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Wendy Dixon
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Office of Civilian Waste Management
Yucca Mountain Site Characterization Office
P.O. 30307
North Las Vegas, NV 89036-0307

VIA FAX & U.S. MAIL: 800-967-0739

RE: Draft EIS for Yucca Mountain

Dear Ms. Dixon:

This is a comment for the record on the Draft EIS for Yucca Mountain.

Although I am an attorney, I am making this comment as an individual, and not in the course of representation of any party. I have had much experience with nuclear waste, as a member of a public relations group assembled by Northern States Power for site selection, as the attorney who represented Florence Township when it was selected by NSP as the site for the first off-site Part 72 ISFSI application, and as the drafter of several NRC §2.206 petitions, an invitee to a NRC regulatory round-table, and current Intervention Petitioner regarding NSP license transfers, among other things.

My comments will focus on the "No Action Alternative," as I believe that is the most likely scenario. It's all we've seen thus far.

- 1) The Draft EIS is in violation of the National Environmental Policy Act as it does not adequately address alternatives, and the discussion-lite of the "No Action Alternative" is wholly insufficient and without basis. The "No Action Alternative" must be examined in depth.
- 2) In the No Action Alternative section, there is the statement that the drafters of the EIS do not believe either of the No Action Alternatives are likely to happen. However, the drafters give no reasons for this assumption. If this assumption is going to be made, it must be substantiated. In my opinion, this is the most likely event because thus far, there has been no DOE action and Secretary Richardson has

- 2 cont. recommended that the DOE take title on site, relieving the federal government of its duty and relieving the utilities of their potential liability. |
- 3 a) If the No Action Alternative with 10,000 year monitoring should occur, how will this happen? How can the DOE, with any credibility, state that an on-site nuclear waste storage facility would be monitored for 10,000 years?
- 4 b) Conversely, the other No Action Alternative is that monitoring would be limited to the first 100 years. This is as absurd. The EIS assumes that there will be substantial cask deterioration before 100 years has passed. After 100 years, the confinement barrier would be breached, and nuclear waste would be loose in the atmosphere, in the groundwater, and there would be great likelihood of a criticality event...in short, nuclear disaster. How can the DOE, with any credibility, state that an on site nuclear waste storage facility would be monitored for only 100 years?
- 5 3) The EIS must address the environmental impact of over 109 permanent on-site nuclear waste storage facilities.
- 6 4) The assumption that the "No Action Alternative" may be based in part upon the Nuclear Waste Confidence Decision, which is circularly based upon Yucca Mountain "progress." It is time for an update of the Nuclear Waste Confidence Decision, particularly now that the January 31, 1998, deadline has passed without removal of the nuclear waste.
- 7 5) The "No Action Alternative" specifies that nuclear waste would be left on-site where it now is sited, and presumes that additional ISFSI's would be built as pool storage fills and as plants are closed. This is in conflict with the NWPA's policy of waste isolation, as nuclear plants are near communities and water, contrary to the most important waste siting characteristics. The Draft EIS doesn't address this conflict.
- 8 6) The "No Action Alternative" does not address fully the costs of nuclear waste storage, which is not included in decommissioning costs. Monitoring costs and cask maintenance and replacement costs would be significant higher than those stated, based upon past dry cask storage experience.
- 9 7) Because the siting guidelines require consideration of many factors in siting a repository, including natural resources, hydrology, geophysics, seismic activity, population characteristics, socioeconomic factors, and transportation, under NEPA, these specific factors must also be considered in the "No Action Alternative," where on-site storage at nuclear generation plants is said to be an Alternative.
- 10... 8) On-site storage at generation plant locations or Part 72 ISFSI's for any period of time is not an alternative to a

10 cont.

well-sited repository. Attached please find a copy of REPORT OF THE SITE ADVISORY TASK FORCE, Goodhue County Dry Cask Storage Alternate Site Project, to the MINNESOTA ENVIRONMENTAL QUALITY BOARD. I draw your attention to §8, TASK FORCE CONCLUSIONS, including §8.7, Alternate Sites:

None of the 16 properties proposed as alternate sites by concerned citizens are feasible and prudent for further consideration by the EQB. The permanency issue, public safety concerns involving transportation risks, the uncertainty of long-term exposure to low-level radioactivity, and the apparent lack of derived benefits to the estimated costs of construction and maintenance of an off-site facility are the primary reasons for this outcome. Simply put, there are no risk- and cost-acceptable alternatives to on-site storage. Even on-site storage for an undeterminable period of time is unacceptable.

Because of the obvious difficulties in siting at Yucca, the Task Force regarded potential storage in Florence Township and that established at Prairie Island as defacto permanent storage. The environmental, transportation, and emergency response problems cited in this report were applicable to Florence Township, Prairie Island, and they are applicable to Yucca Mountain. The risks of long-term nuclear waste storage are unknowable, and the risks of catastrophic error are too great to go forward.

- 11 9) Regarding Changing Rules to Facilitate Siting at Yucca Mountain, there is no justification for the attempt to change the rules to fit the project where it becomes obvious that the project does not fit the existing rules. Proposed 10 C.F.R. 963. Under the existing rules, Yucca Mountain should not receive further consideration.
- 12 10) Regarding nuclear generation and this fine pickle we're in, given the difficulties in siting at Yucca Mountain, and the difficulties with on-site ISFSI's and off-site ISFSI's such as Private Fuel Storage in Utah, the DOE must examine the wisdom of continued generation in the context of this insurmountable nuclear waste storage problem and actively and quickly facilitate a transition to renewable energy sources and cessation of nuclear generation.

Very truly yours,



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