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BOARD OF
EUREKA COUNTY COMMISSIONERS

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EUREKA, NEVADA 89316

August 6, 2001

Robert Loux, Executive Director
Nevada Agency for Nuclear Projects
1802 North Carson St., Suite 252
Carson City, NV 89710

Re: Impact Assessment Report on proposed shipments of spent nuclear fuel and high-level radioactive waste through Eureka County, Nevada

Dear Mr. Loux:

This letter transmits Eureka County's Impact Assessment Report related to the U.S. Department of Energy's proposed shipments of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) through Eureka County, Nevada. These shipments would be part of the transportation component of the proposed geologic repository at Yucca Mountain, in Nye County.

We are submitting this report as an "affected unit of local government" pursuant to the Nuclear Waste Policy Act, as amended, and in response to the request of the Nevada Agency for Nuclear Projects. The Board of Eureka County Commissioners approved this report at its regular meeting on August 6, 2001.

In January 2000, Eureka County submitted written comments to the DOE on the draft environmental impact statement for the proposed repository, including the transportation components. The County said, and continues to believe, that the DEIS is insufficient for decision-making. This impact assessment report, which is a preliminary survey of anticipated effects and possible needs for mitigation, does not take the place of the complete environmental review required of the DOE under the National Environmental Policy Act (NEPA).

Eureka County's primary responsibility is to protect the health and safety of its residents. The proposed shipping campaign, which the Congress and the president may impose on Eureka County and the State of Nevada, involves great risk. It would have numerous impacts, which have not yet been fully disclosed. Since the DOE's risk analysis assigns higher weights to urban areas than rural areas, it downplays the impacts that would be felt by rural people. Our rural population received damaging doses of radiation in the 1950s and 1960s from nuclear weapons tests conducted by the Atomic Energy Commission. The current proposal would continue the pattern of placing disproportionate risks on our residents.

Under the DOE's proposal, one of five potential rail corridors for the shipment of SNF and HLW to Yucca Mountain would pass through Eureka County. The Carlin corridor would originate at the Union Pacific Railroad tracks near Beowawe and pass through the center of the Crescent Valley. Along the way, it would cross the broad 100-year flood plain. Various terminal facilities would be constructed near Beowawe, at the connection to the main line.

Construction of the proposed rail line would require about 500 workers, most of whom would be housed in construction camps along the route, and would take two and one-half years or longer to complete.

Under any of the transportation plans the DOE is considering, legal-weight trucks would carry some of the SNF and HLW to Yucca Mountain. Weather and other factors could require the use of Interstate 80, U.S. 50, and Nevada 278 in Eureka County for periodic or regular transportation of these radioactive loads.

The shipping campaign would probably last at least 38 years, and would involve the movement of over 40,000 shipments. For shipments by rail, the DOE would use either general or dedicated freight service to ship the casks to Beowawe. Under the general freight option, shipments of SNF and HLW could be parked at Beowawe as much as half the time, while awaiting transport to Yucca Mountain.

The DOE's proposal also involves many other shipments, by rail or truck, to and from Yucca Mountain. In-bound shipments would include empty disposal containers (for use under ground at the repository) and various supplies. Low-level radioactive wastes would also be shipped to and from Yucca Mountain for disposal. Shared use of the rail line, with mines or other users along the route (including the Nevada Test Site), is also a possibility.

It is inevitable that accidents would occur during the shipping campaign. There have been a number of serious railroad accidents on the existing tracks crossing Eureka County, and elsewhere in the western United States. Statistically speaking, a very severe accident is unlikely, but it would release radioactive materials to the environment. Eureka County is also concerned about accidents involving fire or explosion adjacent to the Union Pacific tracks at Beowawe, where there is a bulk propane facility, and at Dunphy, where an ethanol production plant is being considered.

With respect to natural resources, the construction of a rail line through the Crescent Valley would affect wildlife habitat for mule deer, pronghorn antelope, sage grouse, and other species. The proposed action would reduce wildlife habitat and create barriers to wildlife movement.

The soils in the Valley are fragile and easily disturbed, difficult to revegetate, and vulnerable to invasion by noxious weeds. The proposed rail line would create conditions conducive to invasion by noxious weeds and create pathways for the spread of weeds, from motor vehicles and construction work.

The flat cross-sections of the rail corridor would create a significant demand for borrow material on which to construct the road bed. The DOE has not identified the source of the 1.6 million cubic yards of fill or the 155,000 cubic yards of ballast that would be required. Extensive areas of land disturbance would be involved, especially considering the Valley's shallow water table, which would limit the depth of excavation. Also, railroads typically use box culverts to provide underpasses for the movement of livestock and equipment under their tracks, but this option may not be feasible in the Crescent Valley, again due to the flat terrain and high water table.

