

FEB 22 2000

MR. REMUS: I am Andrew Remus, staff to the Inyo County Board of Supervisors. Inyo County is an Affected Unit of Local Government under the Nuclear Waste Policy Act and has participated in oversight of the Yucca Mountain since 1991. We have already submitted our formal response to the Draft EIS in comments dated January 24th of 2000 and received by DOE on February 11th. And the county also submitted verbal comments at the first California hearing on the EIS on November 4th in Lone Pine in Inyo County.

However, on behalf of Inyo County and for the benefit of the general public, I want to briefly describe several of the county's key concerns with the EIS.

1 The county's primary concern is the transportation campaign necessary to remove spent nuclear fuel and high-level nuclear waste into Yucca Mountain.

The DEIS does not identify specific primary, secondary or emergency transportation routes for nuclear waste traveling through California. Specific routing decisions, in terms of the use of rail or trucks, designation of primary and alternate routes through Nevada and California and emergency routes, are all deferred to the indefinite future.

DOE has performed unlimited generic transportation analysis that avoided analysis of the conditions, impacts, and hazards along the routes, and side-steps the controversy associated with such determinations.

The department needs to engage in a comprehensive study of the transportation campaign in order to develop a scientifically defensible least-risk determination of routes. The risk analysis methodology should be subject to public review as part of the revised DEIS, and should provide a range of transportation risk options and associated physical impact estimations. The preferred corridors should be mapped by the Department of Energy and required roadway and emergency response improvements identified.

2 Low-level waste is currently being transported on State Route 127 through both Inyo and San Bernardino counties, setting a precedent for expanded use of the route for high-level waste and spent fuel. State Route 127 is not an engineered route, and most of this route originated as a wagon trail that was paved over a period of time. The road is characterized by numerous unbanked, unsigned high-speed turns, blind rises where visibility is nil, sustained grades in excess of modern standards and dozens of washes crossing both under and over the pavement. The road does not include turnouts or wide shoulders and is subject to flash flooding and rapid erosion.

The Nuclear Waste Policy Act Section 180 calls for federal action to provide improvements in emergency response training and capability along routes designated for the transport of high-level nuclear waste and spent fuel. The virtual absence of emergency response capability on Route 127 and the isolated character and the current configuration of this roadway promises to make compliance with this part of the Nuclear Waste Policy Act a very long and expensive exercise on the part of the federal government. The Draft EIS makes no attempt to estimate the required dedications of federal resources necessary to meet its obligations under Section 180 (C).

3 ... The transportation section of the DEIS does not include enough information to decide among the possible combinations of legal-weight truck, heavy-haul truck, and rail transport modes; however, Inyo County does, based on the information available, have a stated preference for development and use of the Chalk Mountain Route for waste shipments originating east of California.

Dedication of this route to nuclear waste transport would make extensive use of secure federal lands directly north of the repository site and could significantly reduce the number of shipments of out-of-state

3 waste on southern routes, such as Interstate 15, Interstate 40, Nevada Route 95, 160 and California State
cont. Route 127. |

4 The DEIS provides two poorly developed no-action alternatives for consideration. These alternatives have not provided, as required by NEPA, analysis and a level of detail equivalent to that provided for the proposed action. This treatment of project alternatives cripples decision makers in any attempt to discern how development of the repository compares in items of cost, time, resource commitment and risk to technologically feasible alternatives to Yucca Mountain.

We recognize that the proposed Yucca Mountain Nuclear Waste Repository is provided, by Congress, with significant exceptions to the normal NEPA requirements.

The Department of Energy, in developing its NEPA evaluation for the repository is, however, obligated to evaluate reasonable alternatives outside the scope of what Congress has approved or funded because the findings of the Environmental Impact Statement may serve as the basis for modifying Congress's mandate.

DOE is also obligated to explore alternatives outside the jurisdiction of the DOE. These requirements are clearly laid out in the Code of Federal Regulations and Council for Environmental Quality Guidelines which form the basis of fulfilling the Congress performing the function of NEPA.

DOE should eliminate the current project alternatives described in the EIS and develop a range of reasonable project alternatives, providing analysis of each at a level of detail matching that proposed repository. These alternatives should include a no-action alternative that assumes permanent on-site storage of permanent and existing stocks of spent fuel and high-level waste, an alternative which redirects DOE resources towards waste-volume reduction, and consolidation of spent nuclear fuel and high-level waste at existing DOE storage facilities; and exploring any other alternative which could be implemented using available knowledge and technology which also meets the needs for storage of spent nuclear fuel and high-level waste expressed in the Nuclear Waste Policy Act. |

To conclude, | the current level of uncertainty associated with the project and the lack of scientific information necessary to reduce some of the major uncertainties, makes it difficult to imagine that this document will be found adequate for use by the Nuclear Regulatory Commission in its consideration of DOE's application for a license to construct a repository.

5 The absence of meaningful treatment of the environmental impacts of the transportation component of the project is a major flaw in the Draft EIS, which will eventually require the DOE to develop a second Environmental Impact Statement specific to transportation issues. This being the case, Inyo County objects to the use of the current EIS as the basis for future decision-making on waste transport and requests that DOE amend the EIS to address the full range of impacts.

And we request that when the new drafted EIS is released, that it be released for a comment period of 180 days, and to include public hearings to be held in Inyo County, San Bernardino County, and in Sacramento. | Thank you.

FACILITATOR LAWSON: Thank you.

MR. SKIPPER: Thank you.

FACILITATOR LAWSON: I appreciate people trying to keep their comments to the five minutes. If in doing so you are unable to read all of your comments, I please encourage you to submit your comments for the record so that they can be included completely.

Our next speaker is Ervin Lent, and he will be followed by Bob Halstead.