

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:

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APPEARANCES

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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

1 information for all routes so that an informed decision  
2 could be made. The very basics are lacking in this Draft  
3 EIS.

4 The EIS states that the DOE intends to make  
5 the decision on which mode, whether it will be truck,  
6 rail, or heavy haul, and the route based on this  
7 information. Based on the limited information presented  
8 in this document, such a decision could not, would not and  
9 could not be an informed one because there is so little  
10 information about the routes, the communities they travel  
11 through, or even the DOE's concept of operating this rail  
12 line.

13 What's missing in the EIS? Almost everything  
14 practical that we need to know about the proposed rail  
15 line. Who owns it? Who will operate it? Who will own  
16 the track? Who will make the repairs to it?

17 Will it be fenced? Who will maintain the  
18 fencing? We already know what happens up the country  
19 here. It's not very well maintained.

20 How many grade crossings are contemplated?  
21 Will there be underpasses, overpasses? How about ranches?  
22 We're going to bisect a tremendous number of allotments.  
23 How are they going to cross the railroad?

24 And will there be an access road? And again,  
25 thanks to Joe, I see it will be and incorporated in the

1 quarter mile right of way.

2 59 percent of all the assessed parcels in  
3 Eureka County are within this 10 mile proposed route. The  
4 proposed route is within five miles of the second largest  
5 population center in Eureka County. It might be just  
6 Crescent Valley, but it is the second largest in Eureka  
7 County, and we're proud of it.

8 The EIS makes little mention of the impacts  
9 on these people. It does not adequately address the  
10 impacts of the building and the operating of a rail line  
11 so near private property. And that does not address the  
12 possible stigma effects on property values.

13 Flood plain issues. We're very concerned  
14 about the flood plain. We live here. The flood plain  
15 information is not complete and does not acknowledge the  
16 severe flooding that we have in this vicinity and also  
17 along your proposed rail route. The assurances on 6-47  
18 that the operation of the branch line would be stopped  
19 during flood conditions and a flooding of the track and  
20 would not resume until the DOE has made necessary repairs.  
21 What are we going to do with that train load of nuclear  
22 waste? Park it? How long and will the flash flood be  
23 detected in time to stop a shipment if it was in route?

24 We could very well have it down here at John  
25 Filippini's at Carico Lake.



1           The EIS does not have adequate information  
2 about the impacts on grazing. The EIS states that fencing  
3 decision rests with the Bureau of Land Management and US  
4 Fish and Wildlife. The information on fencing is not  
5 definitive and excludes local government, the local  
6 community, and most of all, those livestock permittees  
7 that will be impacted. They need input.

8           Emergency management and response. The Draft  
9 EIS is inadequate in its analysis of local government  
10 demands related to public and health and safety. The  
11 county will be submitting detailed comments in this area  
12 as well, and I understand that's been the policy all along  
13 that we're going to wait until we're five years from  
14 shipment before we're going to start equipping and  
15 training these people. That is completely inadequate.

16           There does not appear to be an analysis or  
17 discussion for the potential activities and cost needed  
18 during all the phases of emergency management and the  
19 response including preparedness response and recovery  
20 times.

21           The EIS is also insufficient because it does  
22 not consider the possibility of roads other than  
23 interstates when we're talking highway mode, truck mode of  
24 transportation to Yucca Mountain. The study done by the  
25 Nevada Department of Transportation several years ago



1 indicated that likely routes could be the A and B routes,  
2 both of which run south from Wendover to Ely on the way to  
3 Yucca Mountain. If either one of these were ultimately  
4 designated into highway transportation, Eureka County  
5 could be the host for an alternate routing, either I-80 or  
6 Highway 50 across the southern part of the county.

7 The EIS does not address alternate routing in  
8 the event of an accident, construction or weather, and it  
9 should.

10 We see the need for baseline health data. In  
11 November of 1995, Eureka County submitted scoping comments  
12 to the Department of Energy suggesting issues that should  
13 be covered in the EIS. One of our themes was the need for  
14 baseline health data, along with the method of  
15 compensation which would insure that the victims are  
16 compensated in a timely manner for their exposure. This  
17 was not adequately addressed in the EIS, and again, this  
18 was a request we had four years ago.

19 The Humboldt River. The EIS provides very  
20 little analysis of the impacts of a release -- for the  
21 release of radioactivity into the Humboldt River, which is  
22 crossed many times by the existing rail, and also by the  
23 interstate if we are talking truck transport. The EIS  
24 does not analyze the impacts of nuclear waste  
25 transportation over decades on the existing rail and

1 highway infrastructure within Nevada, and we all know what  
2 I-80 looks like and the construction we go through there.

3 Military air space impacts. Also absent from  
4 the EIS was the adequate analysis of the cumulative  
5 impacts and the potential conflicts between the military  
6 air space practice areas, the ranges to the south, and the  
7 rail route. And we just went through that battle with  
8 Fallon NAS.

9 In conclusion, Eureka County believes that  
10 the DOE's environmental impact statement is inadequate and  
11 incomplete. We believe that the information in the  
12 current document is not adequate and should not be used by  
13 itself as a decision or a tool for the selection of a mode  
14 or route for transportation. The lack of mitigation in  
15 the document indicates that DOE does not truly understand  
16 the magnitude of the impacts in this area with this major  
17 project. The cumulative impact analysis lacks the depth  
18 we would like from such a large government project. This  
19 is going to span generations.

20 We expect that the DOE will revise this Draft  
21 EIS significantly and address the deficiency and to  
22 provide a level of detail needed for us to make an  
23 informed decision.

24 As a County Commissioner, we're charged with  
25 protection of our citizens, their health, safety and

1 welfare. Until we have a basis to make a logical decision  
2 on these transportation issues and the impacts, I feel you  
3 have a very appealable document. Thank you.

4 MR. LAWSON: Thank you.

5 MR. SKIPPER: Thank you for your comments.

6 MR. LAWSON: I appreciate your running  
7 through that as quickly as you did.

8 MR. GOICOECHEA: I was a little long.

9 MR. LAWSON: You were a little long, but  
10 that's okay. The people representing government units, I  
11 bend a little bit there because I know that you have put a  
12 lot of time into it and you have a lot of things that you  
13 want to say. Thank you.

14 Our next speaker is Ron Rankin, and he will  
15 be followed by Jamie Gruening and Heidi Blackeye.

16 **PUBLIC STATEMENT OF RON RANKIN**

17  
18 MR. RANKIN: Good evening. My name is Ronald  
19 Rankin, Chairman of the Eureka County Planning Commission.

20 Chairman Goicoechea hit most of the  
21 highlights. I will hit on points that the Planning  
22 Commission has a concern here.

23 Over the years Eureka County has granted or  
24 approved numerous parcel maps through this particular rail  
25 corridor, some of the most heavily parceled areas in the

1 county. Almost virtually all these parcels are sold to  
2 either people that are living on them or people that plan  
3 to retire here. This thing, should this Beowawe to Yucca  
4 Mountain route be selected, it would devastate these  
5 people.

6 Also with this rail line crossing through the  
7 valley, the numerous access roads that are here now,  
8 obviously, it wouldn't be financially able to -- you  
9 wouldn't be able to financially build all the crossings,  
10 nor would they be safe to have that many crossings. So  
11 many of these lands would be locked out, unavailable for  
12 access, it would be considered to be almost a takings.

13 Also with the stigma of this rail line going  
14 through here hauling what it's hauling, the county has  
15 expended millions of dollars for infrastructure in the  
16 Crescent Valley area. If the people that are living here  
17 now or the people that speculate to live here felt the  
18 stigma, they may move out and leave the county holding all  
19 these millions of dollars of infrastructure with nobody to  
20 use them.

21 And another thing with this being the second  
22 populace area of the county, since it is such a rural and  
23 isolated area, the response time for an emergency team to  
24 come in, should there be an accident, a great deal -- a  
25 fire department wants to be there in just a few minutes.

1 This stuff is much more dangerous than a fire. And where  
2 are they going to come from?

3 And that pretty well closes out the Planning  
4 Commission's views here. Our Chairman Goicoechea covered  
5 most of the other hot topics. Thank you.

6 MR. LAWSON: Thank you, Mr. Rankin.

7 MR. SKIPPER: Thank you, Ronald.

8 MR. LAWSON: Our next speaker is Jamie  
9 Gruening, and following her is Heidi Blackeye and then  
10 John McGraw.

11 FROM THE FLOOR: Neither of them are here.

12 MR. LAWSON: Thank you. Then after  
13 Miss Gruening would be Lance Paul and Ken Washburn. Thank  
14 you.

15 **PUBLIC STATEMENT OF JAMIE GRUENING**

16  
17 MS. GRUENING: My name is Jamie Gruening,  
18 J-a-m-i-e, G-r-u-e-n-i-n-g. I live in Crescent Valley.

19 The Draft EIS acknowledges low level  
20 radiological exposure to the general public in nonaccident  
21 conditions during routine transportation of nuclear waste  
22 to Yucca Mountain. I and my family live in section 33 of  
23 township 29 north, range 48 east, County of Eureka. My  
24 home is approximately 3,000 to three and-a-half thousand  
25 feet east of the primary alignment rail corridor.

1 I do have a map that is an EIS privileged map  
2 that indicates the primary alignment and a secondary  
3 choice. Little pink dot indicates where I live.

4 At the nearest point, my home -- at the  
5 nearest point to my home the east side of the corridor is  
6 comparatively very narrow, which would place the track  
7 very near to my home. In the alternate rail route, also  
8 through Crescent Valley of the Carlin route, if that would  
9 be used, the track itself would be some 500 to 700 feet  
10 from my home, and again, that's according to the map.

11 If the alternate route would be used, being  
12 so near to my home, would my land and my home be inside or  
13 outside the corridor? Exactly how, how much and when  
14 would I be compensated?

15 If the primary alignment rail corridor  
16 through Crescent Valley would be used, would I be  
17 compensated at all for my uncomfortable and disturbing  
18 proximity to it?

19 According to figure J-11 on page J-86, volume  
20 2 of the DEIS, approximately 12,227 shipments of nuclear  
21 waste will come over the Carlin route under the mostly  
22 rail scenario. Now according to Ms. Booth today, that  
23 number of shipments could be as few as only 9,924.

24 If either Carlin route is used, rail routes,  
25 I can expect, according to the DEIS, approximately 12,227,

1 personal, low level, radiological exposures over 24 years.  
2 As I approach retirement, I expect to be at my home by  
3 choice most of the time. That's quite a lot of exposure.

