

BEFORE THE DEPARTMENT OF ENERGY

Hearing on the  
Draft Environmental Impact Statement  
for a Proposed Repository  
at Yucca Mountain, Nevada

Crescent Valley Town Hall  
Crescent Valley, Nevada

Thursday, December 9, 1999  
7:30 p.m.

Reported by:

ERIC V. NELSON, CCR #57

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APPEARANCES

MODERATOR:

BARRY R. LAWSON  
Barry Lawson Associates  
Peacham, Vermont

FOR THE Department OF ENERGY:

KENNETH J. SKIPPER  
EIS Document Manager  
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EIS Transportation Manager  
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1 CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2 7:30 P.M.

3 -o0o-

4  
5 MR. LAWSON: I have to read a few things into  
6 the record to make it official like. It will only take a  
7 minute or so, and then we'll get started.

8 My name is Barry Lawson, and I am pleased to  
9 serve as facilitator for this public meeting in Crescent  
10 Valley, Nevada, on the Draft Environmental Impact  
11 Statement for a geologic repository for the disposal of  
12 spent nuclear fuel and high level radioactive waste at  
13 Yucca Mountain.

14 I am a neutral facilitator who is neither an  
15 employee of nor an advocate for the Department of Energy,  
16 the State of Nevada, or any other interested party.

17 It is my intent to insure that the public has  
18 an adequate opportunity to provide comments to the  
19 Department of Energy either through oral or written  
20 presentation. I ask for your cooperation in achieving  
21 this goal.

22 The court reporter for this session is Eric  
23 Nelson, who is seated here in the front of the room. I  
24 have asked him to notify me at any time if he needs to  
25 have any of your comments clarified. It will be important

1 that only one person speak at a time, and it is my  
2 responsibility to make sure that everyone who wishes to  
3 make public comments has an opportunity to do so.

4 The Department of Energy will not be  
5 responding to questions raised at this time as the purpose  
6 of the session is to receive your formal comments which  
7 will be addressed in the Final Environmental Impact  
8 Statement.

9 I'll call each person in the order that's  
10 been given to me by the registration staff. As I call  
11 each person, I will announce the following two speakers so  
12 that you can be more adequately prepared.

13 It is not my intent to limit anyone's  
14 comments, and as you can see, we have a number of people  
15 here who would like to speak. Therefore, initially each  
16 person will have five minutes for his or her presentation.  
17 If you have additional oral comments, I invite you to  
18 return after everyone else has had his or her initial five  
19 minutes. I will tell you when you have approximately 30  
20 seconds remaining on those five minutes and would ask you  
21 to conclude your initial comments as quickly and as  
22 gracefully as possible.

23 If you do have written copies of your  
24 comments, or you have additional comments beyond those  
25 that you are speaking on, please drop them in the comment

1 box, which I believe is in the back of the room. At least  
2 it was earlier today. Is that right? Right over in that  
3 corner. Thank you.

4 Now if you have supplemental material that  
5 you wish to have included in the official record, please  
6 give them to me so that I can have them recorded as  
7 exhibits to this meeting.

8 I must insist on there being quiet in this  
9 room during the formal comment period so that the court  
10 reporter can make an accurate record of all comments and  
11 the officials in the audience can also understand your  
12 comments. Please hold any conversations that you find  
13 necessary not only in the outer hall but perhaps outside  
14 or down the road -- not down the road -- or down the road,  
15 or outside, so as to not interfere with anybody being able  
16 to hear and understand what is being said.

17 Ken Skipper will be the gentleman from DOE  
18 who will be officially listening to your comments, but as  
19 you can tell, there are several people from the Department  
20 of Energy that are scattered around the room that will  
21 also be taking notes during your presentation.

22 Finally, it's in my discretion to call  
23 recesses as appropriate. I do that primarily to give the  
24 court reporter a break. At a certain time in the meeting  
25 and hopefully -- I think we have 18 or 19 people who have

1 signed up. Somewhere about half way through, we'll call a  
2 10-minute break and let everybody stretch a little bit.

3 I thank you for your cooperation in making  
4 this meeting a respectful one. Are there any questions  
5 before we begin?

