

19 ROBERT HALSTEAD: I'm going to have to do this
20 because I have a lousy cold and I've lost my voice. My
21 name is Bob Halstead. I'm transportation advisor for the
22 State of Nevada Agency for Nuclear Projects. I will be
23 giving some preliminary comments tonight. The State is
24 preparing detailed written comments on both of the EIS's to
25 be filed with DOE by January 10th.

1 We certainly encourage everyone to take this
2 opportunity to go on the record regardless of what your
3 views are, your concerns are. [And we especially 1
4 appreciate the return to this traditional town hall
5 format for these comment meetings.]

6 We've requested a 60-day extension in the
7 comment period because of the complexity and the
8 importance of these documents. However, it's our intent
9 to have most of our comments prepared by January 1st.

10 Our comments may be useful to those of you who
11 are making your own comments, and it's our plan to put
12 them on our Website. And we know some people don't like
13 to deal with computers.

14 You can call our office at 775-687-3744, and
15 we'll send you copies of materials. And I have a
16 handout that has my talking points of today and has the
17 phone number and the Website on it.

18 While it's -- the first two speakers have
19 said, there is some difference of opinion between the
20 State of Nevada and Nye County and some of the other
21 counties on the Yucca Mountain project.

22 [The State of Nevada does oppose the
23 development of the Yucca Mountain Repository. However,
24 we have and we will continue to review and comment on
25 all DOE's transportation plans, because we believe that
1 is a serious concern both to the counties and the State
2 and the local governments, the cities and Indian tribes.
3 And we have some serious safety and security concerns
4 about DOE's plans.]

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5 Because I'm sure my voice is even less
6 pleasant than usual to listen to tonight, I'm not going
7 to go into a great deal of detail. The comments that
8 I'm making, of course, are preliminary and will be
9 written.

10 [I want to go over a few general concerns that
11 the State has with both the Supplemental EIS and the
12 Rail Alignment EIS. It's important to remember that the
13 proposed TAD canister system doesn't exist. It's only a
14 concept. It's not for certain; in fact, that the
15 technical specs will be ready when DOE plans to file its
16 license application next June.]

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17 Because of the lack of rail access, not only
18 at Yucca Mountain but at 25 of 72 shipping sites, there
19 are some issues about the feasibility of the TAD
20 canister system.]

21 [The State believes that the draft EIS's do not
22 provide any additional information in support of the
23 selection of the Caliente Corridor. It's not our
24 position to choose a preferred corridor for DOE, but we
25 believe that there are obvious deficiencies with the

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1 Caliente Corridor.]

2 [We also believe there are problems with
3 continuing to study the Mina Corridor given the Walker
4 River Paiute Tribal Council withdrawal of support.] [The
5 selection of the shared use option in our opinion means
6 that the Surface Transportation Board, which is the
7 federal agency that normally regulates railroad
8 construction, should actually be preparing this EIS.

9 In my second round of comments, I'll give some
10 specifics on why we think that would be advantageous to
11 the affected stakeholders in the affected counties if
12 DOE were not making its own decisions on the railroad
13 but had to come before the Surface Transportation Board
14 the way all the other railroads.]

15 [A couple other general comments. We don't
16 believe there's any basis for the DOE comments that they
17 would have to use overweight trucks for the shipments
18 that aren't being made by rail. I'll have more detailed
19 comments about that in my second round of comments.]

20 Finally, [we think the No Action Alternative
21 should be the development of the repository as it was
22 proposed in the 2002 EIS in the mostly legal-weight
23 truck scenario. The way DOE has phrased this, it isn't
24 clear exactly what they propose to do. In fact, they
25 say words to the effect that their plans are uncertain
1 if these proposed actions don't work out.]

2 [Let me use my last minute or so to talk about
3 the real reason why this project is controversial. It's

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4 controversial because spent nuclear fuel is dangerous,
5 and it is very dangerous for a very long time.

6 The DOE proposal is to now ship spent fuel to
7 the repository that's roughly twice as hot thermally and
8 radioactively as the fuel that would be shipped first if
9 what's called the oldest fuel or older fuel were shipped
10 first.

11 The long and short of it is because of the
12 decay half-life of cesium 137 and strontium 90, you've
13 got a significant reduction in the radiological hazard
14 when you hold that fuel on site for 50 years before
15 shipping it.

16 That's the State's position. That's the
17 National Academy of Science's recommendation. It's also
18 the position that the General Accounting Office of
19 Congress took.