4 Who will monitor, manage, evaluate, and pay  
5 for the immediate and latent health consequences of this  
6 repeated and long-term exposure? How will I and my family  
7 or our heirs be compensated for the effects on our health  
8 and well being?

9 It was stated just here this evening by one  
10 of the DOE individuals that DOE follows the NEPA  
11 guidelines. The NEPA, National Environmental Policy Act,  
12 is intended, I have read, in its documentation to help  
13 public officials make decisions that among other things  
14 act to protect, restore and enhance the environment,  
15 including the human environment. If the Draft EIS and the  
16 whole EIS process and the ultimate recommendations and  
17 decisions are obligated by NEPA to function in such a  
18 manner, I have the following questions.

19 One: How, in what specific ways would the  
20 storage of nuclear waste protect, restore, or enhance the  
21 site at the Yucca Mountain repository?

22 Two: How, again in what specific ways, would  
23 the transporting of nuclear waste enhance the environment,  
24 including the natural environment and the human  
25 environment along the transportation routes themselves?



1 Especially along those routes that at this time have no  
2 rail lines whatsoever, such as the proposed Carlin route  
3 through Crescent Valley.

4 And my third question on that line: How and  
5 in what specific ways would the construction of a rail  
6 line, the location of that rail line, and the transporting  
7 of nuclear waste on this track enhance the natural  
8 environment and the human environment of Crescent Valley  
9 and more specifically of my home, which is as little as  
10 one-tenth and as much as possibly seven-tenths of a mile  
11 from the track depending on which route is chosen?

12 And I have a few short questions as well.  
13 What exactly is an adequate buffer corridor during  
14 construction of the rail line in terms of health and  
15 safety of residents immediately adjacent? What is an  
16 adequate buffer corridor after completion of construction?  
17 Where exactly will wells be drilled along the Carlin  
18 route? Where exactly will man camps be located of the  
19 construction crews?

20 Which of the five proposed rail routes is the  
21 most cost effective? What are the projected costs for  
22 each of these five proposed rail routes through Nevada?

23 Will there be an overpass or an underpass for  
24 county access roads to private property? Who will  
25 maintain these changes that would be made to county access



1 roads?

2 And finally, who is liable for the impact on  
3 property values?

4 Thank you.

5 MR. LAWSON: Thank you. I appreciate it.

6 MR. SKIPPER: Thank you, Jamie, for your  
7 comments.

8 MR. LAWSON: Lance Paul. And following Lance  
9 would be Ken Washburn and Carie Dann.

10

**PUBLIC STATEMENT OF LANCE PAUL**

11

12 MR. PAUL: Hello. My name is Lance Paul.

13 And I don't have a formal presentation to make. But I do  
14 have some comments.

15 I don't understand why Congress has allowed  
16 this process to go through without addressing the need for  
17 this repository and the other -- the availability for use  
18 and the alternatives to geological disposal. I feel like  
19 it's\_a sham.

20 This is a beautiful valley, and we all love  
21 it and live in it, and this railroad will destroy it, in  
22 my view. This is a horrendous act of arrogance to think  
23 that we can safely store high level nuclear waste for  
24 10,000 years. How long have we even been a country? 250  
25 years? 10,000 years is outrageous.

1           We have got to come up with a better solution  
2 than this. That's the end of my comment.

3           MR. LAWSON: Thank you.

4           MR. SKIPPER: Thank you.

5           MR. LAWSON: Ken Washburn.

6           MR. WASHBURN: I'll pass.

7           MR. LAWSON: Carie Dann. And after she  
8 speaks will be Pat Leppala, and then Jennifer Viereck.

9                           **PUBLIC STATEMENT OF CARIE DANN**

10  
11           MS. DANN: My name is Carie Dan. I'm a  
12 native of this valley. The Western Shoshone people,  
13 especially my family, has lived in this valley for tens of  
14 thousands of years, from time immemorial.

15           I have seen this valley, the areas through  
16 here, being destroyed in the name of economy, progress,  
17 you name it. We had the geysers down here destroyed by a  
18 geothermal power plant. First real obvious destruction to  
19 my culture, to my beliefs.

20           Then the mining came in. They, too,  
21 destroyed my culture, and my beliefs.

22           Then we also have proposed for this valley a  
23 Falcon Condor power line which will lay in this valley.  
24 We also have this nuclear rail train that is being  
25 proposed to come through this valley.

1                   What are you going to do next to destroy me?  
2                   What are you going to do next to destroy my culture, to  
3                   destroy my beliefs?

4                   To put a waste site -- a waste dump, nuclear  
5                   waste dump down at Yucca Mountain, I can't see that. Man  
6                   created that waste. Why is man returning that waste to  
7                   our mother earth? Why don't you take care of it is? It's  
8                   your creation.

9                   Neutralize it somehow some way. You are  
10                  sending men up to the moon, Mars. Where are you going  
11                  next? Can't we stay here? Can't you stay here and  
12                  neutralize the nuclear waste so that it would be free that  
13                  we wouldn't have to be afraid, our children wouldn't have  
14                  to go through mutations or whatever, all these nuclear  
15                  things cause?

16                  We all know, especially -- I know some  
17                  ranchers have seen it as much as I have, but I have seen  
18                  deformity in calves. Bad sometimes. It depends on the  
19                  year. However, since the nuclear test ban, it's not as  
20                  obvious as it used to be.

21                  We also hear mutations can happen. You guys  
22                  don't tell us that.

23                  I do expect some kind of changes in the  
24                  atmosphere. I have seen it. In my lifetime, living here,  
25                  in this valley, I have seen the temperature rise from 36

1 below zero to what did we have last year? Nothing. Not  
2 even below zero. Four above zero.

3 All these years there's changes that is  
4 happening. We don't have to be a nuclear scientist to see  
5 these things.

6 I would like to see for this valley, or any  
7 other valley, or any of these rail systems they propose,  
8 that you people, DOE, spend all the money that they are  
9 spending down at Yucca Mountain to neutralize all of that  
10 thing that you want to bury down there. You're giving  
11 nothing to our future generations, that is to the humans,  
12 to the animals, all life.

13 I think life is so precious to all of us.  
14 Why do we have to contaminate it? There is so much  
15 contamination in this world already, and we're still doing  
16 more.

17 As indigenous person, I do not look at the  
18 economy, the progress, the way you people do. I look at  
19 the earth as a giver of life.

20 We see this thing being destroyed. We see it  
21 being destroyed down at the test site, and Yucca Mountain  
22 is going to be no different.

23 I see the water as a giver of life. I'm sure  
24 this is being destroyed down at the test site, and I'm  
25 sure it's going to happen in Yucca Mountain.

1 I see our air is being contaminated. As  
2 Corbin said earlier, from the test site where you are  
3 putting all this low level nuclear waste, the wind comes  
4 along, picks it up, who knows where it's deposited at?

5 I think that if we cannot control the things  
6 that we have created, then those things should not be  
7 created at all. If we value this earth upon which we live  
8 as important, then we shouldn't create these things that's  
9 going to destroy it.

10 I don't only look at humans as a form of  
11 life; we have birds, we have eagles, we have falcons, we  
12 have sagehens. All of these things enjoy this earth. The  
13 deer, everything. They have a right to enjoy this as we  
14 have.

15 Just because they cannot come out here and  
16 talk to you, they're nothing, unless if you can go shoot  
17 them for sports maybe, then they become something.

18 Life today is based on how much money and  
19 where we can make that money. And I am sure that the  
20 State of Nevada is not going to get its share of the money  
21 to study all of this stuff that's going on.

22 But my recommendation to DOE, even, too, I  
23 was going to say - and I don't know if it would be bad to  
24 say it, so maybe I better not say it - but I do look at  
25 congressional people sometimes as spineless, because you

1 have to stand on principles. If you don't have  
2 principles, then you have nothing.

3 Western Shoshone people do have a treaty with  
4 United States. I don't know if that means anything. But  
5 I do remember reading somewhere in the United States  
6 Constitution that it is the supreme law of the land.

7 I see today, we as indigenous people, we're  
8 overlooked, we're stepped on. Then they tell us, well,  
9 you know, here is your culture things, you know. You  
10 shouldn't pick them. It's against the law to pick them.

11 Why shouldn't it be against the law? Why  
12 shouldn't the law somehow say that as indigenous people,  
13 our rights are just as important as your rights?

14 I see in one of these volumes that you have  
15 over here that it talks about U.S. v. Dann. I guess I'm  
16 that Dann that they talk about in there.

17 But the fact remains, no court in the United  
18 States has ever addressed Western Shoshone land issues.  
19 All they say is that we took it from you and we're going  
20 to give you 15 cents an acre. That's what we get. Is  
21 this democracy? What is it?

22 Maybe we go back to the time Columbus first  
23 landed over here, he says, oh, we have landed in paradise.  
24 But the minute he found out that we were not Christian  
25 people, he called us heathens. Is that the way the court

1 structure still looks at us today?

2 If anybody refers to U.S. v. Dann, I would  
3 like for that person, that entity, that government, or  
4 DOE, whoever it is, to show me where Western Shoshone land  
5 title was ever argued before any court system. And I say  
6 any court system of the United States.

7 As a Western Shoshone person, I do not want  
8 this here. I don't want it here, I don't want it the next  
9 valley, I don't want it down at the test site. I don't  
10 want it any place.

11 Like I say, DOE and the government has to  
12 find a way to neutralize all this contamination, the  
13 poisoning of our bodies, not only of our bodies but the  
14 poisoning of all life on this earth as we know it today.

15 I'd like to say also one more thing is that I  
16 can probably say I have been jailed by the DOE personnel  
17 down at the Test Site a number of times. I have a jail  
18 record.

19 My little fingerprints were done, every one  
20 of them. They left my toes out, though.

21 But real seriously, if you don't like  
22 something that's going on, stand up. Stand up and do  
23 something.

24 Even though quietly there's people around you  
25 who can do your work for you. And I can say one thing. I

1 admire all of these people that's come here today. We  
2 have one goal. Keep that nuclear waste out of our  
3 valleys. Not only this valley, but all the other valleys.

4 Uncle Sam can spend all of that money it  
5 spends down at Yucca Mountain to do something better to  
6 neutralize all that, I got a good word for it but I guess  
7 I shouldn't say it.

8 MR. LAWSON: Thank you.

9 MS. DANN: And I want to thank you guys for  
10 listening to an old lady. A derelict.

11 (Applause.)

