

## PUBLIC STATEMENT OF RUSS DiBARTOLO

DEC 01 1999

MR. DiBARTOLO: My name is Russell DiBartolo. I represent Clark County Nuclear Waste Division.

Clark County is an affected unit of local government under the Nuclear Waste Policy Act, and as such we represent and work with a number of new and long-time residents of Clark County; people from developing areas like Laughlin and Mesquite; downwinders who live around the Mesquite area; tribal groups such as the southern Moapa and western Moapa tribes; people in small towns like Indian Springs, which is closest to Yucca Mountain in Clark County, and large cities like North Las Vegas, Henderson and Las Vegas. So we are quite a diversified county.

Our mandate as a county is to protect the health and the safety of residents and visitors, protect the natural environment and public resources and maintain the economic well being of its residents. And it's with this mandate in mind and as an affected unit of local government that we have undertaken this extensive review of the Yucca Mountain DEIS.

In our preliminary review, we have provided a number -- we have found a number of concerns, and in later public and written comments we'll provide specifics on these and other issues.

1 First, the alternatives identified in the proposed action are unreasonable and incomplete. While NEPA does not require that every possible alternative be considered, it does require that all reasonable alternatives to the proposal be considered.

Further, NEPA also requires that the alternatives to be considered are beyond what the applicant likes or is itself capable of carrying out. As currently drafted the alternatives outlined in the DEIS do not meet this environment.

2 Second, the DEIS does not contain sufficient detail or completeness in order to help us evaluate mitigation needs. While this may be addressed in future documents, the current DEIS language provides no guarantees or details, sufficient detail. Thus a whole range of issues and responsibilities are left ambiguous.

This could result in significant harm to the residents of Clark County. There are also methodological problems within the DEIS especially relating to the analysis of impacts on low income, minority and tribal groups. Further, we have noted significant lack of detail in description of the transportation system.

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3 Third, the DEIS considers only a narrow range of traditional impacts that are listed in NEPA guidelines and have been used in previous efforts for smaller projects. Many impacts that are important to Clark County are not considered or considered minimally. A brief list of this includes conflicts with planned land use, effects of stigma on Clark County businesses and products, cost to local governments for monitoring environmental -- sorry -- emergency management programs, loss of land value along the routes and so on.

4 Four, an initial examination of the case law that is purported to support DOE's contention that stigma need not be addressed within the DEIS indicates that DOE may be taking a very liberal interpretation to support its view. In later comments we will provide a detailed review of NEPA cases relevant to Clark County's comments in this area.

5 Five, the DEIS should have identified specific national transportation routes that would be used to transport the waste to Yucca Mountain. This omission violates the spirit of NEPA and runs contrary to even previous DOE practices when considering the waste isolation pilot project in New Mexico and related documents.

6 In summary, the current DEIS falls far short of what is needed for such a significant project as a proposed repository. The DOE should withdraw the current draft EIS and undertake the needed investigations in order to produce a document that fully describe the impacts and appropriate mitigation alternatives that are necessary in order for the President to make an informed decision.

DOE itself has described a number of areas where further investigation needs to take place, and we find that those -- we feel that those areas should have been considered prior to publication of the Draft EIS.

7 I also would like to suggest that since we are here for a hearing, and we have those people who are preparing the EIS present, at least in the area someplace, that they probably should be here to listen to these comments directly rather than to read them.

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