20 Just the opposite is being proposed under this
21 new TAD proposal. And, in particular, the proposal is
22 to ship fuel -- I don't want to get into the technical
23 words, but the people who are familiar with the nuclear
24 engineering terms know that spent fuel that has a
25 burn-up rate of 60 to 70 thousand megawatt days thermal
1 per metric ton of heavy metal is extremely hot fuel.

2 That fuel would need a much greater degree of
3 cooling than the 5 to 10 years. Ten years is what DOE
4 is saying it would be cooled for planning purposes. But
5 the TAD canisters are actually being designed to take
6 the hottest fuel after only five years of cooling.

7 Now, this isn't to say that spent fuel can't

be shipped safely, but there are things that can be done
to make it safer. And one of the things that should be
10 done to make it safer is to return to DOE's original
11 policy, which was the basis of the program 20 years ago
12 of shipping the oldest fuel first.

13 That inconveniences the utilities. Well,
14 that's an issue that will have to be worked out with the
15 standard contracts. But from the standpoint of the
16 State of Nevada, shipping the oldest fuel first is the
17 best way to both reduce the routine radiological impacts
18 and to manage the consequences that would result from a
19 severe accident or a successful terrorist attack that
20 actually caused a release of radioactive materials.

21 Now, you get a 90 percent reduction in the
22 inherent radiological hazard if you keep that stuff on
23 site at the reactors for 50 years instead of going with
24 what is now a plan to ship very young, very hot spent
25 fuel.] Thank you. I'll be back in a few minutes.

11 ROBERT HALSTEAD: Let me start by saying that
12 anyone who hasn't already gotten a copy of the draft EIS's
13 should sign up with the DOE folks in the back and have them
14 send you a hard copy. It's big, weighs about 35 pounds.
15 But that way you won't have to read it on a computer.

16 Now, the reason that folks in Nye County,
17 Esmeralda County, Lincoln County, Clark County should do
18 this, particularly as it regards to Rail Alignment EIS,
19 is that there are lots of detailed discussions of how
20 the proposed railroad and how the proposed
21 transportation plants will affect the community.

22 And unless you take the time to read it,
23 you're not going to appreciate both the work that DOE
24 has put into this proposal and the fact that they
25 haven't got all the answers just right or they may not
1 have all the answers right from your perspective. And
2 this is your opportunity to do it.

3 So I'll tell you one of the things they're
4 doing a really good job with at DOE is getting these
5 copies out. When we requested extra copies, we did it
6 by a phone call. We got them in two or three days,
7 Allen. It was amazing how quickly they got these
8 documents out.

9 Now, this is a big chore to read these
10 documents. Volume 3 of the rail alignment document,
11 which is where a lot of the important discussions about
12 impacts on ranching and mining, recreation is there.

13 But the reason that I would ask you to get

14 this and look at it, of course, we're doing this at the
15 State level is because [we are not convinced that DOE has
16 done an adequate job on fully assessing the impacts on
17 ranching and on mining.

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18 Let me give you just one example. Those of
19 you who are ranchers and those of you who care about
20 ranchers need to look at the methodology that's used to
21 figure out what the impact of building the railroad
22 across a grazing allotment will be on the animal
23 production units that come off of that unit.

24 Again, because we're just doing preliminary
25 comments, I won't go into detail. The State is doing a
1 very detailed analysis of the methodology of determining
2 the impacts on specific grazing allotments.]

3 [A second thing that we're concerned about in
4 the details and you may be concerned about the impacts
5 on the county and impacts on your neighbors is that in
6 some cases there are different alternatives, segments,
7 routes that could be used for the railroad.

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8 Some would have less impacts either on
9 ranching or mining, recreation use, but they may cost
10 more. And we're concerned that DOE seems to have ruled
11 out some of the harder, less impacting alternatives
12 because they cost more.

13 These are specifically in Meadow Valley Wash
14 and Coal Valley and Garden Valley and Reveille Valley,
15 Goldfield Mining District. And there are even some
16 options when you get down here around Beatty Wash.

17 The long and short of it is the cost of this

18 project has gone from 80 million dollars estimate five
19 years ago to two or three billion dollars in the most
20 current estimates. Most of these alternative routes
21 would only add 10, 20, or 30 million dollars to --
22 you're talking peanuts on a project this big.]

