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Thank you for providing me the opportunity to share my views today on the Yucca Mountain Draft Environmental Impact Statement.

1... In sum, the DEIS is wholly inadequate in providing a sound basis for any decision making regarding the suitability of Yucca Mountain as a high-level nuclear waste repository, and it raises more questions than it answers.

The document released by the DOE does little to notify the public of the potential impacts of Yucca Mountain, and continues a decades long policy of the DOE to ignore or obfuscate many of the most serious and important issues that need to be addressed before any decision should be made regarding the suitability of Yucca Mountain.

The DEIS is deficient in numerous ways, some of which will be brought to light during the public comment period, and many more which I expect will provide a basis for courtroom challenges in the years to come. Today, I will focus on just a few of the more glaring defects, including the most obvious: the failure to identify national transportation routes between reactor sites and Yucca Mountain.

2... For many years, it has been obvious that the nuclear community's greatest fear is that the Department will be forced to identify routes for the transportation of waste from reactor sites to Yucca Mountain. The DOE is well aware that the day they specify the transportation routes, the controversy over Yucca Mountain will no longer be a Nevada issue, but will be a source of extreme and vocal outrage in hundreds of communities, large and small, across the nation. The nuclear community's strategy all along has been to delay as long as possible this day of reckoning ---

2 cont.

and hope that by the time the routes are announced, effected communities along the routes will have missed their opportunity to weigh in, and will be powerless to block the shipments.

This DEIS purports to analyze "generic" transportation routes, claiming that specific information or public comment on transportation routes is unnecessary or inappropriate.

Unfortunately for the DOE, the impacts or risks associated with the transport of nuclear waste are not "generic" --- they are very personal, powerful, and specific. Individuals living along the transportation routes have the right to know if the federal government's plans to build a repository at Yucca Mountain will expose their children's school, ballfield, or playground to risk of nuclear exposure or accident. Americans across the nation are entitled to know if any of these tens of thousands of shipments will pose a risk to their favorite fishing spot, or river, or their community's water supply.

3...

Across the nation, hundreds, if not thousands, of communities will, like Nevada, find their public health and safety threatened by the shipments of high-level nuclear waste to Nevada. Most of these communities are today, as a result of the DOE's refusal to identify specific routes, ignorant of these risks. The DOE has scheduled a grand total of four public meetings in corridor cities, in Atlanta, St. Louis, Denver, and Salt Lake City. What about Chicago? or Kansas City? Or Cleveland, Hartford, Baltimore, or Birmingham? When will these cities be notified of the DOE's plans? The failure by the DOE to identify these communities, and to put their citizens on notice of the implications of Yucca Mountain for them, makes a total mockery of the entire system of public notice and comment required by the National Environmental Policy Act (NEPA).

4...

The DOE's failure to identify transportation routes across the nation has nothing to do with their technical ability to

4 cont. designate routes; the transportation corridors for such hazardous materials are well defined, and the DOE has access to the same computer models that allowed the State of Nevada to develop these route maps some time ago. The DOE has never questioned the accuracy of these projected routes, but has done everything possible to avoid facing the reality of notifying the citizens along these corridors what is in store for them should Yucca Mountain ever be deemed suitable.

3 cont. The suitability of the transportation routes to Yucca Mountain is every bit as important to the American public as the geology of Yucca Mountain itself, and the DOE has failed miserably in carrying out its charge to provide a full public vetting of the risks associated with building a repository. On this basis alone, the DEIS should be withdrawn until such time as the DOE notifies the public of the exact shipment routes and volumes for high-level nuclear waste across the nation.

Several other deficiencies of the DEIS deserve mention today.

5... Like the transportation routes, which are only examined in a "generic" manner, [the very design of the repository is left up in the air. Sixteen years after the enactment of the Nuclear Waste Policy Act, and just a few short years before the Secretary of Energy is planning to determine the suitability of the Yucca Mountain site, the DOE still refuses to commit itself to a single design for the repository. Three different design concepts are included in the DEIS, but none is identified as the preferred alternative, and the DOE has not even limited itself to choosing a design from among these three. As with so many other aspects of this program, the DOE prefers to maintain a moving target --- by keeping its options open, the DOE believes it can keep modifying the design concept to accommodate any new problems that develop at the site. Failure to commit to a design precludes any definitive analysis of the impacts of the repository, creating

5 cont. | yet another in a long series of violations of the spirit, if not the letter, of the National Environmental Policy Act.

6... | The DEIS's analysis of the "no action alternative" is equally disingenuous. Under NEPA, the DOE is required to provide an analysis, for comparison purposes, of reasonable alternative scenarios that do not include constructing a repository. The "no action" alternatives included in the DEIS defeat the purpose of this NEPA requirement by constructing unrealistic scenarios rigged to create further justification for the Yucca Mountain repository alternative.

