

Presentation to

**UNITED STATES NUCLEAR WASTE
TECHNICAL REVIEW BOARD**

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Dulles, Virginia

Submitted by

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Good Morning

I am Connie Simkins, coordinator for the Yucca Mountain Oversight Program for Lincoln County, Nevada. We are a rural (frontier) county of approximately 4,300 residents living and working in an area covered by 10,600 square miles in Eastern Nevada.¹ Department of Energy (DOE) proposes to cross Lincoln County with 110 miles of the new rail line to Yucca Mountain (YM), starting from the Union Pacific Railroad (UPRR) main line inside the City of Caliente. The route moves generally west from Caliente covering six valleys in Lincoln County before going into northern Nye County, about 30 miles of Esmeralda County, before re-entering the south western portion of Nye County, onto the Nevada Test Site (NTS), and the Yucca Mountain repository location.

We have been asked to give examples of how oversight has influenced technical decisions, what has increased or decreased the effectiveness of oversight activities, and does technical oversight increase the confidence of local governments in the validity of this technical process.

1. HAS OVERSIGHT INFLUENCED TECHNICAL DECISIONS?

Lincoln County and the City of Caliente have used Oversight funding to compile more than 80 studies related to Yucca Mountain impacts and planning issues. General topics include Economic and Demographics, Fiscal, Transportation, Emergency Management, Ethnography, Risk Management and Perception, Community Development, Tourism, Institutional, and Impact Assessments. The information obtained through these studies have enabled Lincoln County and the City of Caliente to prepare and submit well-informed comments to dozens of DOE and Nuclear Regulatory Commission (NRC) documents on YM project features, Environmental Impact Statement (EIS), radiation standards, transportation, packaging waste, repository construction and operation, and cooperative agreements. Despite this rigorous effort by Lincoln County and City of Caliente, little of this information is found in DOE's plans and assessments of impacts.

Transportation is our big issue. We have engaged ourselves in learning What, Where, How, When, And Why about transportation of high level nuclear waste to the Yucca Mountain site in Nye County.

A positive example would be Lincoln County and the City of Caliente have recently provided routing input and described impacts to influence the location of labor camps, wells, aggregate supply pits, staging sites in an attempt to reduce the impacts to local land owners and public land users.

Even though DOE has asked for local inputs and they have been extensively provided, plans for YM have remained somewhat inflexible, with little use of lessons learned. Example: Lincoln County recommended the use of plant mixture containing native and non-native seeds to

¹ http://www.nsbdc.org/what/data_statistics/demographer/pubs/pop_increase/

revegetate areas disturbed during construction of the DOE rail line. This recommendation was based on technical range science that promotes this specific mixture to assure early establishment of non-native plants which will act as a cover crop to Native seeds, provides fire resistance, retards invasion of noxious weeds and non palatable plants such as tamarisk, halogeton, and cheatgrass.

When Lincoln County raised this issue, the DOE response was they would comply with the stipulations placed on Right Of Way (ROW) permit by Bureau of Land Management. BLM declined our suggestion to include the use of native and non-native seeds in their stipulations, because they have never done that, and they would use their non-specific blanket stipulations instead. Even though using the Lincoln-County- suggested Mix is quicker, cheaper, works better.

Despite the County providing extensive comments regarding the manner in which the use of lands crossed by the line would impact the use of lands split by the rail line, DOE did not discuss these impacts in the Final EIS such as private property split by the route in Meadow Valley. There are 80 affected private property owners in the first ten miles of route leaving the City of Caliente, where DOE proposed buy or lease only the actual property crossed by the 200 foot rail ROW. No recognition of impact of splitting parcel in two separate pieces. Did not recognize impacts to existing water sources, underestimated by at least half the need for electricity to build the project, operate staging yard, communication center, maintenance facility in Meadow Valley. Ignored the collective comments Affected Units of Local Government (AULG) on 180(c) training, need for equipment, rescue vehicle and maintenance and storage buildings for emergency response to accidents and medical emergencies.

Lincoln County is also located downwind from the Nevada Test Site (NTS) and several of the above-ground nuclear weapons tests resulted in deposition of long-lived radionuclides within the County. Many residents were exposed to these radionuclides. Lincoln County has for many years encouraged DOE to consider the cumulative effects of exposure to Yucca Mountain related rail and /or truck shipments of nuclear waste with the exposure associated with nuclear weapons tests. DOE has failed to provide adequate consideration of these cumulative exposures.