12 MR. SKIPPER: Thank you for your comments.

13 MR. LAWSON: Yes. Thank you. Our next  
14 speaker will be Pat Leppala. And she will be followed by  
15 Jennifer Viereck and then Nancy Louden. That is a tough  
16 act to follow.

17 **PUBLIC STATEMENT OF PAT LEPPALA**

18 MS. LEPPALA: I can't follow that act.

19 My name is Patti Leppala. I live in Crescent  
20 Valley.

21 When John Glenn was going up in the space  
22 capsule, people asked him, how did you feel? He said,  
23 every component of the space capsule was let to the lowest  
24 bidder.  
25





1 Viereck, V-i-e-r-e-c-k.

2 I'm going to repeat my first four points from  
3 this morning for the benefit of the community, and then  
4 I'd like to talk about some other rail concerns that I  
5 have.

6 I think there's a number of inadequacies in  
7 this document. It's obvious that a lot of work went into  
8 it, but there are some real serious concerns, and the  
9 first one that I have is the language that is used, spent  
10 fuel. Spent fuel implies that the radioactivity is no  
11 longer present, that it's been used up in some manner, and  
12 I think that's highly misleading, and I think the DOE  
13 could do better with language. Irradiated fuel might be  
14 good.

15 As the fuel comes out of the nuclear reactor  
16 it is one million times more radioactive than when it goes  
17 in. So this does not indicate spent to me.

18 I have some legal concerns, legal conflicts  
19 that I think are very inadequately addressed and could be  
20 serious in the future of such a project. The first is the  
21 Treaty of Ruby Valley.

22 The Treaty of Ruby Valley was acknowledged by  
23 the U.S. Government as giving sovereignty over this land  
24 to the Western Shoshone people, and I would hope that my  
25 government would keep its word. There is a proposal to

1 withdraw 230 square miles for this project. Why that's so  
2 large, I do not know.

3 In addition to this quarter mile rail  
4 right-of-way that we're talking about. Every inch of this  
5 mileage line is within Western Shoshone territory. So I  
6 would hope that the final EIS addresses that a lot more  
7 seriously than the draft document does.

8 I'm also concerned about legal conflicts with  
9 the State of Nevada, the issue of transporting high level  
10 waste into a state that has outlawed that, and I'm really  
11 concerned about the issue of water pollution, which is a  
12 felony in the State of Nevada.

13 I have some legal concerns about the use of  
14 the National Environmental Policy Act in this instance. I  
15 want to really make it clear that as I read this, it is  
16 not to be used to try to railroad, and I'm not trying to  
17 make a pun, a political decision or an existing decision  
18 through by using this law, but this project needs to be  
19 really carefully evaluated with this law and not just  
20 pushed on through. The project appears to me and to many  
21 that I'm listening to tonight to be based on some pretty  
22 bad science, and I'm really concerned about that.

23 The original mission of the Yucca Mountain  
24 repository was to contain and isolate high level nuclear  
25 waste from the environment, and it's very clear from this

1 draft document that the DOE no longer feels able to do  
2 that. So why are we proceeding in this manner?

3 This is a very serious concern to me. It is  
4 pretty clear that given the overall lifespan of the  
5 nuclear materials in question, the project would barely  
6 slow down the spread of radionuclides.

7 As far as general railroad transportation is  
8 concerned, not just spur that we're talking about which of  
9 the five it would be, but general railroad transportation  
10 around the United States, I have some real concerns there.  
11 I have done some very preliminary research, but I was  
12 pretty alarmed by what I found.

13 As this material travels on general  
14 railroads, whether it's attached to a commercial train or  
15 whether it's on a dedicated train, it's still going to be  
16 going through a whole lot of track and through 43  
17 different states. I found that 80 percent of rail  
18 crossings in the United States do not have signals. I  
19 found that you are 30 times more likely to be hit by a  
20 train than another automobile. That's the rate of  
21 accidents in this country. And they are rising.

22 That there is a rail accident somewhere in  
23 the United States every 90 minutes, and this figure has  
24 continued to increase over the last several years. And  
25 that there is a toxic spill every two weeks.

1 I have really serious concerns about these  
2 statistics continuing to be in place with casks of nuclear  
3 materials attached to each of these accidents and  
4 problems.

5 And I am extremely concerned about the delay  
6 that these things could cause to nuclear casks that would  
7 be attached to such trains, that they would sit in areas  
8 where they would continue to emit radiation. I don't find  
9 any of these items addressed in the document, and so  
10 that's why I'm concerned about inadequacies.

11 I would hope that the final document would  
12 have a great deal more information about rail  
13 transportation in the U.S. or that an additional EIS or at  
14 the very least a supplement would be put forward, because  
15 I don't see how anybody can make educated decisions  
16 without this kind of information.

17 As far as this specific spur, whether it is  
18 here or any of the other four routes, I'm really concerned  
19 by the lack of information and how one could possibly make  
20 a decision about either method of transportation or route  
21 given what's there.

22 There is, as other people have mentioned, a  
23 real inadequate amount of information on the issue of  
24 fencing and how that would affect farms, ranchers,  
25 migration patterns, grazing and other local access on

1 hundreds of small county roads that go through the area  
2 that this rail would continue to pass through.

3           There seems to be inadequate information  
4 about materials and construction methods and  
5 specifications.

6           There's very little information about  
7 signaling and how that would be used.

8           There is very little information about  
9 accidents along the tracks, and I mean things like floods,  
10 animals on the tracks, these kinds of things, how that  
11 would be addressed in terms of delaying rail cars  
12 indefinitely, perhaps next to Jamie's house.

13           And there seems to be inadequate information  
14 about the issue of ownership and maintenance.

15           I personally live near the test site, and I  
16 live near Yucca Mountain. So while you are concerned  
17 about how many trains are going to go past your house, I  
18 live where they are all going to arrive and remain for the  
19 end of time.

20           So I'm very concerned, and I'm very concerned  
21 about DOE's past record for accidents, cleanup,  
22 maintenance and that kind of thing, because where I live  
23 during the winter months -- during the summer months I  
24 understand they mainly come down through Ely and that  
25 area. When Ely starts to snow up, the nuke low level

1 waste that is going into the nuclear test site comes  
2 within two and-a-half miles of my home up from the south  
3 from Baker, between five and 15 trucks a week. These  
4 trucks are all to clean up other DOE sites where those  
5 people were told that there wouldn't be a problem.

6 So you can understand that I have a certain  
7 amount of concern in listening to these statistics.

8 My final point is that I would really like to  
9 see a much more reasonable approach in the document for  
10 the no action alternative. I think both proposals that  
11 are in this are fairly ridiculous, and they are quite  
12 misleading when one tries to compare the rest of the  
13 project to the no action alternatives.

14 I have spoken to a number of people privately  
15 who work at the Yucca Mountain site in a variety of  
16 capacities. At this time most of the people that I have  
17 spoken with feel strongly that it's a bad idea.

18 And I just want to share with all of you that  
19 they are being able to go home with their paycheck and  
20 feel reasonably good about that because they are counting  
21 on us to stop this project so it doesn't go through.  
22 Thank you very much.

23 MR. LAWSON: Thank you.

24 MR. SKIPPER: Thank you.

25 MR. LAWSON: We'll take the two people that I



1 called earlier. We'll take them, and then we'll take a  
2 short break. Nancy Louden. And then following her will  
3 be Christopher Sewall.

4 MS. LOUDEN: Now?

5 MR. LAWSON: Yes.

6 **PUBLIC STATEMENT OF NANCY LOUDEN**

7  
8 MS. LOUDEN: My name is Nancy Louden,  
9 L-o-u-d-e-n. And before the meeting this elderly woman  
10 came to my house that I know, and she's pretty frail. So  
11 she couldn't come to the meeting. And she gave me this  
12 paper, and I'd like to read that for her.

13 MR. LAWSON: Please.

14 MS. LOUDEN: Her name is Jean Plummer. Do  
15 you want me to spell that?

16 THE REPORTER: Please.

17 MS. LOUDEN: P-l-u-m-m-e-r. Beowawe and  
18 Crescent Valley, Nevada, might be considered townships  
19 with small populations, even if all the surrounding areas  
20 were included. Our land, though, has much natural beauty,  
21 good fishing, hunting, colorful spring flowers, canyons in  
22 the mountains, willows and cottonwood trees and streams  
23 winding through. Our children have a great school and a  
24 small community to grow up in.

25 The Yucca Mountain project will destroy all



1 of this within 25 years if not sooner. There will be very  
2 little left as radioactivity flows into the air and seeps  
3 into the water supply for both the flora and fauna. This  
4 part of Eureka County, Nevada, has historical sites, too,  
5 graveyards that are 150 years old, a long time for the  
6 West. There are many mines and ranches equally as old.

7 The Yucca Mountain project makes me think  
8 that the government feels we and our land are expendable.  
9 I urge you to stop this nuclear waste. Put more money  
10 into researching how to accomplish this instead of  
11 spending millions of tax dollars on railways and research  
12 to carry this waste which will destroy our small part of  
13 the United States.

14 The Yucca Mountain waste site project is not  
15 going to solve the problem. It will only destroy more  
16 land, more communities.

17 In 50 years our government will be looking  
18 for another waste site, more of our great country will be  
19 destroyed. Stop this Yucca Mountain project for our  
20 generation and future generations.

21 Okay. Now this is mine. I am Nancy Loudon,  
22 and I am feeling desperate and angry. The proposed  
23 facility at Yucca Mountain and the transportation of  
24 nuclear waste to it is also desperate. This waste cannot  
25 be contained for two generations, much less two million

1 years, without leaking into the environment.

2 It isn't the first time in history that  
3 people have been led by mankind in the wrong direction.  
4 If this rail line goes through Crescent Valley, it will  
5 put the people here in a no-win situation. If we stay, we  
6 get nuked; if we leave, we lose our property.

7 Let's get real. If none of us here want a  
8 nuclear train in our yard, who is going to want to buy it  
9 from us for what it was worth before the nuke train  
10 threat? Either way we lose. Stay, we lose; go, we lose.  
11 Are you going to compensate us for ruining our lives and  
12 how?

13 We own a hot springs, pool and house,  
14 one-half mile from the proposed rail line and a trailer  
15 one and-a-half miles on the other side. At our hot  
16 springs, there is a lot of different kind of birds that  
17 come there. We have a wetlands, and there's been about 50  
18 different species of birds that land there and rest up  
19 before they go on to other places, and we have a lot of  
20 animals there, and if they build a railroad, all that  
21 noise is going to scare them away, and plus the train will  
22 scare them away when it comes through here.