6 Okay. Now when I call you to speak, please  
7 come to this area right over here, this table, tell the  
8 court reporter your name and then begin. Please speak  
9 toward the court reporter as it makes it much easier for  
10 him to be able to decipher just what you are saying and  
11 make an accurate record of it. And final reminder, anyone  
12 who would like to speak who has not registered, please see  
13 Ethan at the door so we can make sure that you are added  
14 to the list.

15 Okay. We're ready to go. And the first  
16 person that I have on my list to speak is Bob Halstead,  
17 and he would be followed by Pete, and help me, Pete,  
18 Goicoechea. Not bad?

19 MR. GOICOCHEA: Not bad.

20 MR. LAWSON: And then Ron Rankin.

21 Mr. Halstead.

22 **PUBLIC STATEMENT OF BOB HALSTEAD**  
23

24 MR. HALSTEAD: I'm Bob Halstead,  
25 Transportation Adviser for the State of Nevada Agency for

1 Nuclear Projects. Copies of my statements are at the back  
2 of the room, and I have asked the court reporter to enter  
3 the first two paragraphs of my statement in the record as  
4 if written because I think we're going to need all the  
5 time we have tonight to take citizen comments.

6 (The following two paragraphs were copied  
7 into the record as follows:)

8 "Transportation of spent nuclear fuel and  
9 high-level radioactive waste is inherently risky  
10 business. At previous hearings, our preliminary  
11 transportation comments have addressed specific  
12 deficiencies in DOE's Draft Environmental Impact  
13 Statement regarding the radiological hazards of  
14 the SNF and HLW that DOE proposes to ship to  
15 Yucca Mountain, the shipment modes and routes,  
16 the risks associated with legal weight truck  
17 transport, the vulnerability of shipments to  
18 human-initiated events including terrorism and  
19 sabotage, DOE's failure to identify a preferred  
20 rail access corridor to Yucca Mountain, and  
21 DOE's failure to demonstrate the feasibility  
22 of heavy haul truck transportation from an  
23 intermodal transfer station to the proposed  
24 repository. These statements are available  
25 on the web at [www.state.nv.us/nucwaste](http://www.state.nv.us/nucwaste). At



1           upcoming hearings we will address radiological  
2           health effects of routine transportation,  
3           radiological consequences of severe accidents,  
4           and social and economic impacts of public  
5           perception of transportation risks.

6                       "Today our focus is on the impacts of rail  
7           access construction, and the risks and impacts of  
8           rail transportation of SNF and HLW in Nevada.  
9           The Yucca Mountain site has no access to the  
10          national rail system. The nearest railroad is in  
11          Las Vegas, almost one hundred miles away. The  
12          DEIS identifies and describes four potential  
13          corridors, one-quarter mile in width, which DOE  
14          could use to construct a rail line connecting  
15          Yucca Mountain to the Union Pacific mainline  
16          in southern Nevada: Valley Modified (98 miles),  
17          Jean (112 miles), Caliente-Chalk Mountain (214  
18          miles), and Caliente (319 miles). (The DEIS  
19          designates the Caliente-Chalk Mountain corridor  
20          as a 'non-preferred alternative.') A fifth  
21          potential corridor, Carlin (323 miles) would  
22          connect Yucca Mountain with the Union Pacific  
23          mainline in north central Nevada."

24                      The Draft EIS underestimates the difficulty  
25          of constructing a new rail line to Yucca Mountain. The

1 Carlin, Caliente, or Caliente-Chalk Mountain routes would  
2 constitute the longest new rail construction project in  
3 the United States since the World War I era. Construction  
4 of the Jean or Valley Modified routes would be the second  
5 longest U.S. rail construction in the past 70 years.

6 The DOE's assertion that rail line  
7 construction along any of the routes would take an  
8 estimated 2.5 years is unjustifiably optimistic  
9 considering the difficult terrain, environmental  
10 sensitivity, and high probability that previously  
11 unidentified Native American religions and cultural  
12 resources will be discovered only after construction  
13 activities begin. The construction period could be five  
14 to seven years for the longer routes.

