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TESTIMONY OF KEVIN KIRKEBY
BOARD OF WHITE PINE COUNTY COMMISSIONERS
ON THE ADEQUACY OF 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

October 19, 1999
Ely, Nevada

My name is Kevin Kirkeby and I am a member of the Board of White Pine County Commissioners. I am here today on behalf of the White Pine County Commission and the people of White Pine County to offer preliminary comments on the adequacy of the Draft Environmental Impact Statement (DEIS) for the Yucca Mountain project as a decision support document. White Pine County intends to supplement my remarks today with formal written comments to the DEIS.

1 [Let me begin by expressing my appreciation to the Department of Energy (DOE) for electing to
2 hold hearings on the Yucca Mountain DEIS in Ely.] As my comments will reveal, White Pine
County is concerned that DOE has, and may continue in the future, to largely ignore the
legitimate concerns of the County and its residents regarding ongoing and planned radioactive
waste management activities in Nevada. I trust that the DOE's presence here today is a recognition
by the Department that management of radioactive waste in Nevada must be done in consultation
with all affected parties. And White Pine County is affected by the Department of Energy's
ongoing and proposed radioactive waste management activities in Nevada.]

3 In general, the DOE and its contractors are to be commended for preparing a DEIS which is well organized and concise. The use of summary and comparative tables makes review of the document manageable. Ample use of graphics serves to illustrate key technical concepts. The willingness of DOE to make the DEIS widely available to the public through various media will, I trust, facilitate review by interested members of the public.

White Pine County's review of the DEIS is motivated by its responsibility to protect the public health, safety and welfare of area residents. White Pine County will pursue all means necessary to minimize the risks associated with on-going and planned DOE radioactive waste management activities in Nevada. The County intends to exercise each and every option available to ensure that

4... current and planned DOE radioactive waste management activities in Nevada do not result in any disequitable allocations of health risk, economic harm or fiscal requirement. White Pine County believes that the DEIS must provide an adequate assessment of on-going and proposed radioactive waste management activities in Nevada, as such activities posit impacts to public health, safety and welfare of County residents.

White Pine County believes that the DEIS may be inadequate as a NEPA document capable of supporting a decision by the Secretary of Energy to recommend the Yucca Mountain site to the President as a deep geologic repository. The failure of the document to consider key issues raised by White Pine County during the scoping process may render the DEIS legally insufficient. DOE

4 cont.

is encouraged to give careful consideration to the comments offered today and those received in writing and to prepare a Final EIS which adequately addresses issues of concern to White Pine County.

White Pine County understands that the DEIS, once finalized, may be utilized to support the following decisions:

- A decision by the Secretary of Energy to recommend to the President that the Yucca Mountain site be nominated to the Congress as the first deep-geologic repository for spent nuclear fuel and other high-level radioactive waste;

- A decision by the Administration and the Congress to construct, operate, monitor and eventually close a geologic repository for the disposal of spent nuclear fuel and other high-level radioactive waste;

- A decision by the Administration and the Congress on what mode(s) of transportation (ie. mostly rail or mostly truck) to use in transporting spent nuclear fuel and other high-level radioactive waste from generator sites to the repository site;

- A decision by the Administration and the Congress on what highway routes and/or rail corridors (including locations of rail-to-truck intermodal facilities) to use in transporting

spent nuclear fuel and other high-level radioactive waste from generator sites to the repository site;

- A decision by the Nuclear Regulatory Commission to issue a license to the Department of Energy to construct the Yucca Mountain repository; and

- A decision by the Nuclear Regulatory Commission to issue a license to the Department of Energy to operate the Yucca Mountain repository.

White Pine County's continuing review of the DEIS is intended to render a conclusion on the adequacy of the document to support each of these key decisions.

5... With regard to specific comments on the DEIS, White Pine County is particularly troubled by the DOE's failure in the DEIS to recognize the County and its residents as potentially impacted by on-going and proposed radioactive waste management activities in Nevada. During scoping, White Pine County made a credible case for consideration of the impacts of low probability/high consequence events such as volcanism upon the residents and environment of the County. In addition, our scoping comments clearly demonstrated the potential for shipments of spent nuclear fuel and high-level radioactive waste to be transported by legal-weight truck through White Pine

5 cont. County. Despite the direct risk to resident public health, safety and welfare associated with the Yucca Mountain project, the DEIS does not afford any assessment of impacts to residents and the environment in the County.

6 This failure to consider impacts in White Pine County appears contradictory to the Secretary of Energy's previous action to designate the County as "affected" pursuant to the Nuclear Waste Policy Act. The Secretary's designation, which is not required but is discretionary, clearly suggests the relationship of ongoing and proposed DOE radioactive waste management activities in Nevada to possible localized impacts in White Pine County. It is inconceivable that the Secretary of Energy would consider White Pine County "affected" yet the DEIS would not consider impacts which might accrue to residents and/or the environment of the County.