23 And to go back, we own the hot springs and a  
24 house a half mile from the proposed rail line and a  
25 trailer a half mile on the other side. Because we don't

1 have electricity at the spa, we live between the two  
2 places. It's kind of a different kind of lifestyle, but  
3 we like it. We really love it.

4 And we go back and forth all the time. We  
5 will be crossing the tracks about six or eight times a  
6 day. This is going to greatly impact our lives because we  
7 will have to schedule our lives around the train schedule.  
8 If it's even available to us. Will it be?

9 We don't want to be stopped at the crossing  
10 waiting for the train to go by because our radiation  
11 exposure will go up. We will lose spontaneity in our  
12 lives and the freedom to make our decisions for our  
13 movement in the valley we live in.

14 We use our hot springs to improve our health,  
15 and it is hardly compatible with train cars full of deadly  
16 waste sitting in Beowawe and going by in full view from  
17 our hot water therapy bath.

18 This will definitely devalue our property  
19 and ruin us financially. Even if DOE did compensate us,  
20 would it be enough to relocate at another hot springs?  
21 Hot springs are not replaceable. We would be lucky to  
22 ever find another one to buy.

23 Basically you're taking something from us  
24 that you can't replace. I think that's called stealing.  
25 Isn't it?

1 Thank you.

2 MR. LAWSON: Thank you.

3 MR. SKIPPER: Thank you.

4 MR. LAWSON: And the last speaker in this  
5 segment, Christopher Sewall.

6

**PUBLIC STATEMENT OF CHRISTOPHER SEWALL**

7

8 MR. SEWALL: Hello. My name is Christopher  
9 Sewall, that is S-e-w-a-l-l.

10 For the past nearly seven years I have been a  
11 staff person at the Western Shoshone defense project.  
12 Western Shoshone directed a nonprofit organization based  
13 here in Crescent Valley.

14 The first point I want to make to the DOE -  
15 and these would be our preliminary comments; we will be  
16 submitting written comments by the deadline - the first  
17 point I want to make is that Indian country does not stop  
18 at the reservation boundary. And that Western Shoshone  
19 communities are not limited to the reservations.

20 As you have already heard, there is a Western  
21 Shoshone community located here in Crescent Valley within  
22 eight miles of the proposed route, even closer to the  
23 alternate route, this rail route through this valley.

24 And again, I will reaffirm and remind the DOE  
25 of the Treaty of Ruby Valley and that treaties are indeed

1 recognized in the Constitution as the supreme law of the  
2 land. The only thing we see so far in the EIS regarding  
3 the treaty is some references to the Supreme Court case  
4 and to an Indian Claims Commission decision. And we would  
5 like to reaffirm our position that title has never been  
6 litigated to Western Shoshone land.

7 And in fact, a Federal District Court here in  
8 Nevada made a ruling which in fact said that the Treaty of  
9 Ruby Valley is in full force and effect.

10 Now we currently right now, the U.S.  
11 Government is under investigation by an international  
12 human rights commission, the interAmerican Commission on  
13 Human Rights which was established by the Organization of  
14 American States to protect and promote human rights by the  
15 member states of the Organization of American States,  
16 which is essentially a United Nations of the western  
17 hemisphere, of which the U.S. Government is part of. And  
18 right now this commission is investigating the status of  
19 U.S.—treatment of Western Shoshone people and the process  
20 by which the U.S. has claimed to deprive them of title to  
21 their land, and we feel that the DOE should be aware of  
22 this process and the fact that the DOE proceeding with  
23 these plans for Yucca Mountain and this rail route  
24 prejudices this investigation.

25 Another thing -- a question that I want on

1 the record. Two questions that I want on the record.  
2 First of all, is it the DOE's position that Western  
3 Shoshone land title was litigated by the Indian Claims  
4 Commission?

5 Second question I want on the record. Is it  
6 the DOE's position that the Indian Claims Commission  
7 proceedings and the Supreme Court has the legal authority  
8 to nullify the Treaty of Ruby Valley?

9 Another just point I'd like to add to that.  
10 The government is always bringing up the U.S. v. Dann  
11 case, the Supreme Court case, as their silver bullet to  
12 dismiss Western Shoshone land claims and issues. I would  
13 just like to remind people that the Supreme Court doesn't  
14 necessarily make morally correct decisions. In our past  
15 the Supreme Court has in fact ruled it is legal to own  
16 another person. I think we would all agree, and even  
17 people at that time would agree, that was a morally  
18 reprehensible position and people resisted it, and it is  
19 the same attitude that we have concerning the Supreme  
20 Court's decision regarding the Dann and Western Shoshone  
21 land title. It is simply an immoral and frankly illegal  
22 taking of those lands.

23 The other points that I wanted to bring up  
24 concerns the nature of NEPA, the National Environmental  
25 Policy Act. Now it is my understanding that this act was

1 created to help the U.S. Government with the input of U.S.  
2 citizens to make informed decisions about projects that  
3 affect the environment and to look at the environmental  
4 and different impacts associated with these decisions.  
5 Now one of the key parts of the NEPA process is defining a  
6 need, a need for the project, why are we going ahead with  
7 this project in the first place. Right now we're not  
8 convinced that the DOE has adequately justified the need  
9 for this project.

10 Perhaps more importantly is the lack of  
11 alternatives in this document. The very heart or essence  
12 of the NEPA process is the evaluation of alternatives to  
13 the project at hand. That's the very heart of the NEPA  
14 process. The whole substance of the NEPA process is  
15 evaluating the different possibilities, different  
16 alternatives for the project at hand.

17 And instead, instead we get two alternatives.  
18 We get we can build the dump or the no action alternative.  
19 And I'd like to point out that the no action alternative  
20 should be a reasonable alternative, and right now the no  
21 action alternative that we have been presented in this  
22 document is completely unreasonable, and in fact, I don't  
23 know of anybody advocating for the scenario that you have  
24 put in the no action alternative. Nobody is saying leave  
25 the waste at the site for a thousand years, 10,000 years



1 unmonitored. Nobody is saying that. Nobody in the  
2 antinuclear movement, nobody is saying that.

3 So why are you evaluating in there? It is a  
4 straw man. You knock it down. So we have an alternative  
5 that we couldn't possibly choose or the dump. That's  
6 ridiculous.

7 The other thing that really concerns me,  
8 especially after hearing the presentations, is how many  
9 times I heard the word assume. Is that so many parts of  
10 the details of this project, the devil is in the details.  
11 We assume this, we assume that, we don't know yet. It's a  
12 concept. We assume.

13 I think we all know the joke about assuming.  
14 And I think it's very true in this case.

15 I'm particularly concerned about the details  
16 of the rail design and operation. All these details are  
17 left out. We don't even know if it's going -- the DOE  
18 hasn't made a determination if this is going to be a  
19 single use railroad.

20 How can you possibly evaluate the risks of  
21 rail lines without knowing what you are going to be  
22 putting on those rail lines? You can't do it.

23 The last point that I want to make as a  
24 representative of the defense project is the fact, and  
25 this has been mentioned before as well, is the fact around



1 World War II the Atomic Energy Commission and the  
2 Department of Defense seized hundreds of thousands of  
3 acres of Western Shoshone land, the creation of the Nellis  
4 Air Force Range and the Nevada Test Site. This was done  
5 without the consent of Western Shoshone people, and access  
6 is now denied to those areas. Burial sites have been  
7 disturbed, cultural sites have been disturbed, plants,  
8 animals and water have all been contaminated to these  
9 things.

10 And now what we see is the federal government  
11 doing exactly the same thing and trying to force a project  
12 down the throat of people that don't want it. The Western  
13 Shoshone people have made clear opposition to this project  
14 at every step. There are tribal resolutions. The Western  
15 Shoshone National Council has declared Western Shoshone  
16 territory as a nuclear free zone.

17 But still we proceed forward with this. I  
18 want a government that acts with dignity and honor. And  
19 this is not the way the federal government is behaving in  
20 regards to this project. And I'm ashamed, and you should  
21 be ashamed as well.

22 The last thing, our position is that we feel  
23 from the information we have now that this project as  
24 proposed and the transportation will have a profoundly  
25 negative impact on the political, economic, cultural,

1 social, spiritual survival of the Western Shoshone nation.

2 And then I'd just like to add just one more  
3 comment perhaps, not as a representative of the defense  
4 project, but my family is from Maine, and they still live  
5 there, and we live about 12 miles from Maine Yankee  
6 Nuclear Power Plant. When that power plant was built,  
7 family land was condemned to build that power plant. Some  
8 of my family land was condemned.

9 And I don't like my family living next to  
10 that stuff over there. But I sure as hell don't support  
11 putting it on a truck and sending it out here because you  
12 are just making a bad problem even worse. So I just want  
13 to say that.

14 And one last comment I want to make, too.  
15 And I brought this up in the questions. I just  
16 remembered, but I want to have it on the record. Is that  
17 I see it really as hypocritical that the federal  
18 government would require such a level of detail of  
19 information from private industry in regards to the mining  
20 industry for all their projects on federal lands, and then  
21 would exempt itself from the same level of detail in  
22 evaluating this project, this Yucca Mountain project. So  
23 that's all I have to say.

24 MR. LAWSON: Thank you.

25 MR. SKIPPER: Thank you.

1 (Applause.)

2 MR. LAWSON: Well, thank you all for your  
3 comments. The average is about five minutes, and that is  
4 satisfactory for me.

5 Let's take a break and come back why don't we  
6 say 10 minutes of nine. I still have six people on the  
7 list, and I'll say who the first couple of people are here  
8 in a minute.

9 I hope that you will stay around. If you  
10 don't, I appreciate, we all appreciate your taking the  
11 time to come and to make your comments. But you are  
12 certainly welcome to stay to hear the remaining people.

13 We'll come back at 10 minutes to nine  
14 according to that clock. And the first three speakers  
15 will be Lois Whitney, Bernice Lalo and Evangeline Holley.  
16 We'll take a recess until 10 minutes of nine. Thank you.

17 (Recess taken at 8:37 p.m.)

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1           CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2                           8:50 P.M.

3                           -o0o-

4  
5                   MR. LAWSON: I just discovered that two of  
6 the people who were scheduled to speak have declined to  
7 speak. So I now have four on my list.