15 The DEIS further underestimates the  
16 difficulty of rail access preconstruction activities,  
17 especially environmental reviews and approvals,  
18 acquisition of rights-of-way across both public and  
19 private lands, and unresolved Native American rights  
20 issues regarding ceded treaty lands. Legal challenges  
21 could easily delay construction for five to ten years.

22 The maximum cost estimate of \$800 million for  
23 the Nevada rail transportation portion based on the  
24 estimate for the Caliente route is completely unrealistic  
25 unless DOE plans to sacrifice safety by constructing a

1 rail line which barely meets the minimum Federal Railroad  
2 Administration requirements. Nevada is particularly  
3 concerned that DOE contractor studies have recommended  
4 operating this line without a state of the art  
5 computerized train control system.

6 DOE's cost saving measures include shipping  
7 rail casks loaded with highly radioactive spent fuel in  
8 general trains, which will require switching cars at the  
9 connection point. DOE's proposal to routinely park loaded  
10 rail cask cars on a side track for up to 14 -- for up to  
11 48 hours is unprecedented and will result in a separate  
12 legal challenge.

13 The DEIS provides insufficient information  
14 about rail access spur system specifications,  
15 construction, and operations to allow the complete  
16 assessment of impacts and risks required under the  
17 National Environmental Policy Act, NEPA. The DEIS  
18 provides insufficient information on cut and fill  
19 requirements; ballast, rail weight, and tie materials;  
20 platform, ditch and bench dimensions; grade crossing  
21 separations (DOE contractors have recommended rail over  
22 road when crossing highways) crossing signals and road  
23 crossings; administration and maintenance facilities,  
24 including remote water supplies and sanitation; seismic  
25 and flood hazard standards; and train control signal

1 systems. The DEIS should have assumed that fencing would  
2 be required for the entire length of the rail spur and  
3 assessed the environmental and socioeconomic impacts of  
4 fencing.

5 The DEIS provides incomplete and  
6 contradictory information on rail operating assumptions,  
7 particularly regarding maximum operating speeds, crew  
8 change and waystation requirements, and potential shared  
9 use of the rail line. In particular, the DEIS fails to  
10 address the safety and environmental implications of  
11 potential shared use of the rail line for shipments of  
12 commercial explosives, military weapons and munitions,  
13 petroleum products, and other hazardous materials.

14 These DEIS deficiencies combined with DOE's  
15 failure to designate a preferred rail route result in a  
16 legally insufficient assessment of rail transportation  
17 risks and impacts.

18 MR. LAWSON: Thank you very much.

19 MR. SKIPPER: Thank you.

20 MR. LAWSON: I'm going to try it again. Pete  
21 Goicoechea, to be followed by Ron Rankin and Jamie  
22 Gruening.

23 **PUBLIC STATEMENT OF PETE GOICOECHEA**

24  
25 MR. GOICOECHEA: Pete Goicoechea, chairman of

1 the Board of County Commissioners, Eureka, Nevada. I  
2 don't read quite as fast as Bob, so this might be a little  
3 slower.

4 I'm here on behalf of the Board of County  
5 Commissioners to make some preliminary comments on the  
6 Draft EIS. First of all, we'd like to thank you, the DOE,  
7 for bringing this hearing to Crescent Valley. We  
8 appreciate your willingness to bring it to the vicinity of  
9 the impacts in our county, and we hope you continue to do  
10 that across the state.

11 Most of my comments will be somewhat basic,  
12 mostly related to transportation issues, and we will  
13 submit written comments by February 9th of 2000.

14 Eureka County is one of the 10 affected units  
15 of local government under Section 116 of the Nuclear Waste  
16 Policy Act as amended. While the Eureka County Commission  
17 hasn't taken a formal position on the Yucca Mountain  
18 project, we are still very concerned about the impacts of  
19 a rail line through our county will cause. We're  
20 especially concerned that this EIS, the documents that is  
21 supposed to identify these impacts, truly doesn't.

22 The EIS makes clear that the DOE intends to  
23 make a decision on the mode and the routes for  
24 transportation based only on the information in the EIS.  
25 Therefore, we believe that the EIS ought to have adequate