

TESTIMONY

U.S. Department of Energy Public Hearing on the Possible Site Consideration of Yucca Mountain as a High-Level Radioactive Waste Repository

**Donna Bailey, Vice-Chairman
Eureka County Board of Commissioners**

**October 10, 2001
Crescent Valley, Nevada**

Representatives of the Department of Energy, Eureka County residents, and other participants: My name is Donna Bailey. I am the vice chair of the Eureka County Board of Commissioners, and am here today on behalf of the Commission. Eureka County is an affected unit of local government under Section 116 of the Nuclear Waste Policy Act as amended.

Public Hearing Process

We appreciate that the Department of Energy is holding a mini-hearing in Crescent Valley. It is my understanding that this is DOE's second mini-hearing in Crescent Valley; and that the first was held last Friday, October 5. As you may now be aware, the Commission was meeting in the county seat, 124 miles southeast of Crescent Valley while DOE was here, and was unable to participate.

The timing of the hearings and official announcement are unfortunate. First, in letters dated May 21 and September 28, 2001, Eureka County requested a full hearing in Crescent Valley. It is important for residents finally to give DOE their opinions about the Yucca Mountain project (as required by Section 114 of the Nuclear Waste Policy Act) but this should be a full hearing, not a mini-hearing.

We also believe that these hearings are premature. We want to be able to review and comment on the full site recommendation, not preliminary information. We also very much want to review the final EIS and DOE's comment response document. People here want to know how you responded to the comments that they made in December of 1999. When will they have that opportunity?

Impact Assessment Report

Today I will be submitting to you, as part of our testimony, Eureka County's Impact Assessment Report. This report identifies the likely impacts from constructing and operating a nuclear waste rail line through our county. It is a thorough and thoughtful analysis of what we could be facing.

Here's some highlights of what we learned:

- Because the rail line would be built in the 100 year flood plain, underpasses for roads, livestock and wildlife are needed but would likely be impractical.
- DOE has not yet identified the source of the 1.6 million cubic yards of fill and 155,000

cubic yards of ballast that would be required to shore up the rail line.

- We found that the rail line study corridor includes up to 59% of private land, and that almost 60% of the assessed private parcels of land in our county are within 10 miles of the 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.
- Eureka County's assessor estimated that property values within three miles of the rail corridor and the existing UP tracks would be adversely affected, even in the absence of an accident. In the case of a severe accident, property values would decrease by a large amount, from 10 to 34 percent.
- We learned that our volunteer emergency response personnel could not be prepared enough for the demands of nuclear waste transportation. Given our concerns about their safety, we would require a full time professional strike force team, based in our county to serve the northeast region, funded by the federal government, based in Beowawe.
- We learned that our agricultural and tourism economies could be endangered by an accident, or even the perception that the rail line is associated with nuclear waste.
- We learned that a project of this magnitude, with this many unknowns, will have major impacts on the Crescent Valley and its residents, perhaps disrupting our way of life and the place we call home.

Transportation

Eureka County has been involved with the nuclear waste issue since 1993 as an affected unit of local government. During that time, we have always maintained that transportation is an integral part of the project. To decide to build a repository at Yucca Mountain, and not to decide how to get the waste to the repository is irresponsible. We still don't know if DOE plans to ship using mostly trucks or trains. If trains, we don't yet know if they will require dedicated trains, or mix the shipments with general freight. These decisions should be made BEFORE a site recommendation, and are linked to it.

DOE often asserts that nuclear waste is a national problem requiring a national solution, but there is no national plan for nuclear waste transportation and emergency response. We also think that DOE should take into consideration the plans to store nuclear waste on the Goshute reservation in western Utah, even if it is not yet in their jurisdiction.

Public Trust and Confidence

For years, the issues of public trust and confidence has been identified as a key to DOE's program. In recent weeks DOE has further eroded public confidence with the late announcement of these hearings. If DOE wanted to do the hearings in a meaningful fashion, they would have had full hearings, not mini-hearings. They would have consulted with local governments about dates and times to ensure public participation. And they would have provided the public with adequate notice for the hearings.

You need to give people at least two weeks notice for a hearing like this. The Federal Register Notice did not appear until the first day of hearings, October 3. Several of the region's newspapers are weekly, and subscribers depend on the post office for delivery. If a county tried to hold a public hearing with that little notice, they'd be in violation of the law.

Recently my niece, Julie Etchegary, won a History Day competition for her report on atomic testing in the 1950's. She documented that what the government said differed from what the residents of Eureka County and eastern Nevada actually experienced. We printed it in our summer newsletter, which I am submitting as part of my testimony. 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.

In the 1950's and 1960's residents of Nevada and Utah who were exposed to deadly radiation had to fight for years to receive minimal compensation for that exposure. Some died trying. Let's not repeat history. If Eureka County residents are forced to have nuclear waste shipments in their communities, then we propose the establishment of a special escrow fund for prompt and complete compensation of persons affected by routine shipments of nuclear waste and by transportation accidents. DOE would pay for a baseline health assessment conducted by the 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.

Summary

Finally, as part of our Impact Assessment Report, we developed a list of mitigation measures that we anticipate needing as a result of the construction and operation of this rail line. This is no benefits package - this is just to make sure that we don't lose ground as a county and a community because of this project. These mitigation measures address water resources, noxious weeds, land ownership, the economy, takings, housing, effects of a rail terminal in Beowawe, solid waste, public finances, public health and safety, emergency response and management, and environmental justice.

We request a full hearing in Crescent Valley after the Final EIS is released and the site recommendation is made. Thank you for your attention.

Attachments:

[Impact Assessment Report](#)

[Summer 2001 Nuclear Waste Update newsletter](#)

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