8                   The first person to speak will be Lois  
9 Whitney. She will be followed by Bernice Lalo and then  
10 Bill Leppala. Lois Whitney, please.

11                   By the way, as Miss Whitney is coming to the  
12 podium here, I'd like to just acknowledge that Jozette  
13 Booth is now going to be officially listening to the  
14 comments for the Department of Energy. Hello again.

15                           **PUBLIC STATEMENT OF LOIS WHITNEY**

16  
17                   MS. WHITNEY: Good evening. Again I want to  
18 welcome you to Western Shoshone territory. I spoke  
19 earlier today, and I would like to just recap a little bit  
20 of the things I talked about.

21                   I'm glad to see so many people staying from  
22 the first to the second. This is an issue of very  
23 importance to all of us.

24                   My name is Lois Whitney, and I am a  
25 descendent of the Western Shoshone who lived at Beowawe.

1 I'm a descendent of many of the people throughout Western  
2 Shoshone territory.

3 Radiation in Western Shoshone territory and  
4 worldwide is not necessary or welcome. Did you hear me?  
5 Radiation in Western Shoshone territory and worldwide is  
6 not necessary or welcome.

7 I speak out for those beings in life that are  
8 without voice but have been impacted by colonization of  
9 our territory and by radiation. True, radiation is  
10 present in many natural energy sources and over time has  
11 contributed to natural catastrophes for millions of years  
12 and has inevitably affected all life. But man-engineered  
13 catastrophes come full circle to Western Shoshone  
14 territory.

15 Beginning in the 1940's, the testing of the  
16 atom bomb for nuclear warfare impacted all life in Western  
17 Shoshone territory and its neighbors, native and non,  
18 speaking and unspeaking.

19 And let us not forget to mention the  
20 thousands of people of Nagasaki and Hiroshima who suffered  
21 mutation and death. That's something we should have on  
22 our conscience as native people and native people to this  
23 land because we allowed it to happen. Now comes the end  
24 with transportation, too, and storage in Western Shoshone  
25 territory, radiation inevitably to complete the numerous

1 cycle of genocide.

2 Stop all forms of genocide against man in all  
3 life. Did you hear me? Stop all forms of genocide  
4 against man in all life.

5 We, you and I, are significant to the  
6 survival of all. Stop the warfare against the Western  
7 Shoshone rain forest. We will be disadvantaged to fight  
8 what our senses cannot detect. Remember, there are no  
9 assurances of the health and safety and/or compensation on  
10 ourselves and our future generations. Should we allow  
11 this to exist?

12 There will be diseases attributed from the  
13 radiation that will not discriminate by race or economics.  
14 Together we determine our environment. Let's give it  
15 careful consideration. To all that we affect, to all that  
16 it does.

17 Stop in the name of progress nuclear waste.  
18 Did you hear me? Stop in the name of progress nuclear  
19 waste.

20 I'd like to read something also. It can be  
21 part of the record if you would like it or not. It is  
22 your choice.

23 Today is December the 9th. And a group of  
24 native people put together a book which they called  
25 "Meditation with Native Elders" for all the seasons that

1 exist. I believe this applies to this situation.

2 "December the 9th. The natural law will  
3 prevail regardless of man-made laws, tribunals  
4 and governments. This comes from the traditional  
5 circle of elders from the Navaho Hopi joint use  
6 area. The great spirit made laws by which man  
7 needs to live. These laws are just and are  
8 about living in harmony. Man has passed many  
9 laws that say it is okay to do things. Many of  
10 these man-made laws are out of harmony with the  
11 laws of the great spirit. These are man-made laws  
12 that will cause trouble for the human being if  
13 they are out of harmony with the laws of the  
14 great spirit. Teach us the proper laws."

15 And this is our responsibility. Thank you.

16 MR. LAWSON: Thank you very much.

17 MS. BOOTH: Thank you.

18 MR. LAWSON: Bernice Lalo and to be followed  
19 by Bill Leppala and Joseph Carruthers.

20  
21 **PUBLIC STATEMENT OF BERNICE LALO**

22 MS. LALO: (Spoke in native language). I am  
23 Western Shoshone. My name is Bernice. I come here to  
24 talk to you. Are you going to understand me?

25 Because the things that you say in the EIS

1 are just as foreign to you as something I said to you just  
2 a minute ago.

3 (Spoke in native language.) Are you going to  
4 hear me? Because that EIS that you have on your table  
5 there is just as foreign to some of us in here as the  
6 Western Shoshone language is to many except the Western  
7 Shoshone.

8 I wanted to start with that because I think  
9 there's a difference here. The difference is the  
10 language. The language that DOE speaks is not the  
11 language of the Western Shoshone, nor is it the language  
12 of many of the people that are in here. You turn to page  
13 202 over there, do you think everyone in this room will  
14 understand that? I don't think so. I think that you will  
15 find many people that do not understand a word on that  
16 page.

17 And when Carie was talking about time  
18 immemorial, she was talking about time that no one can  
19 remember, and that's how long we have been here. When we  
20 fought against Rock Creek, they told us that. They said,  
21 Well, you Shoshones, you have only been here for 2,000  
22 years, and we said, And how long has Lander County been  
23 here?

24 So we'd like to ask that same question. How  
25 long has Nevada been here? How long has DOE been in



1 existence?

2 We have been here longer than DOE, or Eureka  
3 County, or Lander County, or the State of Nevada. And we  
4 have been here as long-risk participants in everything  
5 that the U.S. has prepared for us. We have been  
6 participants in land theft, we have been participants in  
7 language loss, we have been participants in the loss of  
8 cultural pride, we have been participants in genocide.

9 This is not new to us here, people. This is  
10 something we have lived with for hundreds of years,  
11 millions of years.

12 And we are telling you that we are now  
13 participants of a long-risk program here. Not just the  
14 Western Shoshone here. We here in this room are  
15 participants of a long-risk death program here.

16 And Carie was talking about the animals. You  
17 know those animals that come from near Yucca Mountain,  
18 near the Nevada Test Site, those are animals we eat. I  
19 mean, they might sound repugnant to you, but we eat  
20 squirrels and deer and gophers, and way back when we might  
21 have eaten snakes and whatever. But those are animals  
22 that do not know the boundaries of the little easement  
23 that you are going to put alongside the railroad. Those  
24 are animals that we're going to consume.

25 And no one has put a study together to tell

1 us about the long risk that we are going to have to take  
2 when we consume those animals. Those animals are part of  
3 our heritage. They are part of the program that we give  
4 to that little guy right there.

5 You know last year he went to the Western  
6 Shoshone defense project, Shoshone gathering. He didn't  
7 know anything, but we were eating yaha (phonetic), which  
8 is our favorite food, and you guys probably go yick, but  
9 we roasted it and we took the hair off and it was singed  
10 and it was black, and he didn't know any better. So he  
11 just took the tails that they were throwing away.

12 But you know, he's learning, and he was four  
13 last -- four, three, three and-a-half, somewhere like  
14 that. And those are traditional foods. And no one has  
15 bothered to study what is happening to us because of our  
16 traditional foods. No one can tell him that, you know, he  
17 can't go eat that. Because that is part of who we are.

18 And you know, even as far as the terms that  
19 people use here, we're talking about, you know, people say  
20 earth mother, earth mother, da, da, da, da, but the  
21 language that we use to describe it is called solvia  
22 (phonetic). It means mother and it means earth.

23 I mean, there is no difference. When you go  
24 to pick something up, there's no scientific term for it.  
25 That's just what it says. Exactly.

1           And so in this concept, in this cultural  
2 concept, when you're taking this down to Yucca Mountain,  
3 the transportation, we are talking about genocide. And we  
4 have long been participants in this. So I wanted you to  
5 know that.

6           And the radiation that comes from this  
7 transportation, we will be the long-term participants in  
8 that, and the people that live here will be also. But the  
9 animals that live there will bring it back to us, and  
10 we'll have double jeopardy because that's part of our  
11 traditional foods.

12           So we have had a long-term participation with  
13 radiation, low level, high level, bombs, you name it, we  
14 have been there. We have people that are now in this part  
15 suffering the cancers that come from the radiation that  
16 they never have studied, the native exposure, the native  
17 pathways.

18           But I think now we're talking about this, and  
19 we're talking about not just like 10,000 years down the  
20 road. You know, I bet if I surveyed 50 people in here, 50  
21 percent of the people in here, they would come from Iowa,  
22 New Mexico, New York, I don't know where. But anyway, but  
23 the Shoshones are born here. This is their territory.

24           I mean, it doesn't matter if you have a piece  
25 of paper that is a quitclaim deed that says that we deeded

1 it to the United States. We didn't. We have not. And  
2 until something happens where the political circle rides  
3 against us, we will always claim this as Western Shoshone  
4 land.

5 As a matter of fact, we have got some of the  
6 people in government circles almost trained, almost. We  
7 go on a tour and they ask us for comments, and we say,  
8 Well, you know what it is going to be? And this  
9 archeologist from Battle Mountain, BLM, she says -- well,  
10 I say, What is it? What is our first comment? She says,  
11 It's Western Shoshone country. And we say, You got it.  
12 We're finally teaching you something.

13 But anyway, that's where we're coming from.

14 And as far as nature goes, we know about the  
15 amount of accidents that happen in this country. You can  
16 go outside and look at my truck, it's got bashes on both  
17 sides. That was that winter, that was that winter, that  
18 was that winter, you know.

19 And I'll tell you what. When I went to  
20 Albuquerque about six years ago, I passed these semis on  
21 the road, and I saw them tipped over in the median between  
22 the two highways. And I know those are the routes they  
23 are going to be taking. And I know the risks that those  
24 truck drivers take. I know when my windshield has no  
25 space in it to see, and I know when I see them laying down

1 on their side.

2 So you cannot tell me that the transportation  
3 is safe. You cannot tell me that. Because we live here,  
4 we know what it is like. We know you have to go two miles  
5 versus 200. We know that.

6 Those are weather conditions that are natural  
7 to this area. They are not going to stop just because DOE  
8 is going to come here. They are not going to stop just  
9 because you are going to put on a railroad. They are icy  
10 conditions here, and we are all going to be impacted by  
11 that. We're going to talk about something else.

12 Now when you are talking about how fast or  
13 how slow that water is going to go and that you are going  
14 to be able to trail it, and that you are going to be able  
15 to trail it for 10,000 years, I don't think so. Because  
16 you don't have science that is that accurate.

