

**Comments of
Peggy Maze Johnson,
Executive Director,
Citizen Alert,
For The
U.S. Department of Energy
Scoping Meeting,
Reno, Nevada
November 27, 2006**

I am Peggy Maze Johnson, Executive Director, Citizen Alert, Las Vegas, Nevada.

I am making comments today on behalf of Citizen Alert. We are a statewide environmental justice organization which has been fighting the transport of high-level radioactive waste across this country.

My comments today are directed to both the DOE EIS for a rail line to Yucca Mountain, and to the DOE Supplement to the EIS for Yucca Mountain.

Shared Use and Federal Agency Jurisdiction

DOE needs to make up its mind about shared commercial use of the proposed rail line. It appears that DOE is making contradictory promises about shared commercial use. When meeting with residents and officials of Lincoln, Esmeralda, and Nye Counties, DOE staff and contractors emphasize the potential economic development benefits of a shared commercial use railroad. On the other hand, when meeting with members of the Walker River Paiute Tribe, DOE appears to downplay the prospects for shared commercial use.

It is hard to believe that DOE would spend \$2 billion or more to build a railroad that would not be shared with other commercial users. In fact, in the Rail Alignment NOI explicitly states that the potential for shared use of the Mina route will be studied as part of the draft environmental impact statement. This leads us to believe that DOE has in fact already decided that the railroad should have shared commercial use. But DOE has refrained from taking an official position, because such a decision might give the U.S. Surface Transportation Board primary jurisdiction over the preparation of the draft environmental impact statement.

In our opinion, DOE has already decided in favor of shared commercial use, and DOE should ask the STB to immediately take over the preparation of the draft environmental impact statement.

Or is it possible that DOE is playing a cruel "bait and switch" game with the affected counties – promising them the economic benefits of a shared use railroad that DOE has no intention of operating?

Either scenario only reinforces, in our view, the Standard Operation Procedures (SOPs) employed by DOE throughout its history. The deceit, the lies, the half-truths make it impossible for us to believe what is happening around the entire Yucca Mountain Project (YMP).

Evaluation of Rail Transportation Impacts

DOE has divided the upcoming assessment of rail transportation impacts between the draft supplemental environmental impact statement for the repository and the draft environmental impact statement for the rail line. The issue of rail transportation must be comprehensively addressed in both NEPA documents. The most straightforward way to do this is to divide rail transportation impact assessment into three aspects: (1) the impacts of building and operating a new rail line to Yucca Mountain; (2) the impacts of shipping spent nuclear fuel and high-level radioactive waste along the mainline rail system in Nevada to the new rail line; and (3) the impacts of shipping spent nuclear fuel and high-level radioactive waste to Nevada from the 75 shipping sites around the country.

Impacts of the Rail Line to Yucca Mountain

The Rail Line DEIS must provide a detailed assessment of the expected impacts on the current use of specific parcels of land, specific land owners, and land users, including BLM lease holders. For example, the Caliente and Mina options would affect several dozen BLM grazing allotments. Each of these grazing operations must be identified and individually assessed, and the full range of impacts individually evaluated, including the cost of impact mitigation. DOE must take the same approach with recreation, mining, and other current land uses.

What impact assessment professionals call the “region of influence” – that is, the area along the rail corridor that is directly affected – must be expanded beyond the limited area considered by DOE for most impacts in the 2002 FEIS. A minimum one-mile wide region must be evaluated on each side of the rail line. In some cases, where roads or trails are crossed, the region of influence for land use conflicts may be five miles or more.

DOE must carefully evaluate potential impacts on cultural resources, especially Native American cultural resources, and also cultural resources in the process of being constructed, such as the Heizer “City” installation.

Impacts of Rail Shipments on Mainline Railroads in Nevada

If the Caliente rail option should be developed, rail shipments to Yucca Mountain would enter Nevada from both California and Utah. The 2002 FEIS says that about 5 percent of the rail shipments would enter Nevada from California and travel through downtown Las Vegas. State of Nevada studies say that up to 90 percent of the rail shipments via Caliente could traverse Las Vegas. Which number is correct? DOE says it is years away from signing contracts with the railroads that would specify routes. Therefore, the Rail Alignment DEIS must estimate and evaluate the minimum and maximum number of rail shipments through Las Vegas if the Caliente rail option is selected.

The same issue applies to the Mina rail option, and the potential for shipments through Reno-Sparks, except that it has been less well studied. Preliminary estimates by the State of Nevada say that at least 8-10 percent of rail shipments would enter Nevada from California and travel through

Reno-Sparks. However, under the DOE "suite of routes" approach, currently under consideration, 25-50 percent or more of the rail shipments to Yucca Mountain could travel through Reno-Sparks under the Mina option. Therefore, the Rail Alignment DEIS must estimate and evaluate the minimum and maximum number of rail shipments through Reno-Sparks if the Mina rail option is selected.

Also, the Rail Alignment DEIS must provide basic information about the northern and southern mainline railroads through Nevada, including information that would allow comparative safety and security evaluations:

- population within one-half mile, one mile, and five miles;
- presence of environmentally sensitive areas and water supplies;
- presence of bridges, tunnels, steep grades, flood hazards, and rock fall areas;
- current and projected traffic levels and shipments of other hazardous materials; and
- accident rates, and details of specific severe accidents.

National Impacts of Rail Shipments

Both the DOE EIS for a rail line to Yucca Mountain, and the DOE Supplement to the EIS for Yucca Mountain, must reexamine the national impacts of rail shipments to Yucca Mountain.

How many shipments would DOE make?

What would be the modal mix – rail, truck, barge – of shipments?

Which cross-country routes would be used, and which cities nationally would be most heavily affected?

And, perhaps, most important, will you be holding these scoping meetings across the country? We believe it is important for our families and friends who live on these national routes to be apprised of the potential dangers they are facing. They must be given the opportunity to tell you how they feel about living and working along these routes.

What Will It All Cost?

DOE has a lot of explaining to do about the potential cost of building rail access to Yucca Mountain.

In the 1990s, DOE estimated the cost of building a railroad along the Caliente route at about \$1.0-1.3 billion. In the 2002 FEIS, DOE estimated the life-cycle cost of building and operating a Caliente rail line at \$880 million. Last year, 18 months after selecting Caliente as the preferred corridor, DOE told the National Academy of Sciences Study Committee that Caliente would cost \$2 billion or more to build. At present DOE refuses to disclose the upcoming DEIS cost estimate for the Caliente option. Is it possible that the Caliente cost will have risen to \$3 billion or more? If DOE had been accurate - or honest - about the cost of Caliente in 2002, it probably could not have been selected as the preferred corridor.

DOE's recent feasibility study for the Mina option says it would cost about \$1.6 billion, but provides very few details.

These rail construction cost estimates raise serious questions about DOE's ability to build a rail line to Yucca Mountain. If the costs keep going up, is there some point at which DOE would abandon rail access, and rely instead on truck shipments?

And finally, DOE has provided no meaningful information on the cost of the proposed TAD canister system.

Where's the Land?

While preparing these remarks for the scoping meeting here in Reno, I wondered about the lack of any plans for land withdrawal. A funny thing happened on the way to your meeting! I received a call from the Press that, indeed, you did have plans and, in fact, have applied to the Bureau of Land Management for some 208,000 acres in Mineral, Esmeralda and Lincoln counties. Apparently this was done without any notice – disappointing but not surprising. I am sure that people here today making comments would have appreciated the opportunity to know what you had up your sleeve.