23 So it's very important for local folks who
24 have knowledge of unique local conditions to get a copy
25 of the EIS. [Whatever your position on Yucca Mountain
1 is, you've got to look at this railroad not as something
2 that's hauling nuclear waste, which it will do, but
3 you've got to look at it as a railroad.

4 Because a lot of the biggest impacts on the
5 land, frankly, don't have anything to do with nuclear
6 waste. They have to do with the fact that you're
7 building a railroad. For shorthand, we like to say
8 don't think of it as building a railroad, think of it as
9 building a 300- to 350-mile crushed stone wall that
10 happens to have ties and a railroad on top of it. That
11 has impact on the land and the way that it affects
12 movement of humans and livestock and wildlife.]

13 [The second specific construction issue to look
14 at is that DOE is proposing to drill a large number of
15 wells. You've got water through this, dust suppression
16 in particular. There are going to be a number of
17 instances where there are going to be specific conflicts
18 between those water wells and the water uses of
19 ranchers.]

20 Again, if you care about ranching or you're

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21 not a rancher and you care about your neighbors, look at
22 what DOE is proposing and see if you think that's the
23 best way to do it.

24 [Similarly, there are proposals to build large
25 quarries to obtain ballast and subballast and
1 construction aggregates. Maybe you think that's a good
2 idea, maybe you don't. Some of the folks in
3 Lincoln County were amazed when they realized that one
4 of the proposals calls for a conveyor from one of the
5 quarries to go across US-93.]

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6 You need to look at the details. So all the
7 people who are saying that they support the project or
8 oppose it really owe it to themselves and their county
9 to look at those details.

10 [Now, one way to take a better look at these
11 details would be if DOE was building this railroad, to
12 make a very long story short, if DOE only uses this
13 railroad themselves, they have a pretty good legal
14 argument that they don't have to be regulated by the
15 Surface Transportation Board. They would still end up
16 being regulated by the State of Nevada.

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17 In the end, they might prefer to be regulated
18 by the Surface Transportation Board. But given the
19 clear preference for the shared use, because there are
20 some economic benefits that may come from building this
21 railroad and from operating the railroad as a common
22 carrier, that very clearly raises an issue of
23 jurisdiction.

24 We've had long discussions with our lawyers

25 already about this. And, frankly, we're planning to
1 file a lawsuit over it now when the final document comes
2 out if they don't change this.

3 The argument is because it's a shared use
4 line, you've got to build it like any other railroad.
5 You've got to go before the Surface Transportation Board
6 and get a construction authorization.

7 That means the guys who really know about
8 railroad building who recently issued construction
9 authorizations for the Tongue River Railroad in Montana
10 and the Dakota and Minnesota Eastern Railroad across
11 Wyoming, South Dakota, and Minnesota where a lot of
12 issues are the same as they are here, impacts on Indian
13 lands, impacts on ranching, impacts on mining.

14 When the STV does their Environmental Impact
15 Statement, they look at the alternative routes, and they
16 have to approve the selection of the preferred route.
17 DOE is making that decision on their own here.

18 And, furthermore, the STV looks after the
19 impacts on the stakeholders. They come up --
20 essentially this is just what you would do at the county
21 level, only it's done at the big federal level as a big
22 conditional use permit.

23 They put out construction authorization, has
24 conditions attached to it, and they usually lay out
25 provisions that say how they expect those conditions to
1 be met and for them to be reported back on so that they
2 know the people who are building the railroad who are

3 having adverse impacts on people along the line are
4 doing what the STV told them to do.]

5 Finally, there are some nuclear waste issues.
6 The National Academy of Science has spent three years
7 recently studying nuclear waste transportation. They
8 concluded, as did the State of Nevada, that spent
9 nuclear fuel can be shipped safely, but can be shipped
10 safely and will be shipped safely are two very different
11 things.

12 Please take the time to read the details in
13 the DOE plan, read the State of Nevada's critique of it.
14 And whether you're for or against Yucca Mountain, think
15 about whether you don't want to take a position on some
16 of these safety and security issues.

17 This comment process is a great opportunity
18 for citizens to go on record and do that. Thank you
19 very much, Barry, and the court reporter and the DOE
20 folks who are all here.

21 As I said, the State of Nevada has asked for
22 the last three years for a return to this kind of format
23 where people can get up and talk to their neighbors,
24 where the elected officials can come and have a fine
25 discussion. We very much appreciate your efforts.