17 And then we already are buying water from the  
18 store. We're already buying 36 cent containers, we're  
19 already buying 69 cent containers, and I bet even in your  
20 purse there you probably got a dollar ninety worth of  
21 water. And that is what we're going to be looking at.

22 Your science is not accurate enough to  
23 predict 10,000 years. I don't know what I look like, but  
24 I ain't no fool. I mean, I don't think these people are  
25 either.



1           And I found some omissions in there, things  
2 that may be addressed in the EIS but not to my  
3 satisfaction, and if not to mine, then probably not to a  
4 lot of the people in this room.

5           The first issue is the health and safety  
6 portion of it. We're looking at leakage rates, one of  
7 which there's been some articles in the news lately about  
8 if you don't like it, you readjust it, or if you don't  
9 like the dosage rates, you readjust a quarter or you  
10 readjust the parameters.

11           I understand there is a serious deficiency  
12 here between the thinking on the DOE and the environmental  
13 people, Environmental Protection Agency. That's one  
14 issue.

15           The other issue is I just found out tonight,  
16 by the way, that this corridor is to be a quarter of a  
17 mile wide. Interesting.

18           Now, has there been any assessment made, have  
19 there been any modeling done on what the radiation  
20 contamination is long term outside of this quarter mile  
21 corridor? Is a quarter mile corridor to be a restricted  
22 access area? And if it is, people that live by it, what  
23 is the dosage rate for the present people, and for the  
24 future people, and the long-term effect on the things that  
25 don't know any better, the animals, the livestock, the



1 waterways, the wetlands, things like this. I didn't find  
2 those in there either.

3 Another thing I didn't find, I didn't find  
4 any assessments. I wasn't here this morning, by the way.  
5 I had to work today. Maybe there were some assumptions  
6 made this morning at the meeting.

7 I don't know how many are familiar with  
8 what's called an accident plume, and what it basically is,  
9 you start from the beginning when it's bad, and work out  
10 to the point where it is tolerable. And these things are  
11 generally generated with accidents of radiation.

12 I see nothing in there on accident plumes or  
13 contaminated areas that were specific to this area with  
14 which I'm concerned, due to our prevailing winds and our  
15 weather conditions.

16 The next thing in health and safety, I guess  
17 it's been rehashed, but I would like to say it anyway,  
18 monitoring. Whose responsibility is it to monitor these  
19 things? The air quality, the ground quality, the water  
20 quality, this sort of thing. Who is to participate in  
21 this? Is it to be the federal government, the regulatory  
22 agencies, county, and where does the money come from?

23 You don't believe the county is tight, ask  
24 Pete. And he won't spend any money, I guarantee that.

25 Then again, who is going to train these



1 people? And to what level of training will they receive?  
2 Will they receive training to handle all aspects, all  
3 types of emergencies, and/or spills and/or exposures? And  
4 then will they, too, be monitored?

5 The second item is environmental and access.  
6 The other thing I didn't see in that EIS book, I didn't  
7 see an environmental assessment unique to our area. I  
8 didn't see wetlands discussed, of which the Humboldt River  
9 surely qualifies. And certain periods of the years the  
10 playas certainly do.

11 I didn't see ground water levels. I didn't  
12 see permeability tables. I didn't see migration tables  
13 for waters. These things are not addressed in there. So  
14 by omission, it's a fib.

15 I didn't see anything in there also on the  
16 flood plains that we have. I didn't see anything  
17 mentioning the migratory birds that come through our area.  
18 I didn't see any of this in there that was peculiar to our  
19 own area, which is important to us, all of us in this  
20 room.

21 The third area is near and dear to my heart  
22 and probably a few others in here, it is called property,  
23 taking of. The corridor as marked on the map, every other  
24 mile will probably pass through a portion of private  
25 property. Now, will this just be condemned? Will the

1 people be compensated? Will it be assessed at market  
2 value? Will it be assessed at the BLM value? Of the  
3 neighboring properties? Those questions weren't answered  
4 to my satisfaction.

5 Recreation and ranching, land use. We have a  
6 tremendous amount of trails, access roads, Jeep trails,  
7 some you can even barely walk on, some horses break their  
8 legs on, but they are all trails and usable all the time.  
9 We put this quarter mile corridor through here, are these  
10 trails going to be blocked off and have limited access? I  
11 didn't find that addressed either. And if they are  
12 blocked off and limited access, then you have just taken a  
13 lot larger portion of the property away from the citizens  
14 of the area than the quarter mile corridor.

15 And that also holds true for the ranchers for  
16 their historical or their -- not historical, I guess.  
17 They haven't been here long enough to be history. But  
18 their normal ways of moving their livestock and animals  
19 and moving from place to place on their rangeland, grazing  
20 land, grazing permits, et cetera.

21 The other one was the corridors, it doesn't  
22 address that either, whether the corridors will be fenced,  
23 and whether these corridors, if they are fenced, who is  
24 going to police them. The fence is just a novelty if you  
25 don't have somebody back there to kick you out of it.

1           The other one, just something I would like to  
2 have addressed, and addressed to me if you don't want to  
3 do it to everybody else, because of the large percentage  
4 of this spent nuclear waste coming out, or being stored,  
5 how much of it is coming from private industry and are  
6 they going to pay their fair share? Knowing full well  
7 that 30, 40, 50 years ago we entered into an agreement  
8 where they gave into a government insurance policy. With  
9 our present rate of inflation and the way we use our  
10 money, that money is probably gone.

11           So are they going to be required to up the  
12 ante, so to speak, to cover the additional costs of this  
13 storage and transportation of spent fuel? I didn't find  
14 that in there either.

15           The fair share, by the way, is how much of  
16 that is private, and then we also know that we're all  
17 going to pay through taxes, DOD, Department of Defense  
18 shares, and we're also going to pay for some of the spent  
19 fuels\_that are going to come back here from Korea and  
20 Japan and God knows where that we agreed to take back when  
21 it was spent.

22           Geez, after living in a house with women, I'm  
23 almost out of words. That's it. I'm done.

24           MS. BOOTH: Thank you.

25           MR. LAWSON: Thank you very much. Joseph

1 Carruthers, and to be followed by Bob Halstead.

2 **PUBLIC STATEMENT OF JOSEPH CARRUTHERS**

3  
4 MR. CARRUTHERS: Hello. My name is Joseph  
5 Carruthers. I'm the chairman of the Beowawe Crescent  
6 Valley Nuclear Waste Awareness Committee. That committee  
7 was formed at the request of the residents of our  
8 community and this valley and members of this county, and  
9 when I first took this approach, I took it in a very kind  
10 of approach that you could say yes or no. I wanted to  
11 know how the people felt around here about this issue. I  
12 didn't want to make their mind up for them. That seemed  
13 like the fairest way in a democratic society, to me.

14 And overwhelmingly the people of this  
15 community, as you can see in this room tonight, support  
16 the issue of not bringing nuclear waste to Nevada.

17 I'm going to go through a few things here  
18 first that I want to get on the record that I feel are  
19 inadequate, some issues that have not been addressed in  
20 the EIS properly. And these are to deal with the fact of  
21 socioeconomics for this part of the world. We rely on  
22 mining and ranching at this point in this part of the  
23 country for survival. This project that you are proposing  
24 threatens our way of life forever.

25 One of them is, will mining claims be divided

1 and access restricted? There are many claim holders out  
2 here, people who are looking for additional mineral  
3 deposits. We feel that it is inadequately addressed in  
4 the EIS.

5 Will the Cortez Mine be given its own  
6 railroad overpass to continue its daily operations? As  
7 one can see on the map on the wall, the corridor goes  
8 right through their operations. They have a mill on each  
9 side of the valley, and these things are inadequate. They  
10 have not been addressed in the EIS, the Draft EIS.

11 And also for the ranchers, and there are many  
12 people here in Nevada who are into ranching and that is  
13 their way of life and their only way of life, and we are  
14 all very concerned on this. Will the grazing allotments  
15 be cut up? How will the ranchers be compensated for the  
16 lost rangeland?

17 I want to expand on that a little bit. I am  
18 very concerned about the issue of water rights and the  
19 loss\_of land in our state.

20 The way I see it, if I was to come to any of  
21 your homes and threaten to throw you out or tell you this  
22 is what we're proposing to do and make you move away, how  
23 would you feel in your hearts? Would you say, oh, God  
24 that is okay, go ahead? I don't think so. I really  
25 don't.

1                   And how would you feel if we were to bury it  
2 in your backyard? Obviously, it's your problem. Nevada  
3 is not a nuclear-powered state. The eastern states are.

4                   I used to live back in the Midwest. I lived  
5 near the Byron Power Plant, and I saw what industry and  
6 various other things of this nature has done to the  
7 waterways and to the environment.

8                   Fortunately, that is improving because  
9 science is finding out we're making a lot of mistakes in  
10 our environment. Unfortunately, the nuclear industry, I  
11 guess like any industry, wants to go on and be productive  
12 in their viewpoint. But you're continuing to poison our  
13 environment, and you're not coming up with a solution to  
14 phase it out and get rid of it.

15                   You haven't come to us to say, look, you  
16 know, we got this much waste to get rid of, we're going to  
17 try to find a way to get away from this. You want to make  
18 more, and from the hearsay that I'm getting, that you want  
19 to intensify it and make sure it doesn't die. I hope  
20 that's not true.

21                   What I have to say is that we, we the people  
22 of Nevada, and that goes for our governor, our senators,  
23 over 75 percent of the population of the state, and  
24 obviously, the Native American people who do hold  
25 ownership to the land, do not want nuclear waste in this

1 state. When you go back to Washington, we ask you, in a  
2 nice way this time, to relay that message. We are not  
3 going to give up, we are not going to back down. And this  
4 is just the beginning.

5 We hope you hear what we're telling you. It  
6 is your problem. You have allowed the nuclear industry to  
7 continue to do what it is doing and continue to do it to  
8 this day. We do not want your problem. You make the  
9 problem, you bury it in your backyard, not ours. Thank  
10 you.

11 (Applause.)

12 MR. LAWSON: Mr. Halstead, please.

13 MS. BOOTH: Thank you for your comments.

14 **FURTHER PUBLIC STATEMENT OF BOB HALSTEAD**

15  
16 MR. HALSTEAD: For the record, I'm Bob  
17 Halstead, Transportation Adviser to the State of Nevada  
18 Agency for Nuclear Projects.

