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**STATEMENT OF FRANKIE SUE DEL PAPA
NEVADA ATTORNEY GENERAL**

**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 BY THOMAS M. PATTON, FIRST ASSISTANT ATTORNEY
GENERAL AT THE PUBLIC HEARING IN
LAS VEGAS, NEVADA
JANUARY 11, 2000**

As you are aware, in late 1987, Congress singled out Nevada as the sole site to be examined for suitability to construct the country's first high-level nuclear waste repository. In taking this action, Congress essentially disregarded the selection process mandated by the Nuclear Waste Policy Act. Instead of scientifically evaluating the suitability of at least three potential sites, Congress determined that Yucca Mountain is the only site to be studied for such a facility. In 1989, the Nevada Legislature responded to this injustice by passing a law specifically forbidding anyone, including the federal government, from storing high-level nuclear waste in Nevada. This action was designed to protect the health and safety of Nevadans, and to protect our unique economy from the negative impacts that will surely follow the construction of a nuclear repository at Yucca Mountain.

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In our view, the Yucca Mountain Project and the Draft Environmental Impact Statement evaluating it are seriously flawed in numerous respects.

1 First, the underlying premise of the Nuclear Waste Policy Act is to develop a high-level nuclear waste repository in a location which, because of its unique geologic features, will insure isolation of radioactive waste from the human environment. Incredibly, this fundamental premise of relying on geologic isolation has been completely abandoned. Instead, the Yucca Mountain Project relies primarily on “engineered” barriers which cannot insure isolation of the waste for an adequate period of time. Furthermore, Yucca Mountain is an extremely complex geologic area that has been and continues to be subject to frequent earthquakes, hydrothermal upwelling and volcanic activity.

2 Second, the Draft Environmental Impact Statement does not describe the proposed project in a way that allows for a reasonable analysis of its impacts. The document contains a number of design alternatives and options from which DOE will presumably choose. All of the design alternatives admittedly and inevitably result in releases of radionuclides from the repository into Nevada’s groundwater. The end result will be contamination of both drinking water and water used for agriculture. The Draft EIS simply does not inform the public what the future risks of the repository are to people and the environment.

3 Third, the Draft EIS fails to identify, describe and analyze the impacts associated with transportation of nuclear waste. This deficiency exists despite the fact that the document is intended to be used in the future to select transportation routes from 77 individual waste sites to Yucca Mountain. Over fifty million residents who live within ½ mile of transportation routes are not informed by the Draft EIS that they are within harm’s way, and they are not afforded the opportunity to comment in a meaningful way about transportation decisions that could profoundly impact their well being. The truth is that over 80 per cent of this country’s high level nuclear waste is generated east of the Mississippi, and the Yucca Mountain Project will expose a vast portion of this country’s environment and millions of its citizens to an unacceptable and unnecessary risk.

4 Fourth, the Draft EIS is seriously deficient in its analysis of socioeconomic factors critical to Nevada. It is well documented that people's negative perceptions of nuclear waste can translate into damaging consequences for Nevada's tourism industry. The Draft EIS ignores the impacts associated with perceived risk and stigma, and fails to consider the negative impacts to Las Vegas and other tourist destinations in the state.

5 Finally, the Draft EIS utterly fails to address irrefutable evidence relating to the upwelling of hydrothermally driven groundwater at the Yucca Mountain site. This evidence is presently being corroborated by a joint DOE/State committee chaired by UNLV Professor Jean Cline. The scientific fact is that geologically frequent intrusions of hydrothermal fluids driven from great depths inside Yucca Mountain could cause an environmental disaster of dramatic proportions. This condition alone renders Yucca Mountain unsuitable for development of a high-level radioactive and spent fuel repository.

6 As it is currently constituted, the draft EIS is both substantively and legally deficient. The Department of Energy has no credible and conscionable choice but to redo the document, re-issue it in draft form, and hold a new round of public hearings.

Thank you for this opportunity to express the concerns of Nevadans.