Two grazing allotments in the Crescent Valley would be affected--the Geyser allotment and the South Buckhorn allotment. The affected operators are currently licensed by the BLM for over 7,500 animal unit months (AUM) annually. Depending on which alignment is selected and whether or not the right-of-way is fenced, the rail line could eliminate over 1,000 acres of forage and 400 AUM per year, due to interference with livestock movement, management complications, loss of forage, and loss of access to stock water.

Turning to the human environment, the proposed railroad facilities would irreversibly alter a historic way of life in the rural West. Also, construction near Beowawe could affect the historic Maiden's Grave, Gravelly Ford, and the California Trail. The corridor passes through Western Shoshone territory, creating concern for traditional lands, archeological sites, and burial grounds.

Within Eureka County, the corridor of the proposed rail line includes up to 59 percent private land, depending on the alternative selected. Almost 60 percent of the assessed private parcels of land in Eureka County are within 10 miles of the proposed corridor. Construction of the rail line would convert a large, but presently unknown, amount of private land to public use. In addition to having adverse impacts on the County's tax base and economy, this conversion is contrary to the County's adopted master plan, which encourages the transfer of public land to private ownership.

Furthermore, economic impacts on private property owners in close proximity to the rail line can be expected. Eureka County's assessor estimates that property values within three miles of the rail corridor and the existing UP tracks would be adversely affected. Property values would be diminished, even in the absence of an accident, as soon as shipping of SNF and HLW commenced. In the case of a severe accident, property values would decrease by a large amount, from 10 to 34 percent, depending on their use and proximity.

Economic sectors that could be affected by construction and operation of the rail line include mining, government, tourism, recreation, agriculture, and retail business. During the construction phase, there would be a small stimulus to the local economy while work crews were in the vicinity, but it would be unlikely to create additional investment. Construction and operation of rail headquarters facilities near Beowawe, however, would have a permanent economic effect. Such facilities could become the nucleus of expanded economic development, planned or unplanned, along the I-80 corridor. In either case, they would create increased demand for housing, schools, and government services.

Although the effect of the presence of the rail line on visitation and tourism is unknown, it is unlikely to increase the number of visitors. If annual visitation were to decrease by 10 percent, Eureka County's economy would suffer a loss of \$186,695 a year in total economic activity. Compounded over a 38-year shipping campaign, this would represent a very sizeable loss.

Certainly, the health and safety of numerous individuals would be affected by their proximity to the proposed transportation routes. Even without accidents, the shipping casks for SNF and HLW would still emit radiation, and some latent cancer fatalities would be likely to occur among transportation workers and the public. Transportation inspectors would absorb more radiation than other workers, and would have a six to eight percent greater likelihood of a fatal cancer than the average person. Also, persons exposed to radiation from parked rail cars at Beowawe could receive a significant increase above background radiation doses.

In a worst-case accident on the Carlin rail line, the DOE says that 31 latent cancer fatalities would occur among the exposed population. In addition, such an accident (and the response to it) could cause numerous other impacts, such as contamination of the Humboldt River or the Crescent Valley aquifer; wildfire; soil contamination; spread of noxious weeds; permanent loss of range resources and wildlife habitat; damage to scenic resources; distress sales of private property; damage to County infrastructure; and severe and long-lasting economic impacts. The cost burden on the County would potentially be far greater than the County's ability to pay, revenue losses could be severe, and it is unclear whether the County would be exposed to liability from the consequences of an accident.

Until the DOE has adequately described the proposed action and its anticipated environmental impacts, any description of mitigation can only be tentative and preliminary. Also, it may be impossible to mitigate some of the impacts described in the enclosed report. Nevertheless, Eureka County has attempted to describe some of the mitigation measures that would be required, and has highlighted some of the main requirements in the attachment to this letter.

All mitigation measures described in the attachment and the enclosed report must incorporate rigorous monitoring and follow-up, during both construction and operations. State and local authorities must oversee all monitoring efforts, but the DOE or its contractors must pay all monitoring costs.

In addition, certain mitigation programs require full funding, up front, without the need for subsequent Congressional action. These would include compensation for owners of any water rights rendered useless by radioactivity; compensation for private property devalued by routine operations or a transportation accident; and an escrow account to pay for health claims of persons exposed to radioactivity.

Thank you for your consideration of this letter and the enclosed report. The Commission hopes that it contributes to a complete, thoughtful examination of the DOE's proposed shipments, their associated risks, and their anticipated impacts on the environment and people of Eureka County.

