

DEC 07 1999

MS. MANZINI: My name is Tammy Manzini, and I'm the program coordinator for the Lander County repository project.

No State of Nevada representatives were able to make it today, and so they have sent me a copy of their comments and asked that I read them here on their behalf. And so this is a statement of Robert J. Halstead on behalf of the State of Nevada Agency for Nuclear Projects regarding U.S. Department of Energy's Draft Environmental Impact Statement for a geologic repository for the disposal of spent nuclear fuel and high level radioactive waste at Yucca Mountain, Nevada.

Transportation of spent nuclear fuel and high level radioactive waste is inherently risky business. At previous hearings, our preliminary transportation comments have addressed specific deficiencies in DOE's Draft EIS regarding the radiological hazards of spent nuclear fuel and high level waste that DOE proposes to ship to Yucca Mountain, the shipment modes and routes, the risks associated with legal weight truck transport, the vulnerability of shipments to human initiated events including terrorism and sabotage, and DOE's failure to demonstrate the feasibility of heavy haul truck transportation from an intermodal transfer station at the proposed repository. These statements are available on the website at www.state.nv.us/nucwaste.

At upcoming hearings we will address radiological health effects of routine transportation, radiological consequences of severe accidents, impacts of rail construction and operation, impacts of Native American lands and cultural resources, and social and economic impacts of public perception of transportation risks.

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Today our focus is on DOE's failure to identify a preferred rail access corridor to Yucca Mountain in the DEIS. The Yucca Mountain site has no access to the national rail system. The nearest rail route is in Las Vegas, almost 100 miles away.

The DEIS identifies and describes four potential corridors, one-quarter mile in width, which DOE could use to construct a rail line connecting Yucca Mountain to the Union Pacific mainline in

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Southern Nevada: Valley modified is 98 miles; the Jean route is 112 miles; the Caliente-Chalk Mountain, 214 miles; and the Caliente, 319 miles. The DEIS designates the Caliente-Chalk Mountain corridor as a nonpreferred alternative. A fifth potential corridor, Carlin, which is 323 miles, would connect Yucca Mountain with the Union Pacific mainline in north central Nevada.

The DEIS fails to identify a preferred rail corridor, and sets forth no time table for selection of a preferred rail corridor, despite DOE's assertion that the information presented is sufficient to select a preferred corridor. The DEIS states:

"Although it is uncertain at this time when DOE would make any transportation related decisions, DOE believes that the EIS provides the information necessary to make decisions regarding the basic approaches (for example, mostly rail or mostly truck shipments), as well as the choice among alternative transportation corridors." From page 6-1.

Referring specifically to the selection of implementing alternatives, such as alternative rail corridors in Nevada, the DEIS states:

"If and when it is appropriate to make such decisions, DOE believes that the EIS provides the information necessary to make these decisions." On page 6-2.

According to the DEIS, additional information, analyses, and consultations will be required "for selection of a specific rail alignment within a corridor." Page 6-1.

DOE's failure to designate a preferred rail access corridor in the DEIS violates the National Environmental Policy Act (NEPA). NEPA procedures are designated to "insure that environmental information (including information on the human environment as well as public health and safety) is available to public officials and citizens before decisions are made and before actions are taken." DOE's approach denies the affected public a meaningful opportunity to participate in the rail corridor evaluation process before DOE

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prepares the final EIS.

Moreover, DOE's refusal to narrow the choice of corridors extends the region of influence of the proposed action to 13 Nevada counties traversed by the five rail corridors and their existing mainline rail connections. Virtually the entire population of Nevada will be held hostage by DOE's indecision. Coupled with the absence of a time table, the resulting uncertainty, in and of itself, will cause adverse socioeconomic impacts for individuals, businesses and communities.

During the scoping process in December of 1995, the State of Nevada recommended the following process to DOE:

"The Draft EIS must present a technically credible methodology for comparative evaluation of rail spur route options. The State of Nevada believes that DOE should fully evaluate at least three feasible rail spur routes before selecting a preferred route."

Nevada also recommended specific criteria for the DEIS comparative route evaluation: Impacts on public health and safety; impacts on highly populated areas; engineering feasibility; impacts on surface and ground water resources, threatened and endangered species, and federal and state parks and refuges; cost of construction, recognizing that predictability of costs may be as important as least cost in ranking alternatives; avoidance of private lands, and potential for voluntary acquisition of private lands where necessary; impacts on Native American lands and cultural resources; potential conflicts with the U.S. Air Force facilities and operations; and economic development costs and opportunities, addressing both standard and special (risk-induced) socioeconomic impacts.

The DEIS does not reveal the process DOE plans to use in selecting a preferred rail corridor. The base line information provided in chapter 3, and the impact analysis provided in chapter 6 and appendix J, are particularly deficient regarding impacts on highly populated areas; engineering feasibility; construction costs, and cost uncertainties; potential for voluntary acquisition of private lands;

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| development costs and opportunities, including risk-induced
| socioeconomic impacts.

| In conclusion, the State of Nevada believes that DOE's
| refusal to identify a preferred rail corridor in the DEIS makes a
| legally sufficient assessment of rail transportation risks and impacts
| impossible.

| And this is for the record.