1 Thank you.



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**Preliminary Comments on
DOE Draft SEIS
for Yucca Mountain &
Draft Nevada Rail Corridor SEIS
and Rail Alignment EIS**

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Nevada Agency for Nuclear Projects
US DOE Public Hearing
Amargosa Valley, Nevada
November 26, 2007**

Additional documentation available at
<http://www.state.nv.us/nucwaste/trans.htm>
Phone: 775-687-3744

**General Comments on the Draft Rail
Corridor SEIS & Rail Alignment EIS**

- TAD canister system exists as concept only
- Yucca Mountain & 25 shipping sites lack rail access
- DEISs do not support selection of the Caliente Corridor
- Study of the Mina Corridor as a "nonpreferred alternative" unwarranted given Walker River Paiute Tribal Council withdrawal of support
- Selection of the "Shared Use" option - Surface Transportation Board prepare the Rail Alignment EIS
- No basis for proposed use of over-weight trucks
- The No Action Alternative should be Mostly Legal-weight Truck scenario per 2002 FEIS

Spent Nuclear Fuel is Dangerous

- Commercial SNF would make up 90% of shipments
- Nevada evaluated representative SNF: PWR, 4.2% initial enrichment, 50,000 MWDt/MTHM, 10 years cooling time
- Contact surface dose rate about 35,000 rem/hour
- Unshielded SNF results in lethal exposure in 1-2 minutes
- 1% release of Cs-137 could result in cleanup costs of \$100 million to more than \$1 billion
- DOE could ship much hotter SNF (60,000-70,000 MWDt/MTHM, 5-year cooled)
- Nevada, NAS, & GAO urge DOE to ship oldest fuel first
- Proposed action may not comply with ALARA (as low as reasonably achievable)

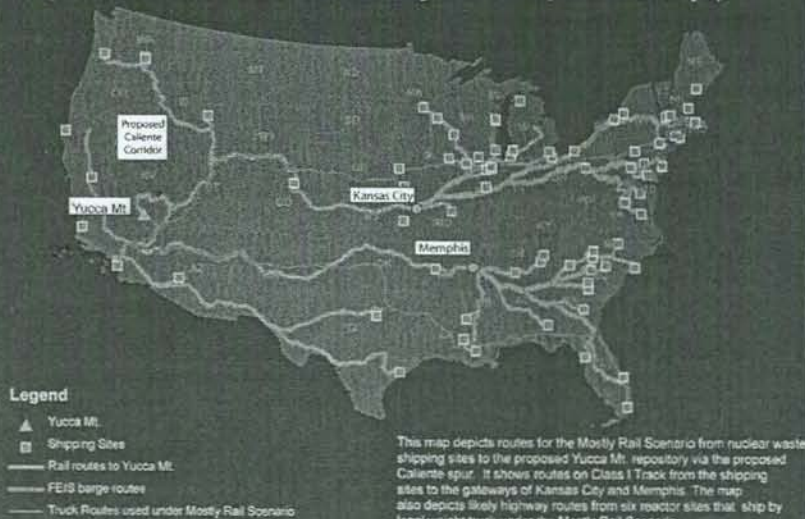
DSEIS Does Not Adequately Address Transportation Safety and Security

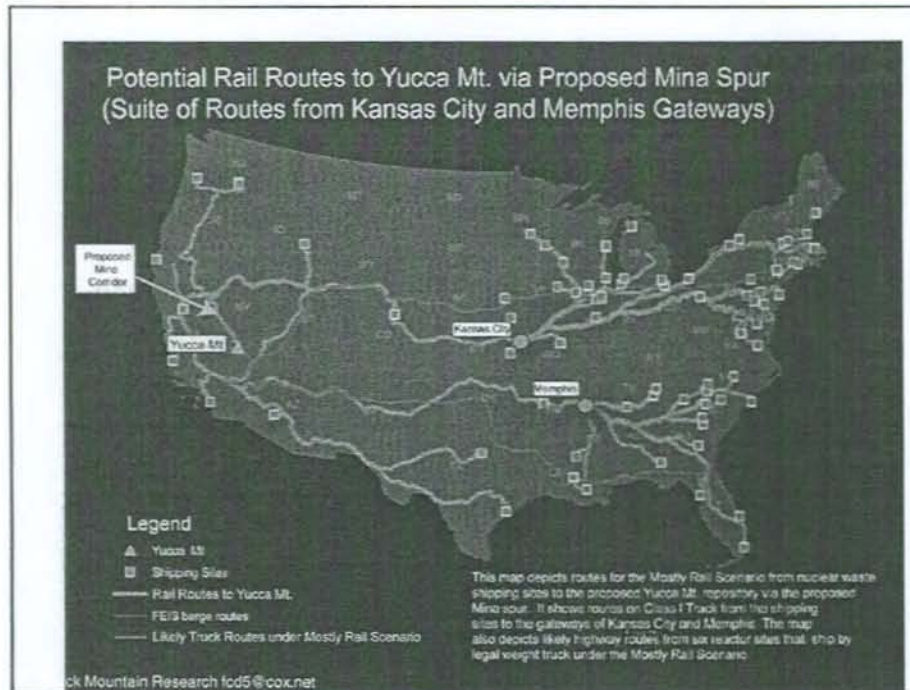
- Does not consider worst case accidents - such combinations of factors "are not reasonably foreseeable"
- Underestimates consequences of severe accidents involving long duration fires (no DOE or NRC plans for full-scale cask testing in severe fire)
- Underestimates consequences of terrorist attack
- Dismisses potential for human error to exacerbate consequences of accidents or terrorist attacks
- Dismisses potential for unique local conditions to exacerbate consequences of accidents or terrorist attacks
- Acknowledges clean-up costs could reach \$10 billion

