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STATEMENT OF  
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TO THE U.S. DEPARTMENT OF ENERGY  
OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT

REGARDING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF SPENT  
NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA  
MOUNTAIN, NYE COUNTY, NEVADA

PRESENTED AT THE PUBLIC HEARING  
IN PAHRUMP, NEVADA  
SEPTEMBER 30, 1999

The National Environmental Policy Act of 1969 (NEPA) is our basic national charter for protection of the environment. Among its purposes, and of great importance in considering a high-level nuclear waste disposal site at Yucca Mountain, is *"fulfilling the responsibilities of each generation as trustee of the environment for succeeding generations."* The NEPA process, of which this Draft Environmental Impact Statement is a part, *"is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment."* The environment referred to in NEPA includes the human environment, and protection of human health and safety is implicit in the goals of the Act.

The NEPA procedures are designed to *"insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken."* And, the purpose of the NEPA regulations is to assure that federal agencies respond according to the letter and spirit of the Act.

The NEPA process is the primary entree the public has to participate in federal decision-making on actions that may or will significantly affect the environment, including the human environment. The Nuclear Waste Policy Act requires the U.S. Department of Energy to issue an EIS to accompany its Secretary's recommendation to the President that the nation go forward with development of a high-level nuclear waste repository at Yucca Mountain, if such a recommendation is made.

We are here today because the NEPA regulations include the requirement that federal agencies hold hearings to record, and then consider, the comments of the public on EIS's they intend to issue. In the Final EIS, agencies must incorporate these comments, or explain why they did not incorporate them. Agencies must also accept written comments from the public on the Draft EIS's they issue.

Despite the Nuclear Waste Policy Act's exempting repository siting considerations from the heart of a true NEPA analysis - the need for a repository and any alternatives to the Yucca Mountain site - this Draft Environmental Impact Statement and the proposed action are still seriously flawed in a number of ways.

- 1  The Draft EIS does not analyze impacts associated with specific nuclear waste transportation routes, even though it is intended that it will be used at some time in the future to select
- 2... transportation modes and routes to Yucca Mountain. | With respect to southern Nevada and Nye County, neither the text descriptions nor the maps contained in the draft document provide sufficient information about the exact location of the proposed 1/4-mile-wide rail corridor to allow reviewers

- 2 cont. to evaluate impacts of the proposed action on the affected environment, as required under NEPA. Consequently, meaningful analysis of impacts within 5 miles of the potential Jean rail corridor through Clark and southern Nye counties is virtually impossible.

3 The Draft EIS chapter on the environmental impacts of transportation does not adequately address the consequences of rail line construction and operation along the Jean corridor. The assumptions regarding environmental approvals, right-of-way acquisition, engineering feasibility, and construction requirements for the Jean corridor are overly optimistic, while the document systematically underestimates adverse environmental impacts of rail construction and operation along the Jean corridor.

4 The assessment of land use and socioeconomic impacts associated with spent fuel transportation in Nevada is wholly inadequate. In particular, the Draft EIS fails to address the economic consequences of a severe accident or terrorist attack resulting in release of radioactive materials. Such an incident along the Jean route, for example, could have catastrophic impacts on economic activities such as tourism and recreation, ranching and agriculture, and retirement community development. Even if such an accident or incident does not occur, public perception of radiological risks associated with such shipments could have significant adverse socioeconomic impacts on existing communities and discourage new investments.

6 The Draft EIS fails to identify the Pahrump Valley as potentially affected by legal-weight truck (LWT) and heavy haul truck (HHT) shipments of spent nuclear fuel and high-level radioactive waste. According to DOE's own estimates, there could be between 49,500 to 96,000 legal weight truck (LLT) and 300 heavy haul truck (HHT) shipments under the mostly truck scenario, and about 2,600 to 3,700 LWT and 10,800 to 19,845 HHT shipments under the mostly rail scenario. Nevertheless, the Draft EIS ignores environmental impacts of truck shipments along the SR160 highway corridor.

7 The Draft EIS also underestimates routine radiation exposures in communities such as Pahrump, where hotels, casinos, retail businesses, schools and churches are concentrated within 150 yards of the highway, often near intersections or traffic signals and/or in reduced speed zones. The large number of daily truck shipments could heighten the public perception of radiological risks, lowering property values and discouraging business expansion.

12 With respect to the Yucca Mountain facility itself, this Draft EIS does not describe the proposed repository in a manner that allows an analysis of its impacts. A number of design alternatives and options are described and their impacts evaluated. DOE's expectation is that whatever design is finally selected, its impacts will have been bounded by the analysis of the alternatives and options. The range of possible impacts, however, is wide, and they all lead to releases of radionuclides from the repository that contaminate a groundwater source currently used for drinking water and agricultural purposes in Nye County. What we don't know, and can't know from this Draft EIS, is how much is released, how fast it is released, and how soon it is released. In simple terms, this Draft EIS does not tell us what the future risks of the proposed repository are to people and the environment.

10 It is well documented that people react strongly and negatively to nuclear waste facilities and activities. In fact, nuclear waste is consistently ranked among the highest risks to be encountered. In response to such perceptions, people behave in ways that have direct and measurable economic consequences (i.e. avoidance of places and products associated with nuclear imagery or stigma). The Draft EIS ignores this finding and does not consider the economic consequences of such stigma to cities, such as Las Vegas and other tourist destinations, and to rural communities like Pahrump that rely heavily on economic sectors such as agriculture and tourism.

- The State of Nevada will be submitting extensive written comments on this Draft Environmental Impact Statement for a high-level nuclear waste repository at Yucca Mountain. It is our hope that these comments and those of all others will be seriously considered, and that a reasonable No Action alternative (as opposed to the unreasonable and unrealistic ones contained in the draft document) is selected as the preferred action in the Final Environmental Impact Statement.