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19TH DISTRICT OF OHIO

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TO: Ms. Wendy R. Dixon

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RE: _____

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COMMITTEE ON
GOVERNMENT REFORM



COMMITTEE ON BANKING
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SUBCOMMITTEE ON GENERAL OVERSIGHT

Stephen C. LaTourette
Congress of the United States
19th District, Ohio

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January 27, 2000

JAN 31 2000

Ms. Wendy R. Dixon,
EIS Project Manager, M/S010, U.S. DOE
Yucca Mountain Site Characterization Office
P.O. Box 30307
North Las Vegas, NV 89036 0307

Dear Ms. Dixon:

I am pleased to submit testimony to comment on 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. These hearings also will discuss the transportation of material to the repository from seventy sites across the United States.

Although I cannot attend the hearings in person due to Congressional business in Washington, D.C., I would appreciate you making reference to the Cleveland, Ohio hearings held on January 28, 2000 when recording my comments.

1... On behalf of the 19th District, Ohio, I thank the U.S. Department of Energy for holding these hearings across the nation to better learn the concerns of citizens as well as inform of the DOE's latest progress. I remain

Very truly yours,

Steven LaTourette
Member of Congress

EIS001083

Statement of
U.S. Representative Steven LaTourette
19th District, Ohio
Before the
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
On January, 28 2000
Cleveland, Ohio

1 cont'd.

Secretary Bill Richardson, I am pleased to comment on 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. [The series of public hearings across the country are important in refining the proposed action by the U.S. Department of Energy (DOE) to construct, operate and monitor, and eventually close a repository at Yucca Mountain. In addition, they are critical with respect to the transportation of the material to the repository from seventy sites across the United States. It is my hope that others as well will utilize this opportunity to review and evaluate potential impacts and possible alternatives.]

Discussion about radioactive waste and what to do with it is of great interest to my constituents of the 19th District in Ohio, because it is the home of Perry Nuclear Energy Plant. The plant is located along the southern shoreline of Lake Erie in a rural area of Lake County, approximated 7 miles northeast of Painesville and 35 miles northeast of Cleveland. Two other nuclear plants, Davis-Besse located near Toledo and Beaver Valley located outside Pittsburgh, are also in close proximity.

It is important to remember that as such, even if nuclear facilities stopped production throughout the country today, the problem with what to do with existing spent energy would still need resolution. The Nuclear Waste Policy Act of 1982 was established to regulate the disposal of spent (used) fuel and high-level radioactive waste. Under the act the DOE was directed to develop a permanent site to establish a permanent geologic waste repository and the means to safely transport the nuclear waste. Also established was the Nuclear Waste Fund which currently is at \$15 million dollars. The Public Utilities Commission of Ohio (PUCO), along with 46 state agencies and 33 utilities have raised past concerns by filing suit with the DOE to ensure the protection of this ratepayer maintained fund. They have demanded that ongoing payments into the Nuclear Waste Fund be continued, but that they be placed into escrow to ensure that the funds are used for their intended purpose.

The U.S. Court of Appeals for the District of Columbia Circuit ruled November 14, 1997, that the DOE would be liable for unspecified damages to nuclear utilities for failing to begin the removal of spent nuclear fuel from commercial reactors by January 31, 1998, a date set by the Nuclear Waste Policy Act. The States were unsuccessful in getting relief from the federal court, even though the Court agreed with many of the their legal arguments and interpretations of relevant statutes. The Court ultimately concluded that the pending administrative proceeding before the DOE had to be pursued before an injunction could be considered. To date the

EIS001083

proceeding is still pending and no final decision has been made.

Although the Perry Nuclear facility has enough capacity to store its spent fuel until at least 2011, many other nuclear power plants across the nation are quickly running out of spent fuel space. It is estimated by the year 2010 that 80 plants will have utilized all of their spent fuel space. According to the NRC, thirty-one facilities have been storing spent fuel through dry cask storage (also referred to as silo or mausoleum storage). Another alternative is reracking, which combines the storage of old and new fuels, since the new fuel create more energy and takes up more space. Finally, rod consolidation allows greater manipulation of a spent fuel bundle. Which method to chose, if any, has spurred debate among local governments, local nuclear utilities, and state utility regulators.

In the past, concerns were raised by many utility commissioners throughout the United States, that no permanent site for the nation's nuclear waste had been established. Although the DOE continues to explore the possible use of a site in Nevada's Yucca Mountain, many are worried that the set time line for the project and ongoing site exploration of the Yucca Mountain will not meet capacity deadlines for various nuclear plants. In the year 2000, the DOE is scheduled to complete a final repository environmental impact statement. In 2001, the DOE plans to report on the Yucca Mountain site suitability. The license application for the repository construction to the Nuclear Regulatory Commission is scheduled for 2002. If licensed, the emplacement of the waste repository could occur in 2010.

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Many in Ohio are concerned about transporting nuclear waste through Northeast Ohio and as many as 42 other states. Besides directing the DOE to study only the Yucca Mountain site, the 1987 amendment to the Nuclear Waste Policy Act also imposed requirements for transporting spent nuclear fuel and high levels of radioactive waste. Such materials will be transported in U.S. Nuclear Regulatory Commission certified containers. The amendment requires the DOE to notify states before transporting any highly radioactive materials through their jurisdictions.

A great deal of research and dialogue between agencies, such as the Nuclear Regulatory Commission (NRC) and Environmental Protection Agency (EPA), legislators, and the American public has occurred in determining whether to place a permanent nuclear waste facility at the Nevada Yucca Mountain site. Nine sites in six different states were originally considered. During the Reagan Administration the sites were narrowed down to Hanford, Washington; Deaf Smith County, Texas; and Yucca Mountain, Nevada.

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While the NRC's existing regulations along with the DOE proposed regulations require "reasonable assurance" that the public and environment be adequately protected from the radiation hazards posed by the repository, I am concerned that the word "reasonable" not permit loose interpretation of possible risks. Safety is the utmost concern in consideration of this Environmental Impact Statement, and every conceivable risk needs to be considered to ensure the protection of residents, wildlife, and natural resources. I am concerned that thorough preventive risk management procedures be fully developed and preparation for rail or highway accidents be established. The Ohio State Agencies, local police, and fire departments along nuclear waste routes must be thoroughly trained and outfitted with necessary equipment to handle

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- 4 cont. emergency situations, either in the transfer or transport of the hazardous waste. We must also
5 have the highest confidence in the integrity of the storage containers that will carry these
materials through our neighborhoods, across the country, to Yucca. It is imperative that our
citizens and our safety forces be certain that every foreseeable risk has been eliminated so there
will be no danger of exposure to radioactive materials. This is one area where there can be no
margin of error.
- 6 As proposals are considered, whether they be for expansion of on-site storage, the creation of
private central storage facilities, establishment of a federal interim storage or the emplacement of
a permanent nuclear waste repository at Yucca Mountain, we must continue to utilize sound
scientific and technical methods to ensure the safety of all Americans. The protection of
our citizens and neighborhoods must be our foremost consideration when reviewing any
proposal.