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Joan Claybrook, President

May 28, 2004

Robin Sweeney
EIS Document Manager
Office of National Transportation
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Re: Scope of Environmental Impact Statement for Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, NV [Federal Register / Vol. 69, No. 68 / Thursday, April 8, 2004, 18565-18569]

Dear Ms. Sweeney:

Public Citizen is a national, non-profit, consumer advocacy organization based in Washington, DC. Public Citizen was founded in 1971 and is supported by more than 150,000 members across the country. Our Critical Mass Energy and Environment Program works closely with local, state-level, and national organizations on energy policy issues. Our comments on the scope of the Environmental Impact Statement to be prepared on the Caliente rail spur to Yucca Mountain follow.

Picking a specific rail corridor for transporting high-level nuclear waste to the proposed Yucca Mountain repository within the state of Nevada will have implications for route selection across the country. All trains connecting to the Caliente route will necessarily pass through Utah, which in turn means many must pass through Colorado, Nebraska, and so on. As such, to limit the scope of this Environmental Impact Statement (EIS) to effects within Nevada's borders is to ignore real implications felt in the rest of the country. The scope of the EIS should be broadened to include national effects, and the comment period extended further to allow ample time for affected communities to fully analyze the potential impacts on them.

In keeping with the need for a comprehensive national focus on transportation, the U.S. Department of Energy (DOE) should have scheduled public hearings along other major transportation routes that will be heavily impacted by the selection of the Caliente Corridor at locations around the country, not just in Nevada. Transportation is a national issue, and citizens around the country deserve the chance to offer input on the record in a public setting.

In order to successfully coordinate an undertaking as major and potentially hazardous as transporting 77,000 tons of irradiated nuclear fuel across the country, DOE needs to involve

additional federal and state agencies in planning and evaluating the project that are not mentioned in the Federal Register Notice. Specifically, plans to bring in the Federal Railroad Administration, the U.S. Department of Transportation, the U.S. Department of Homeland Security, and numerous Nevada agencies appear to be lacking.

It is important for individual citizens to be able to determine whether and to what extent they will be affected by construction and operation of the rail line. Therefore, DOE must make large, detailed maps detailing current land use and ownership rights within and adjacent to the corridor easily available to the public. Any proposed fences, wells, associated with the rail spur should be included, as well as the potential impact they would have on current and anticipated land use.

In order to accurately gauge the impact that operating the rail spur will have on the surrounding communities and environment, one must begin with an accurate estimate of the number of shipments that will take place and over what period of time. This requires the DOE to make realistic assumptions about the capabilities of individual facilities, the likelihood of delays and disruptions, and DOE's own capacity to manage shipments happening at an unprecedented rate. Recent assertions that there will be only 175 shipments per year are based on wildly unlikely scenarios and ignore certain types of shipments. DOE must evaluate different scenarios, using realistic and likely numbers of shipments in evaluating the potential impacts.

When evaluating the environmental impact of the proposed rail spur, DOE must include the whole of the surrounding environment in the scope of its analysis. This means that the proximity of many of those affected by the rail spur to the Nevada Test Site (NTS) should be taken into account; these are citizens who have been exposed to more than their fair share of radiation and the effects of government experiments. The EIS should incorporate a comprehensive analysis of the cumulative effects radiation has had and will have on the surrounding population.

Similarly, DOE should include in its analysis the potential effects construction and operation of the rail spur will have on surrounding plant and animal species, the desert ecosystem (including soil health), water quality and availability, air quality, and the visual impact.

While much of the land within the rail corridor may be sparsely populated and owned by the Bureau of Land Management, it does not follow that no one relies on that land for survival. As you are no doubt at this point well aware, many ranchers are permitted to use public lands for their activities, including those lands withdrawn as part of the rail corridor. A rail line that cuts across their grazing land could severely impact their operations. Despite this, few if any of the ranchers currently using land withdrawn for the rail spur were notified in advance or consulted on the best way to design the corridor to cause the least amount of disruption. The same is true of people who own mineral rights. Will these people be compensated if their ranching or mining rights are inhibited? If so, how?

Workers, much of the construction equipment, and even shipments of waste for the first six years of operation, will travel over Nevada's roads due to construction of this rail spur. How will the state and affected counties be compensated for additional wear and tear on their roads?

A serious concern regarding the construction and operation of this 319-mile rail line is whether such activities would have the potential to spread dust contaminated by above-ground nuclear tests that have taken place at the nearby NTS. Radioactive fallout from these tests has settled over the entirety of the planned rail alignment, and radionuclides that have settled in the ground could be excavated, re-suspended in the air, and carried by the wind, allowing rail workers and the surrounding population to inhale dangerous particles such as plutonium. The EIS should fully address potential radiation doses to workers and the individuals as well as potential health consequences from such exposure. Before construction begins, DOE should measure background radiation and airborne particle levels in all areas along the corridor and those likely to be affected by construction, in order to obtain a baseline standard against which future contamination can be measured.

Terrorism is also of serious concern. The trains traveling the rail line will carry highly radioactive material that could devastate a large portion of Nevada for decades if a cask is breached, either accidentally or intentionally, making them a rather attractive terrorist target. The EIS must analyze the possible environmental impact of a severe accident or attack on a train carrying high-level radioactive waste through the corridor.

Thank you for accepting and considering these comments. If you have any questions, please contact me at (202) 454-5130 or bhoffman@citizen.org.

Sincerely,

Brendan Hoffman
Organizer, Nuclear Energy & Waste
Critical Mass Energy and Environment Program