19 That is another hard speech to follow.

20 Let me briefly tell you about three important  
21 safety issues. First, the Nuclear Regulatory Commission,  
22 which for better or worse we all have to depend on to try  
23 and protect us from the dangers of this highly radioactive  
24 material, is now reexamining the report called the Modal  
25 Study. Without getting into all the details, this is the



1 big report that the Department of Energy's Draft EIS  
2 relies upon primarily for its assessment that  
3 transportation is safe.

4 Why is the NRC reconsidering its basic  
5 report? First, it's because there are new cask designs  
6 being submitted.

7 Secondly, there are improvements in the  
8 computer models.

9 But third, it's because the NRC recognizes  
10 that the future shipments are going to be radically  
11 different from shipments in the past, and they have to  
12 reexamine all their basic assumptions.

13 They understand there will be 35 times more  
14 spent fuel shipped per year in the future than over the  
15 past two decades, eight to 24 times more shipments, 500  
16 percent increase in the average shipment distance for  
17 rail, 200 percent increase in the average shipment  
18 distance for truck, and in the past, 70 percent of all the  
19 shipments have been in the East. Now you are going to  
20 have shipments coming into the West where you have  
21 mountainous terrain, more severe winter weather, and  
22 different operating conditions, particularly higher speeds  
23 and longer emergency response times.

24 Sadly, the NRC will not complete their  
25 reassessment of safety until the year 2003, after the



1 Department of Energy completes its Environmental Impact  
2 Statement.

3           Second issue, dedicated trains, what are  
4 they? Dedicated trains are trains that haul one cargo  
5 only as opposed to big general freight trains that can be  
6 a hundred cars long. Everybody in the railroad world,  
7 they don't agree on much, they agree that spent nuclear  
8 fuel is so dangerous it should only be moved in dedicated  
9 trains.

10           That was a big point of discussion at both of  
11 the Modal Study meetings I went to three weeks ago in  
12 Bethesda, Maryland, and yesterday in Henderson, Nevada.  
13 It is the official position of the Association of American  
14 Railroads.

15           In fact, the only people who operate against  
16 this are the old Southern Pacific, now part of the UP,  
17 which has a long-standing agreement with the Navy that for  
18 national security reasons, they won't impose dedicated  
19 train requirements. But the Navy fuel is much less  
20 dangerous in the sense that it's armor because it is  
21 designed for combat situations, and it's designed in  
22 different casks. And the Southern Pacific and now the UP  
23 requires it to be shipped at speeds never higher than 35  
24 miles per hour.

25           So everybody in the railroad world disagrees

1 with what DOE is proposing to do. And they believe the  
2 dedicated trains should be mandatory.

3 Third issue: How fast should this fuel move?  
4 The official position of the Association of American  
5 Railroads is maximum speed of 35 miles per hour, and  
6 that's when it is in a dedicated train.

7 There is only one deviation from this policy.  
8 The Union Pacific has certain tracks where the general  
9 freight is moving so fast, often at 75 miles per hour,  
10 that the dedicated trains traveling certain segments will  
11 have to be moved at 55 miles an hour to get them out of  
12 the way of the other faster moving trains.

13 Nobody in the railroad world would argue that  
14 you should move this fuel as fast as DOE is proposing.  
15 They say up to 50 miles per hour on their spur, which  
16 won't be a top notch railroad. It won't have 135 pound  
17 per yard rail or concrete ties or top notch signaling  
18 systems unless somehow we can force DOE to do that.

19 Again, I would say from the State of Nevada's  
20 standpoint, we're not sure there's any safe speed to move  
21 this cargo at. But we're certainly against any proposal  
22 to move it at a speed faster than 35 miles per hour. And  
23 on most stretches of track on a spur, there simply won't  
24 be any reason to move it faster. So why would you move it  
25 faster than you need to, only I think if you put cost

1 ahead of safety.

2 Thank you very much for the opportunity to be  
3 here. I so appreciate seeing this many people at a  
4 meeting. This is a wonderful turnout compared to the  
5 meetings in bigger cities. If people had had meeting  
6 turnouts like this, it would have been a very refreshing  
7 situation. And I appreciate all the comments tonight.  
8 Thank you.

9 MR. LAWSON: Thank you.

10 (Applause.)

11 MR. LAWSON: That was really quite excellent.  
12 I appreciated all those comments. Is there somebody else  
13 who would like to speak?

14 MR. HARPER: Yes, I would.

15 MR. LAWSON: We have several people. Okay.  
16 And if you would give your name and perhaps spell it also  
17 for the reporter, that would be great.

18

**PUBLIC STATEMENT OF CHARLES HARPER**

19

20 MR. HARPER: Charles Harper, H-a-r-p-e-r.  
21 Back about 1960, I was a fireman down in  
22 California. And all of a sudden my wife and I were  
23 driving home, went out to dinner, and news broadcast was  
24 on the radio that said that my squadron had been called  
25 back to active duty. My wife didn't realize that until I

1 had to explain to her how that was going to happen.

2 And subsequently, they took my squadron and  
3 melted it with two other squadrons from Texas and sent us  
4 the out to Barbara's Point, Hawaii. From there we went to  
5 Christmas Island, 1300 miles south.

6 We were in the middle of the Cuban Crisis,  
7 the Wall, all those things that were going on at that  
8 time, and our President thought it best to show a bit of  
9 strength to the world. We set off 17 atomic bombs out  
10 there, and our squadron patrolled the area around it to  
11 make sure that shipping and other life was away from the  
12 island when the bombs were exploded.

13 I personally saw these 17 bombs within 30  
14 miles of us go off. Then they sent me out to Johnson  
15 Island, and through infinite wisdom of our government they  
16 shot a rocket into space to perform the first atomic  
17 explosion into space. I was part of it. I had to do it.  
18 It was my job.

19 I have seen a beautiful sight. It is just  
20 like watching this rangeland fire out here this last  
21 summer. It was beautiful, but it was so destructive, so  
22 terribly destructive.

23 Our show of force isn't even mentioned down  
24 in Albuquerque at the Atomic Museum. I had a chance to be  
25 down there this summer and went through there and looked

1 on the walls with all these different things that  
2 happened. It is kind of a neat museum. No mention of  
3 Christmas Island, none whatsoever.

4 They took me out of my private job, put me  
5 back in the Navy, took a year and-a-half out of my life,  
6 to show a show of force that wasn't even recognized. Now  
7 we have got a chance to recognize some of this force now.

8 This state does not need any nuclear  
9 depository here. It's proven there's fault lines in Yucca  
10 Mountain. I was on a tour down at Yucca Mountain. I was  
11 amazed.

12 I was going to go through the book and say a  
13 lot of things about different things I saw down there.  
14 But I was amazed at the amount of money spent, the amount  
15 of people working there, to try to prove that this would  
16 work, and they are the ones that are saying to me in the  
17 background that, no, it ain't going to work, but the  
18 government wants to pay me, I'll take the money.

19 — Well, folks, I hope this is one thing that we  
20 can kill them on. This is the National Environmental  
21 Policy Act of 1969. If you read it really close there is  
22 a couple of good paragraphs in here that will put Yucca  
23 Mountain back to Yucca Mountain and not a Yucca Mountain  
24 repository. Thank you.

25 MR. LAWSON: Thank you, sir.

1 MS. BOOTH: Thank you.

2 MR. LAWSON: This gentleman, please. And  
3 then you'd like to speak again? Maybe.

4 FROM THE FLOOR: I just want to say one  
5 thing.

6 **PUBLIC STATEMENT OF CHARLIE VOOS**

7  
8 MR. VOOS: My name is Charlie Voos. I'm Elko  
9 County Community Development Director and not authorized  
10 to speak for my commission at this time. But they will be  
11 apprised of the situation after tonight.

12 But I can certainly speak as a resident of  
13 Elko County. And although everybody here in Crescent  
14 Valley has addressed this because of the spur, first fire  
15 alarm that goes off in my head and heart is that existing  
16 rail line that is going to feed that spur goes through all  
17 four major cities in my county. Ninety percent of our  
18 population is based on that cargo, that is Wendover,  
19 Wells, Elko and Carlin. So right there and then I know  
20 that is something that we have to be concerned about.

21 Second point is that the main stopover for  
22 our area for crew changes, if that is the case that these  
23 trains would require crew changes, is in Elko. That is  
24 where all the major trains stop and all the crews stay.

25 If they are allowed to have 48-hour stopover

1 there, that means that our -- these trains with hot loads  
2 will be sitting right there in the heart of the downtown  
3 area. I can empathize with people having homes up close  
4 to these rail lines. But I have an entire 35,000 people  
5 right there. And that's a very big concern to us.

6 Lastly, the point is that I realize we know  
7 because of these range fires that we have had, we have had  
8 a lot of right-of-way fences destroyed. Now our  
9 commission has begged three different letters to the  
10 railroads to please replace your right-of-way fencing.  
11 They haven't responded to us once.

12 So I can imagine what would happen later on  
13 here if we had something like this and some right-of-way  
14 fencing was destroyed. It would take us forever to get  
15 this fencing back up, and God knows what would happen at  
16 that point.

17 We have had people killed on our rail lines  
18 here in Elko County. And I know there is many many  
19 unprotected crossings we have. It goes through some very  
20 stiff terrain, goes over the Pequots and so on. High  
21 elevations, cold weather.

22 And if something happens, whether it is flash  
23 flooding, or snow or something, and these trains are  
24 backed up, where do they back up? Are they just going to  
25 stop at each one of our main cities and then we're going

1 to have one of these trains sitting at each one of our  
2 towns? That is my concern.

3 Like I say, I will address our county  
4 commissioners at the next commissioners' meeting, and  
5 we'll have further input from them. But at this point as  
6 a citizen that's where I'm coming from. Thank you.

7 MR. LAWSON: Thank you.

8 MS. BOOTH: Thank you.

9 MR. LAWSON: Is there anyone else who would  
10 like to speak? Did you have a final comment?

11

**FURTHER PUBLIC STATEMENT OF NANCY LOUDEN**

12

13 MS. LOUDEN: I was just concerned about the  
14 range fires. They are really awesome.

15 MR. LAWSON: For the record, could you give  
16 your name again? Just to make sure we get it down  
17 correctly.

18 MS. LOUDEN: Nancy Louden.

19 I was just concerned about the range fires  
20 because they are really bad here sometimes. And I think  
21 maybe that might be a danger if there was a train out  
22 there and it couldn't get through, it would have to stop,  
23 or a lightning strikes and all of a sudden there is a  
24 fire. If there is wind, like we have really bad winds, I  
25 don't know if that's going to be a danger or not. But



1 that might be something that you should think about.

