of the public.

In rural Nevada interoperability communications issues continue to be a challenge. It is often difficult for local and state law enforcement to communicate due to equipment and compatibility issues. In addition, the mountainous nature of Nevada provides a challenge for clear and consistent emergency communication. It is essential that all emergency personnel be able to communicate. The EIS should consider the demands of the shipping campaign for communications and identify what is needed to ensure dependable communications for emergency management in the shipping region.

The EIS should address how each of the impacts may change as a result of changes in environmental conditions, population growth/decline, economic growth/decline, etc. along the entire rail study route (including companion Union Pacific mainline segments) for both the Caliente and Mina routes over the duration of the nuclear waste shipping campaign to Yucca Mountain.

The impacts and concerns raised in Eureka County's *Yucca Mountain Existing Transportation Corridor Impact Assessment Report, 2005*, should be addressed in the referenced DEIS. The report is located on the county's website as follows:
http://www.yuccamountain.org/impact_report/cover.htm

Carlin rail route update

The Notice of Intent indicated that DOE will be updating information that it presented in the Yucca Mountain Final EIS in order to analyze the Mina route in the context of the other rail spurs that were considered in the Final EIS. In addition to the comments below, we also ask that you consider in the update impacts identified in Eureka County's *Impact Assessment Report on Proposed Shipments of Spent Nuclear Fuel and High-Level Radioactive Waste through Eureka County, Nevada, prepared for the Eureka County Board of Commissioners, August, 2001*. The report is located on our website:
<http://www.yuccamountain.org/impact01.htm>

Since the Carlin Rail spur would leave the Union Pacific line in Beowawe, within Eureka County, and proceed southwest through the Crescent Valley into Lander County, we offer the following information related to changes that occurred since 1999 when the DEIS was written.

During the public hearing in Crescent Valley, Nevada, on the Yucca Mountain DEIS, a long time resident commented that gold exploration would occur in the Crescent Valley and would be a potential land use and resource conflict with the rail line. That prediction has come to pass. Activities at Barrick Gold Corporation's Carlin operations have

increased substantially since 1999 (Barrick acquired 60% ownership of the operation in its January 2006 purchase of Placer Dome). The Pipeline pit expansion project at the historic Gold Acres Mining District began with completion of a Supplemental EIS in December of 2004. That project is directly west and adjacent to the contemplated rail alignment. Pit expansion has increased the amount of heavy equipment operated in southern Crescent Valley and substantially lengthened the life of the Pipeline project. Immediately east of the contemplated alignment is the proposed Pediment and Cortez Hills mines. A combined EIS for both of these projects is presently in the works. Exploration southeast of the Cortez Hills project, between Horse Canyon and Tonkin Springs, suggests that the Cortez mining district may ultimately take on proportions similar to the mines of the Carlin Trend. If this is the case, the "Cortez trend" will effectively bisect the main thoroughfare between Eureka Town and Crescent Valley Town. Combined with the contemplated rail line, this would have a major impact to transportation in Eureka County.

The likelihood of continuing land use and private property conflicts remains. The likelihood of continuing land use and private property conflicts in other areas of Eureka County are also greater. Newmont Mining Corporation purchased the Horseshoe Ranch at Beowawe ostensibly to lock in new mine resources on adjacent lands. Mine exploration traffic is much greater since the DEIS was released in 1999. As a result, there is much more activity across the at-grade Union Pacific crossing in Beowawe, and the county expects that traffic to increase over the next decade. The Maiden's Grave cemetery and historic site near the north end of the proposed Carlin spur is now the property of Eureka County and is expected to draw more visitors as the greater California Trail Visitor's Center program is completed.

Summary

Nevada is the funnel state; we receive all shipments. The EIS should identify and analyze the impacts from shipments to the communities in Nevada on existing rail lines that would be transporting nuclear waste to Yucca Mountain as part of its comparative analysis of the Caliente and Mina routes.

DOE should not apply national risk assessments to Nevada rail. The shipping funnel deserves a more intensive look at rail transportation.

No matter what measures DOE promises to implement in the event of an accident, the local government is still responsible to be the first responder. The DEIS should include an enforceable mitigation plan to ensure that local governments do not incur increased costs as a result of the proposed multi-decade shipping campaign to Yucca Mountain. Some examples of these increased costs include but are not limited to: emergency response, training, personnel, equipment, medical services, facilities, communications technology, law enforcement, and economic loss to businesses, industries or local government as the result of an accident or first responder requirement.

Finally, regarding consultation and communication, the Draft EIS should clearly define the communication mechanisms to be employed between DOE and all of the identified stakeholders, especially local jurisdictions in Nevada affected by nuclear waste shipments on existing rail lines and the proposed rail corridors.

Thank you for considering our comments. If you have questions, please contact me at 775/237-5372.

Sincerely,



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Public Works Director

cc: Abby Johnson
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Rick Moore

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