The first "no action" scenario assumes the waste remains at reactor sites, under the control of the utilities, for 10,000 years. By assuming institutional control over the reactor sites for nearly 10,000 years after reactors have shut down, this alternative is clearly intended to make the astronomical costs to be incurred by a repository over the next 100 years appear more reasonable.

The second "no action" scenario assumes that the waste will remain on site indefinitely, but that the utilities will stop caring for the waste after 100 years, creating 77 unmonitored, unmaintained nuclear dumps across the nation. This second scenario is obviously designed to "sell" the supposed environmental benefits of Yucca Mountain.

As the DOE admits, both "no action" scenarios are extremely unlikely to occur. First, storage on-site is likely to occur for the coming decades, or even 100 years, but no one is seriously suggesting that we never develop a long term solution to the nuclear waste problem. The advantages of moving the waste also assume the decommissioning of all reactors at some time in the near future --- a very unlikely assumption. Second, assuming that any regulatory agency, even 100 years from now, will allow

6 cont. high-level nuclear waste to remain on sites with no institutional controls, is ludicrous on its face. NEPA's requirement for a "no action" alternative is intended to provide a basis for a meaningful evaluation of a proposed action, not to artificially inflate the supposed benefits of the action --- yet another major tenet of NEPA that the DOE twists to its own advantage. The DOE needs to identify reasonable "no action" alternatives before it moves forward with the DEIS.

7... Finally, [the DEIS's treatment of socioeconomic impacts is completely inadequate. Over all the years it has been studying Yucca Mountain, the DOE appears to have gained little or no knowledge of the tourist based economy supporting a community of over one million citizens just a short distance south of Yucca Mountain. Las Vegas has developed into one of the premier tourist destinations in the world, and, for over one million people, is not just a "remote desert location" --- it is home. Even a modest decline in tourism could have serious economic consequences throughout the State. The loss of tourism due to even the hint of a nuclear threat to public health and safety would be devastating; an actual accident, in addition to the physical harm it would cause to Nevadans, and Nevada's environment, could render billions of dollars of investment in Las Vegas worthless. Unfortunately, DOE chose not to analyze these far reaching economic impacts, nor has the DOE analyzed similar impacts in corridor cities.] [Environmental justice issues, both in Nevada and along transportation corridors, are given similarly short shrift by the DOE.] [The socioeconomic impacts of the proposed repository need to be much more fully addressed before the DOE can make any meaningful decision regarding the suitability of Yucca Mountain.]

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7 cont.

The proposed burial of 70,000 metric tons of high-level nuclear waste is an unprecedented undertaking. The political conscription of Nevada as the host for this facility is equally

unprecedented. The general public has an instinctive, and justifiable, fear of the hazards of nuclear materials. In Nevada, we have learned an important lesson from the atmospheric testing program of the 1950s. We were told not to worry, that everything was perfectly safe. Later, we found out just how untrue those claims were. Today, scientists are still struggling to analyze what is happening below ground at the Nevada Test Site due to years of underground testing. In the communities surrounding Hanford, or Paducah, or Tokai, thousands of people worry about the effects of these facilities on their families' health and safety.

Many important questions have been raised during the characterization of the Yucca Mountain site --- questions that are not answered by the DEIS.

9 The geology underground has proven difficult to model; recent data at the adjoining NTS have demonstrated far faster migration of plutonium underground than DOE scientists have predicted.

The important question of water seepage through the site remains open; higher than expected levels of Chlorine 36 at the repository level can only be explained by water penetration from the surface in the last few decades.

10 Volcanic activity in the area appears to have been far more recent than previously estimated.

11 Seismic activity --- a particularly important issue in relation to interim storage --- continues to be very active. Yucca Mountain, and the NTS, lie within the second most active seismic area in the continental United States. Well over 600 earthquakes registering over 3.0 on the Richter scale have been recorded in the area in the past twenty years.

12 With all that is at risk, I would assume that the DOE would err on the side of caution. [With the lack of public support for the repository in Nevada, a State that opted against nuclear power, I would assume that the DOE would be scrupulous in its compliance with NEPA, and make every effort to build a record of public trust and confidence. Unfortunately, that does not appear to be the case. The DOE continuously fails to comprehend the public's legitimate interest in its plans for Yucca Mountain, and has once again opted to cut corners in the interest of avoiding controversy and keeping to an unrealistic schedule.]

1 cont.

[Nevadans, and all Americans, are entitled to a more substantive and thorough analysis from the DOE, but, unfortunately, we have learned not to expect it. I urge the DOE to withdraw the DEIS until its many deficiencies can be corrected, and we can begin a more thoughtful and complete analysis of all of the impacts of a high-level waste repository at Yucca Mountain.]