DSEIS Does Not Fully Evaluate Repository Shipments into NV from CA

- Under Proposed Action, 9,500 rail casks and 2,700 truck casks to Yucca Mountain over 50 years; if no second repository, 24,000 rail casks and 5,000 truck casks
- 8% of rail shipments enter NV from CA if Caliente rail line is developed, compared to 21% if Mina rail line is developed; 32 % of truck casks enter NV from CA
- DSEIS ignores potential for larger number of rail cask shipments into NV from CA for Caliente or Mina options (>4,400, or >45% of total under proposed action)
- DSEIS Ignores potential for large number of LWT shipments into NV from CA if no rail access (>24,000, >45% of total under proposed action)

Potential Rail Routes to Yucca Mt. via Proposed Caliente Spur
(Suite of Routes from Kansas City and Memphis Gateways)





General Comments on the Evaluation of the Caliente Rail Corridor

- DOE has not adequately assessed the environmental impacts of developing the Caliente rail corridor, particularly land use conflicts with ranching, mining, recreation, and cultural resources
- Some of the alternative segments that might reduce land use conflicts appear to have been eliminated from further consideration based on solely or primarily of construction costs
- DOE has not assessed the environmental impacts of developing the Caliente rail corridor on Clark County communities along the existing Union Pacific rail line through Las Vegas
- DOE has not assessed the potential for larger than projected numbers of rail shipments through Clark County, and failed to evaluate unique local conditions such as the proximity of the existing rail line to the Las Vegas Strip

Specific Concerns about Land Use Conflicts

- Failure to adequately consider the railroad as a physical barrier to the movements of humans, livestock, and wildlife
- Projected construction water use and the proposal to obtain construction water from new wells
- Proposed construction of quarries for obtaining railroad track ballast and construction aggregates

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11/26/07

Potential Role for Surface Transportation Board (STB)

- DOE “shared use” decision should give STB lead agency status to prepare EIS
- DOE should evaluate STB final decisions regarding DME & Tongue River III rail projects
- STB EIS should evaluate alternative routes and approve selection of preferred route
- STB EIS should identify conditions to mitigate adverse impacts
- STB construction authorization, if granted, should ensure conditions are met

Overweight Trucks (OWT) vs Legal-weight Trucks (LWT)

- DSEIS says non-rail shipments by OWT
DSEIS contradicts previous DOE studies
that assume LWT for non-rail shipments
(1986 EA, 2002 FEIS, 2007 Transportation
Concept of Operations, 2007 Draft
National Transportation Plan)
- DSEIS ignores past U.S. nuclear industry
reliance on LWT for SNF shipments
OWT permit requirements would likely
prevent cross-country shipments

Key Recommendations of the NAS Transportation Study

- Independent examination of security should be carried
out before the commencement of repository shipments
- Risks can be reduced by shipping the older fuel first
- DOE should identify and make public preferred highway
and rail routes to the repository as soon as possible
- Potential adverse social and economic impacts of
repository shipments are, for many members of the
public, as important as health and safety impacts, and
special government efforts will be needed to manage
social and economic impacts.
- Serious consideration be given to taking the
transportation program out of the DOE repository
program, or out of DOE altogether