7... The contradictory nature of the omission of any substantive discussion of impacts in White Pine County is also apparent when one considers DOE's selection of transportation routes and related impacted corridor communities within the DEIS. The third paragraph of Page 6-35 of the DEIS includes the following statement: "Because the State of Nevada has not designated alternative preferred routes, only one combination of routes for legal-weight truck shipments would satisfy U.S. Department of Transportation routing regulations (I-15 to U.S. Highway 95 to Yucca Mountain)." DOE elected not to consider the impacts or a region of influence along State of Nevada identified candidate alternative routes. However, the first full paragraph of Page 2-44

7 cont. contains the following statement: "The EIS analysis assumed that the proposed Interstate bypass around the urban core of Las Vegas (the Las Vegas Beltway) would be operational before 2010." DOE could have just as easily assumed that the State of Nevada would designate one or both alternative routes it identified to keep waste shipments out of the Las Vegas urban core. The failure of DOE to include an assessment of the impacts of State of Nevada identified alternative legal-weight routes is a serious deficiency of the DEIS.

The likelihood that the State of Nevada will designate alternative routes for legal-weight trucks that avoid the Las Vegas Valley is borne-out in the State's acquiescence to the use of routes through White Pine County to transport low-level radioactive waste (LLRW) across Nevada to the Nevada Test Site. As DOE is aware, the use of northern highway routes for LLRW has effectively shifted any transportation risks from the Las Vegas area to rural northern Nevada counties.

Failure of the DEIS to consider the impacts of legal-weight truck transportation through White Pine County is made worse by Table J-48 which demonstrates that risks of transporting spent fuel and high-level radioactive wastes through the County are significantly greater than the risks for the Base Case (routes allowed by current Department of Transportation regulations for Highway

7 cont. Route-Controlled Quantities of Radioactive Materials). The fact that LLRW is also being transported on a route through White Pine County raises the specter of significant cumulative impacts.

The Final EIS must evaluate the direct, indirect and cumulative impacts of transporting all forms
8 of radioactive waste through White Pine County. As noted in White Pine County's comments on the scope of the EIS, the Final EIS must consider the extent to which local emergency first response capabilities serve to mitigate or exacerbate risk. The extent to which environmental conditions in the County (ie. climate and wildlife) bear upon transportation risk should be considered. Measures to mitigate transportation risk, at least to a level commensurate with the Base Case, should be identified and evaluated within the Final EIS.

7 cont. The National Environmental Policy Act (NEPA) requires federal agencies to consider "connected actions". Construction and operation of a repository at Yucca Mountain will result in spent nuclear fuel and high-level radioactive waste being transported through Nevada (and in all likelihood by legal-weight truck in the short-term). The prospect of transportation of spent nuclear fuel and high-level radioactive waste through the Las Vegas Valley will likely trigger a decision by the Governor of Nevada to designate alternative routes. Therefore, the Final EIS must consider the impacts of State of Nevada identified alternative routes as a connected action pursuant to NEPA.

9 Finally, with regard to failure of the DEIS to adequately address transportation impacts it is important to note that transportation induced stigma must also be considered within the Final EIS. Research sponsored by the Board of Lincoln County Commissioners has demonstrated that transportation induced stigma can result in significant economic and fiscal impacts along transportation corridors. In the event of an accident involving transportation of spent nuclear fuel in the weeks preceding peak tourist travel to and/through White Pine County, local businesses may be impacted and tax revenues lost to White Pine County and the City of Ely. It could take several weeks to many months for the area to recover from negative perceptions about safe travel in the County.

10 A serious omission in the DEIS is the identification and evaluation of alternatives for mitigation of impacts. White Pine County's preliminary review of the DEIS has found no obvious commitments by DOE to mitigate any impacts. The Final EIS must include both the identification and evaluation of mitigation alternatives as well as commitments to feasible mitigation measures.

11... White Pine County is also concerned that the No Action Alternatives described within the DEIS are not reasonable and as a consequence impacts associated with said alternatives may be highly overstated. For example, it is very unlikely that spent nuclear fuel left at generator sites would lose all institutional oversight and management after 100 years. Indeed, DOE is considering

11 cont. oversight and active management/monitoring of the Yucca Mountain site for a period extending to perhaps 300 years. No Action Alternative #2 should be reconsidered and perhaps eliminated altogether as infeasible.

12 Let me close by stating White Pine County's belief that the description of the repository system, including transportation, is too vague to enable assessment of impacts. The degree of ambiguity and uncertainty associated with key assumptions (ie. whether or not State of Nevada will designate alternate routes) renders the analyses deficient for decision-support. DOE is encouraged to validate assumptions, reduce uncertainty, and remove as much ambiguity as possible in presenting a revised analysis of impacts in the Final EIS.

I trust that these preliminary comments, together with formal written comments the County intends to submit, will assist DOE in preparing a Final EIS which adequately responds to the requirements of NEPA, supports the various decisions which may be based in part upon analyses contained therein, proposes effective measures to mitigate impacts and assists White Pine County in meeting its fiduciary responsibility to protect the public health, safety and welfare of its residents.

Thank you.