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PUBLIC STATEMENT OF ROBERT LOUX

EIS000537

MR. LOUX: Thank you. I'd like to just state at the outset that the State of Nevada Agency for Nuclear Projects has been overseeing the DOE's project for about the last 18 years, and we certainly have a lot of alternative interpretations of the answers to the questions that most of you asked here earlier regarding transportation, other factors. So if anybody would like to hear some different answers to those questions, please see me any time during the afternoon session.

My statement today is on behalf of the Governor. The Governor Kenny Guinn is in Las Vegas today and unable to make it.

1 Since the inception of the federal government's high level radioactive waste program in 1983, the U.S. Department of Energy's work with respect to the candidate Yucca Mountain repository site has been characterized by bias and inappropriately favorable interpretations of data that mask serious and even fatal flaws present at the site and within the federal program as a whole.

The State of Nevada's review of this Draft Environmental Impact Statement indicates that the document continues the pattern. The state believes that the Draft EIS to be legally and substantively flawed and among other, the deficiencies are as follows.

2 The Draft EIS does not contain accurate or adequate description of the project. It postulates a no action alternative that is entirely unrealistic and unreasonable. It fails to adequately evaluate health, safety and environmental impacts of a program that will intentionally as a part of the so-called waste isolation strategy contaminate ground water sources currently and will be used in the future by people for drinking water, food production and other needs.

It also fails to adequately assess the cumulative impacts from past, current and future activities at the Nevada Test Site. It completely ignores the potential for major and widespread socioeconomic impacts from the project both in Nevada and in cities and communities throughout the nation.

And last, it fails to identify spent fuel and high level waste shipping loads and routes in a way that permits people in affected communities to participate in the review and public comment process. Asserting that the design for a Yucca Mountain facility is still evolving, yet it describes a number of design alternatives and options in the Draft EIS with the expectation 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 is wide, and they all lead to releases of radionuclides from the

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repository that contaminate a ground water source that is currently being used for drinking water and agricultural purposes. Because the description of the project in the Draft EIS is an ever moving and changing target, it's not possible to adequately assess future risks of the proposed facility to people and the environment.

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With respect to the no action alternative contained in the EIS, DOE has chosen two no action scenarios that are unrealistic, unreasonable and legally deficient. The document postulates a situation where in place of a repository at Yucca Mountain, spent nuclear fuel and high level radioactive waste are soon to be stored on site at reactor and generator locations for periods of 10,000 years.

In the first no action scenario DOE assumes that the active institutional control is maintained for the entire time, while under the second scenario the controls cease after the first hundred years. Both scenarios are wholly inappropriate. In the absence of a repository, it is absurd to assume that spent fuel and high level waste would simply be left at reactor sites forever. In fact, the Nuclear Waste Policy Act requires DOE to return to Congress if Yucca Mountain is not found suitable.

What DOE appears to have done is select scenarios designed to generate the greatest public alarm and political pressure in other states in favor of the proposed action, and in doing so DOE has violated the clear intent of NEPA that a realistic and reasonable no action alternative be evaluated and compared with the proposed action.

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The State of Nevada also believes that the Yucca Mountain project as set forth in the Draft EIS and subsequent DOE design documents violates the intent of the Nuclear Waste Policy Act that the disposal of spent fuel and high level waste be accomplished by geologic disposal. The ever evolving design relies almost exclusively on engineered barriers contributing to nearly 98 percent of the performance, including a 750,000 year waste package, over a hundred miles of titanium drip shields, and engineering fixes to compensate for serious deficiencies at the site and to make it work.

The Draft EIS hereby implicitly acknowledges that Yucca Mountain as a geologic formation is incapable of isolating high level waste. What is left is an engineered storage facility that is clearly not envisioned by the law.

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The Draft EIS inexcusably ignores a robust extensive body of research produced by the State of Nevada by independent researchers and by even DOE contractors that demonstrate the socioeconomic risks and potential impacts associated with a repository and related spent fuel transportation. Such research has documented the potential for substantial and sustained impacts to Nevada's visitor dependent

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economy should the Yucca Mountain project go forward. The Draft EIS ignores these findings and does not even consider the economic consequences to cities and communities either within Nevada or along transportation routes nationwide.

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And lastly, in addition to our testimony at these hearings, the State of Nevada will be submitting extensive written comments on the Draft EIS. It is hoped that these comments and those of everyone else will be seriously considered and that a reasonable no action alternative as opposed to the one in the EIS is selected as the preferred action in the Final Environmental Impact Statement.