2. WHAT HAS INCREASED OR DECREASED THE EFFECTIVENESS OF OVERSIGHT?

INCREASED

The Affected Unit of Local Government (AULG) oversight of DOE Yucca Mountain related activities has: resulted in annual congressional stipulation for AULG funding to be independent from management and requirements by DOE; enabled AULG to retain money not spent from one fiscal year into the next; encouraged regular meetings with DOE and other AULG information exchanges; facilitated consensus building and where possible, the creation of one voice from the AULG; and has encouraged timely release by DOE staff of AULG funds provided by Congress,

Lincoln County has benefitted from information shared with AULGs by the on-site representative for Nye County working in DOE YM offices. Again transportation of the waste from the UPRR mainline in Caliente to YM is one of our primary issues. It has been helpful to be included in strategy meetings with access to key DOE planners, scientists, engineers, and attorneys.

Lincoln County and the City of Caliente have taken advantage of the opportunity to monitor and participate in the activities of the Atomic Safety and Licensing Board (ASLB) processes and Nuclear Regulatory Commission hearings, as an Interested Governmental Participant. This has provided broader understanding of the issues and details of moving through the regulatory and court systems.

DECREASED

The political influences, change of administrations, start-stop motion of planning, constant turnover of decision makers and support staff and contractors along with uncertainty of funding for Yucca Mountain activities has made it difficult to design an effective and continuous oversight program. DOE plans have failed to recognize and plan mitigations for the divisiveness that occurs in communities impacted by the project, in particular those crossed by the proposed rail route.

For example: Lincoln County's position to protect our citizens' health and welfare and maximize potential benefits related to economic developments associated with the Yucca Mountain repository system, including transportation, have somewhat alienated Lincoln County from other political and governmental entities. For instance, after making a recommendation to DOE for the establishment of a rail to truck intermodal facility some 20 miles outside of the City of Caliente and removed from any population which would have effectively led to enhanced public safety and emergency first response capabilities in the County, the Nevada Attorney General (AG) sued to remove two of three Lincoln County Commissioners and all five Caliente City Councilman in office at that time from office, based on the AG's idea that the County recommendation was "inviting" the waste into Nevada. The State did not prevail in its lawsuit and the Nevada Attorney General at that time was censured by the Nevada Legislature for abuse of power.

There has been no design submitted by DOE to timely mitigate unanticipated impacts associated with this program. Negative perception of all government run programs persists, especially in rural areas such as Lincoln County which has 98 percent federally managed land and a contentious history between multiple use of public land and federal agency decision makers. Nevada Test Site and Nellis Bombing Range have a long history of secrecy and distrust.

3. DOES TECHNICAL OVERSIGHT INCREASE CONFIDENCE IN VALIDITY OF TECHNICAL PROCESS?

Given the heavy influence of politics that either advances or impedes the progress on the YM project, this inquiry could be answered with both a Yes and a No. Much depends on the recognition by DOE of the information gathered by AULGs on a variety of technical issues. Confidence can be increased if the federal agencies, DOE, BLM, NRC, ASLB incorporate the AULG technical issues into their planning and implementation of this project. They ask, we respond, if they pay attention, the answer is Yes confidence increases, if they pay no attention, the answer is No confidence decreases. The success of technical oversight to increase confidence in the process could well be measured by the project being able to revise their plans and be sensitive and responsive to these locally identified technical and science based issues.

The City of Caliente and Lincoln County have formed a technical review advisory committee to gather information and guide contractors in focus of studies and identification of impacts and necessary mitigation measures. This group is known as the Joint City County Impact Alleviation Committee and acts independently in meetings open to the public to provide advice to the Caliente City Council and the Lincoln County Commission on a variety of Yucca Mountain related issues. Regular reports and newsletters are provided to the City, County and general public on current actions and issues pertaining to Yucca Mountain.

Several things would provide increased confidence in this technical process including design of a program that is not political but puts administration in the hands of a quasi- governmental organization that would have authority and a source of funding to provide complete and long term mitigation of identified impacts; provide avenues to assure lessons learned are incorporated into final design and operational plans; assure a method for long term permanent storage of all the information gathered by everyone associated with YM project, such as contained within the License Support Network (LSN) in perpetuity and remove LSN uncertainty of funding and facilities; and make sure Nuclear Waste Policy Act is followed by all government agencies including DOE, states, counties, NRC, leaving politics aside and basing decisions on science.