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June 19, 2001

Jane R. Summerson
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P.O. Box 30307, Mail Stop 010
North Las Vegas, Nevada
89036-0307

RE: ***Inyo County's Comments on the Supplement to 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.***

Dear Ms. Summerson,

The County of Inyo, State of California, is an Affected Unit of Local Government under the Nuclear Waste Policy Act of 1982, as amended. Inyo County has prepared its response to the U.S. Department of Energy's (DOE's) *Supplement to 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* (SEIS).

The County has identified several issues regarding the Supplement to the Draft Environmental Impact Statement that should be addressed by the Department of Energy in the course of developing the Final Environmental Impact Statement. Our comments on the SEIS are supplemental to our comments on the DEIS (adopted by the Inyo County Board of Supervisors January 24, 2000 and submitted to DOE prior to the deadline for comment on the DEIS). Inyo County Board of Supervisors comments on the SEIS in no way supercede the Board of Supervisors' comments on the Draft EIS.

Limited Scope of the SEIS

1 At the May 4, 2001 Affected Unit of Local Government meeting in Las Vegas, Nevada, DOE staff indicated, in response to direct questioning, that DOE does not intend to release any Supplement to the Draft EIS to address transportation impacts accruing to operation of the repository. In response, we would like to reiterate that CEQ regulations concerning treatment of direct and indirect project effects require *that indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable* be analyzed by the EIS (40 CFR 1508.8).

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Operation of the proposed repository unquestionably includes the creation of new risks accruing to transportation of spent nuclear fuel and high-level radioactive waste to the repository site from locations all across the United States. The transportation campaign required to move waste into Yucca Mountain is later in time, generally further removed in distance and unquestionably foreseeable, yet DOE has made scant attempt to quantify the impact of the transportation campaign or develop the range of transportation alternatives necessary to compare risks to human populations and infrastructure. Even if the Department of Energy considers the transportation impacts associated with development and operation of the repository *indirect effects* of the project, the EIS must include meaningful analysis of indirect effects of the project if the EIS is to be considered a credible attempt to comply with NEPA.

The current SEIS is limited in scope to changes in repository design and discussion of newly proposed surface facilities. Failure to address transportation impacts in detail via a *second* SEIS seems to commit DOE to defer addressing such impacts until the Final EIS. A critical problem arises from the fact that adequate treatment of transportation impacts in the FEIS will require that DOE (if it hopes to comply with CEQ regulations) provide detailed information on and discussion of transportation impacts and alternatives, without the benefit of public and public agency input into the evaluation of environmental impacts accruing to the transportation campaign and proposed alternatives (40 CFR 1508.18). It seems that DOE's current approach would expose DOE to litigation for noncompliance with NEPA, as the Nuclear Waste Policy Act NEPA exemptions for the project do not specifically exclude consideration of transportation impacts of the Yucca Mountain project.

Repository Design & Surface Water Impacts

2 The addition - to the proposed repository design - of extensive surface facilities for the temporary wet and dry storage of spent nuclear fuel (to accommodate fuel-blending necessary to reduce waste package heat output) is not adequately analyzed in the SEIS. Flood events, earthquake activity or on-site accidents have the potential to damage temporary storage structures and possibly release radionuclides to surface waters and introduce such materials into the regional drainage system. Surface water from Yucca Mountain flows to the Amargosa river basin, past the California communities of Death Valley Junction, Shoshone and Tecopa, eventually terminating - if not completely infiltrated into the ground in transit - within Death Valley National Park. Extreme flood events in the Amargosa basin are well documented. The SEIS needs to be specific with respect to the design of temporary storage surface structures and conduct and appropriately discuss – in the context of the NEPA evaluation – statistical study of the frequency and potential magnitude of flood events at and near the proposed surface facilities, project the likelihood of release of radioactive or toxic materials to the accessible environment, and propose mitigation measures/design modifications as needed to protect the public and on-site workers. Exposure of proposed temporary surface storage facilities to significant damage by natural or man-made agents is a "reasonably foreseeable accident" as defined in the SEIS and warrants the detailed study necessary to quantify to risk associated with this new design feature.

Repository Design & Groundwater Impacts

The Science and Engineering Report (SER) flexible design proposed by the SEIS to replace the range of design (thermal-loading) alternatives presented in the DEIS addresses several of Inyo County's
3 concerns regarding repository behavior. The SER flexible design concept allows for a low-temperature repository design that minimizes (to a greater extent than the low-temperature alternatives discussed in the DEIS), uncertainties regarding the behavior of geologic, hydrologic and engineered systems. We encourage DOE to continue to quantify the uncertainties associated with

repository performance and guide the design selection and licensing process to that particular design which provides the greatest level of confidence and security to potentially impacted resources and populations. While a *specific design alternative* will probably have to be adopted by DOE as the candidate for NRC licensing purposes, the SER flexible design concept reflects an appropriately conservative and dynamic approach to making mid-course "corrections" in the configuration and operation of the repository should scientific findings during the construction and/or emplacement phase argue for modifications to the project.

4 As with the design alternatives considered in the DEIS, the entire range of design alternatives allowed by SER flexible design used as the basis for the SEIS leads, ultimately, to a repository that is expected to leak (albeit at different rates than the design alternatives analyzed by the DEIS). DOE's NEPA efforts should incorporate, attempt to estimate costs for, and discuss in some detail an aggressive, open-ended monitoring, retrieval and contamination mitigation program suitable for the post-emplacement phase, without expectation that the repository will close during the licensing period (10,000 years).

The Southeast Area Citizen Advisory Committee, a volunteer committee composed of residents of the Inyo County portions of the Amargosa Valley and Death Valley National Park, submitted oral comments on the SEIS at the May 31, 2001 hearing in Amargosa Valley. On behalf of the Committee, we are forwarding for your consideration the Committee's comments in written form (please see attached).

If you have any questions about this submittal or require additional information, please feel free to contact Andrew Remus, Project Coordinator, Inyo County Yucca Mountain Repository Assessment Office at (760) 878-0447.

Sincerely,

Julie Bear, Chair
Inyo County Board of Supervisors

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Governor Gray Davis
Congressman Jerry Lewis