2 MR. LAWSON: Okay. Very good.

3 MS. BOOTH: Thank you.

4 MR. LAWSON: Thank you all. Is there anybody  
5 else that would like to make a comment? Yes, sir, please.

6

**PUBLIC STATEMENT OF BRUCE DENNING**

7

8 MR. DENNING: My name is Bruce Denning. I  
9 live about four miles north of town here. I'm one of  
10 Charlie's neighbors.

11 This is the Crescent Valley Public Water  
12 Supply Water Quality Report I turn in for evidence. The  
13 water is very clean here. We don't have to chlorinate it.  
14 That is the way we want to keep it.

15 I got this in the mail today from Cattlemens  
16 Title Company, who hold most of the paper, mortgages and  
17 so forth for the property owners in the valley. You are  
18 all practically all clients of Cattlemens Title. Little  
19 information that they sent along about the progress of the  
20 valley for the benefit of their title holders.

21 And working with the meeting and so forth, my  
22 main concern was with the fire rescue, emergency service,  
23 medical. Regarding to this incident with the railroad, I  
24 was talking to a Nevada Highway Patrolman, and I asked  
25 him, I says, do you people carry monitors for checking

1 these low level waste trucks that are on the highways?  
2 And he told me, Well, we used to but they took them away  
3 from us because they couldn't keep them calibrated. So  
4 they took them away from us.

5 That's not too cool. That's what I was  
6 wondering, if and when we would be able to have monitoring  
7 devices, because we're on site and we're here where it's  
8 going to take Hazmat, FEMA, or any other agency a long  
9 time to get to us. We need to take a radiation check  
10 immediately to know whether it is a clear area. I was  
11 interested in knowing would they take and provide the  
12 devices, the training for the people, then back us up when  
13 we need to use that equipment.

14 And lastly, common sense knows that the only  
15 way to handle this radioactive waste is the most dangerous  
16 part of it is in movement of it. So don't move it. I'm  
17 hoping that they will keep it on site for the first  
18 hundred years, giving themselves time to take and develop  
19 new and better ways of handling the radioactivity problem,  
20 and basically find a way of disposing it. At least it  
21 will be a little bit safer to handle. And they could take  
22 the money that they are wasting on Yucca Mountain and  
23 improve the on-site storage facilities, enlarging them as  
24 necessary. Hopefully that's what they will do.

25 That's all I have.

1 MR. LAWSON: Thank you very much.

2 MS. BOOTH: Thank you.

3 MR. LAWSON: Did I see another hand going up  
4 over here? Miss Johnson.

5

6 **PUBLIC STATEMENT OF ABBY JOHNSON**

7

8 MS. JOHNSON: My name is Abby Johnson,  
9 J-o-h-n-s-o-n.

10 I have a couple of comments to make as  
11 nuclear waste adviser to Eureka County and a couple of  
12 comments to make as Abby Johnson, citizen of Nevada.

13 I think I'll start out with the citizen  
14 comments. I have been involved in the nuclear waste issue  
15 since 1983, and on and off in the intervening years I have  
16 been involved because it's an issue that's challenging,  
17 complex, and so important to the future of the country and  
18 the future of Nevada.

19 I remember, and I don't remember what year it  
20 was, but in the mid '80s, I think at the time DOE did a  
21 series of environmental assessments going from the nine  
22 sites to five to three to one, I remember testifying in  
23 the Jot Travis Student Union in Reno, and the thing I  
24 remember from my testimony was saying that a chain is only  
25 as strong as its weakest link. At the time I was saying  
that transportation was the weakest link.

1 I don't think that's really changed. Here we  
2 are in 1999, and we don't know that much more about  
3 transportation than we did in 1986 or '85. I think that's  
4 a real problem.

5 But I think in addition to that, there are  
6 some other links that are pretty darn weak, too. Back in  
7 1985, it looked like Yucca Mountain was a great place if  
8 we could only get it there. And it was more important to  
9 have the great place than it was getting it there.

10 And now, it's still hard to get it there, and  
11 it still is very risky, and then you get it there, and it  
12 doesn't look so good either. It looks like there is a lot  
13 of risk being taken there, too.

14 The other personal comment is the need to pit  
15 rural people and urban people against each other, and to  
16 say we have to avoid Las Vegas, so the rurals need to take  
17 the impact. I think that it's an unfair, inequitable and  
18 unsafe proposition to do the roll of the dice, the risk  
19 analysis that says that the rurals have to take the risk  
20 because it's too unsafe for urban areas. We're all  
21 citizens here. We're all in the same boat.

22 And this EIS with its bounding analysis says  
23 let's look at what we can do to the urban area, and that's  
24 the worst thing we could do. The rurals are the backup  
25 position. And that's not right. It's wrong. And it

1 shouldn't happen.

2           Now I have two comments as nuclear waste  
3 advisor. And this is a comment not on the DOE, it is to  
4 DOE, but it is not on the DEIS. It's a message that I  
5 hope by now you have heard clearly from this community and  
6 from this county. And that is that we have a lot of  
7 people that are very interested in this issue. They are  
8 hungry for information.

9           And they come to me to get that information.  
10 I need to feed them information. And so the message that  
11 I would like you to take back is that, yes, at least in  
12 Eureka County, in Crescent Valley, there are people who  
13 are really concerned, who really care, who really want to  
14 know what's going on. And so as I tell all federal  
15 agencies, when you are scheduling meetings, it would be  
16 great if you could, federal government, talk to each other  
17 so that we do not have meeting conflicts.

18           Unfortunately, it was the Nuclear Regulatory  
19 Commission who yesterday scheduled a meeting on the modal  
20 study, already knowing that this meeting was being  
21 scheduled for today and that the Austin meeting was  
22 scheduled for Tuesday. We were not able to be represented  
23 at the Nuclear Regulatory Commission's modal study meeting  
24 because we had to be here. And Department of Energy was  
25 on the calendar first.

1           There are other times when Department of  
2 Energy is on the calendar second, and I'm just saying,  
3 there's got to be enough days in the year so we can get to  
4 all of these meetings.

5           The other comment I'd like to make I guess  
6 both as a person and as a nuclear waste advisor is that it  
7 has just been incredible to advise and help this group of  
8 people to be able to express themselves in these meetings,  
9 and I am so impressed with the quality of the comments,  
10 the depth of the comments, and the heart of the comments.  
11 So I just want to tell you what a privilege it's been to  
12 be involved in this process, which is of course not ending  
13 but is ongoing. Thank you.

14           MR. LAWSON: Thank you.

15           (Applause.)

16           MS. BOOTH: Thank you, Abby.

17           MR. LAWSON: Is there anyone else who would  
18 like to speak? Please.

19           **PUBLIC STATEMENT OF KEVIN JACKSON**

20  
21           MR. JACKSON: My name is Kevin Jackson, and  
22 while I was sitting back here listening to all these  
23 comments, I felt that I should get on the record and  
24 reiterate what I said earlier in a question format  
25 regarding the support services for the emergency

1 responders who may be called to the incident of a train  
2 accident, whether it be a derailment or whether it be a  
3 train, person, or vehicle.

4 I volunteer for the Crescent Valley Fire  
5 Department because I care about everyone in this  
6 community. Even more importantly, I care about my  
7 brothers and sisters on the Fire Department and the EMS  
8 service.

9 And because of that concern, I am even more  
10 concerned about their welfare, if they should become  
11 involved in a nuclear accident, or exposure. And I wonder  
12 what provisions are going to be provided for that family  
13 and the loss of income while that member is going through  
14 treatment and possibly even long-term treatment that may  
15 end his career. These are very important issues to my  
16 people.

17 And I don't believe the answer that I got  
18 tonight was a sufficient answer to respond to that. My  
19 initial feeling on that was it was a typical government  
20 nonresponsive answer. Thank you.

21 MS. BOOTH: Thank you.

22 MR. LAWSON: How are we doing? Anyone else?

23 Okay. Well, we will be here for another 15  
24 minutes in case somebody changes his or her mind.

25 I would like to echo what Miss Johnson said.

1 I was very impressed, and before we go, somebody of us  
2 visitors has to tell you how much we appreciate you as  
3 hosts and hostesses in your community today. Certainly  
4 what a fine facility we have been able to use. We really  
5 appreciate that.

6 As a facilitator, I want to tell you how much  
7 I appreciate the respect with which you have dealt with  
8 this issue. I know that it's an emotional one for many  
9 people, and for you to follow the suggested guidelines and  
10 allow everybody to speak and with respect is very much  
11 appreciated by everybody, and certainly by me.

12 I'd like to thank all of you once again for  
13 your participation, thank the DOE, and certainly Eric  
14 Nelson as the court reporter.

15 I'm going to take a recess now, and we will  
16 reconvene if somebody else would like to speak, or we will  
17 adjourn finally at 10:00 o'clock. Thank you very much for  
18 your participation. It was a pleasure to meet and good  
19 luck to you. Thank you.

20 (Recess taken at 9:44 p.m.)  
21  
22  
23  
24  
25



1                   CRESCENT VALLEY, THURSDAY, DECEMBER 9, 1999

2                                   9:57 P.M.

3                                   -oOo-

4

5                   MR. LAWSON: It's now about three minutes to

6 ten, and there has been nobody else who has stepped

7 forward to speak. I'd like to close this meeting but once

8 again thank everybody for hosting and participating in the

9 meeting, and especially for the court reporter who has

10 done a really outstanding job.

11                                   Thank you very much. This meeting is now

12 adjourned.

13                                   (Meeting adjourned at 9:57 p.m.)

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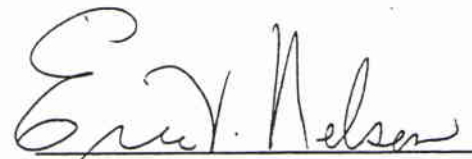
STATE OF NEVADA,            )  
  )    ss.  
COUNTY OF WASHOE.        )

I, ERIC V. NELSON, Certified Court Reporter and a notary public in and for the County of Washoe, State of Nevada, do hereby certify:

That I was present at the hearing of the Department of Energy on the Draft Environmental Impact Statement on Thursday, December 9, 1999, and thereafter took stenotype notes of the proceedings, and thereafter transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true and correct transcription of my stenotype notes of said proceedings.

Dated at Reno, Nevada, this 14th day of December, 1999.



ERIC V. NELSON, CCR #57