Should you have any questions or need additional information, please contact Leonard Fiorenzi at 775/237-5372 or Abby Johnson at 775/882-0296.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Goicoechea". The signature is written in a cursive, flowing style.

Pete Goicoechea
Chairman

cc: distribution list (attached)
attachment

Attachment:

Highlights of Required Mitigation Measures

for

**Proposed Shipments of
Spent Nuclear Fuel and High-Level Radioactive Waste
through Eureka County, Nevada**

August 6, 2001

INTRODUCTION

This attachment highlights certain mitigation measures that would be required if the U.S. Department of Energy were to implement the proposed shipments of spent nuclear fuel and high-level radioactive waste through Eureka County. For a complete discussion of mitigation measures, see the final Impact Assessment Report (Eureka County, August 2001). Also, the reader is reminded that all mitigation descriptions are tentative and preliminary until the DOE has completed the required disclosure of environmental impacts of the proposed action, including its transportation elements.

REQUIRED MITIGATION MEASURES

The mitigation program must include rigorous monitoring and follow-up during construction and operations. These efforts must be under State and local control, at the DOE's expense.

MITIGATION OF NATURAL RESOURCE IMPACTS

Mitigation for water resources must include complete mitigation for the water resource impacts of a severe accident involving the release of radioactivity, including the possibility of a release to the waters of the Humboldt River, and including a fully-funded account to compensate owners of any water rights rendered useless, without the need for subsequent Congressional action.

Mitigation for noxious weeds must include a weed coordinator for the construction phase, who would be a Eureka County employee or contractor, paid for by the DOE, and responsible for weed mapping, construction scheduling, and weed spraying, in cooperation with the BLM, County road crews, and DOE contractors.

MITIGATION OF IMPACTS ON THE HUMAN ENVIRONMENT

Mitigation related to land ownership and the County's economy must address the conversion of private land to public ownership, and must incorporate transfers of federal lands to Eureka County, the Eureka County School District, and private property owners to offset the loss of property taxes and disruption of working ranches.

Mitigation related to land ownership must also include a fully-funded account, not dependent upon subsequent Congressional action, to compensate all property owners for: (1) private property and property rights taken by the DOE or any other party associated with the action and (2) property rights that are taken by devaluation of real property, during accident-free operations and as the result of an accident

Mitigation for housing must provide for the relocation, at the DOE's expense, of all persons temporarily or permanently displaced by the proposed action.

Mitigation for the direct and indirect effects of the proposed rail terminal facilities at Beowawe must address: (1) additional demand for housing, utilities, and infrastructure, (2) impacts on school enrollment and county services, (3) capital expenditures for water and wastewater service, and (4) required public revenues for all of these impacts.

Mitigation specifically related to solid waste must include the permitting and construction, at the DOE's expense, of a landfill in northern Eureka County, to become County property upon completion of the construction phase, free from all liability, with remaining capacity.

Mitigation for impacts on public finances must: (1) cover Eureka County, the Eureka County School District, the towns of Eureka and Crescent Valley, and all special districts, (2) include a definite determination of who is liable for a transportation accident, (3) address the County's costs of emergency response and preparedness; the loss of tax revenues; increased public facility maintenance costs; and costs of increases in public facility capacity, and (4) include up-front payments of all project-related costs for the accident-free and severe-accident scenarios.

Mitigation for public health and safety must include a special escrow fund for prompt and complete compensation of persons affected by routine shipments of SNF and HLW and by transportation accidents. Upon initiation of the proposed action, the DOE must pay for a baseline health assessment by the affected local governments, and establish a fully-funded account of \$1 billion, to be administered by an independent third party, for compensation to citizens exposed to radioactivity. Affected communities must also be granted the authority and resources necessary to conduct independent oversight of all activities during the construction phase, during accident-free operations, and in response to accidents.

Mitigation for emergency response and management must address: (1) the lack of local emergency response capability, (2) the need for dedicated emergency response teams with immediate availability, not staffed by volunteers, (3) funding for a regional strike force, housed at Beowawe, and controlled by the affected local governments, (4) funding of all necessary facilities, and ownership by the local governments of those facilities, free of all liability, (5) technical and financial assistance for all phases of emergency management, and (6) elimination of all foreseeable hazards from operation of the proposed rail line, including hazards at rail crossings, during switching, when shipments are parked, and from train derailments.

Mitigation related to environmental justice must address impacts on those members of the Eureka County community--including children, the elderly, and low-income persons--who would be least able to avoid or adjust to the impacts of a severe accident and a subsequent economic downturn.

**Distribution List for Eureka County Impact Assessment Report, submitted to the
State of Nevada Agency for Nuclear Projects, August, 2001**

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