

RECEIVED

SEP 27 1999

18 MS. SWARTZ: My name is Ginger Swartz and I  
19 represent the Office of the Governor, Nevada Agency for Nuclear  
20 Projects.

21 I've been asked to present a statement by Robert  
22 Loux, the Executive Director of the Nevada Agency for Nuclear  
23 Projects. He is out of the country and unable subsequently to  
24 attend this meeting today.

25 The National Environmental Policy Act of 1969 is

5

ATLAS REPORTING SERVICES  
LAS VEGAS, NEVADA  
(888) 4-ATLAS-1

/

1 our basic national charter for protection of the environment.  
2 Among its purposes and of great importance in considering a  
3 high-level nuclear waste disposal site at Yucca Mountain is  
4 fulfilling the responsibility of each generation as trustees of  
5 the environment for succeeding generations.

6           The National Environmental Policy Act or NEPA, as  
7 it has come to be known, the process of which this DEIS or  
8 Draft Environmental Impact Statement is a part is intended to  
9 help public officials make decisions that are based on  
10 understanding of environmental consequences and take actions  
11 that protect, restore and enhance the environment.

12           The environment referred to in NEPA includes the  
13 human environment, and protection of human health and safety is  
14 inclusive in the goals of the act.

15           The NEPA procedures of which this hearing is a  
16 part are designed to ensure that environmental information is  
17 available to public officials and citizens before decisions are  
18 made and before actions are taken.

19           And the purpose of the NEPA regulations is to  
20 assure that federal agencies respond according to the letter  
21 and spirit of the act.

22           The NEPA process is the primary entree that the  
23 public has to participate in federal decision-making on actions  
24 that may or will significantly affect the environment,  
25 including the human environment.

**EIS000068**

1           The Nuclear Waste Policy Act requires that the  
2 Department of Energy issue an EIS to accompany its secretary's  
3 recommendation to the president that they should go forward  
4 with development of a high-level nuclear waste repository at  
5 Yucca Mountain, if such a recommendation is made.

6           We are here today because the NEPA regulations  
7 include the requirement that agencies hold hearings to record  
8 and then consider all of the comments of the public on the EIS  
9 they intend to issue.

10           In the Final EIS, agencies must incorporate these  
11 comments or explain why they did not incorporate them. The  
12 agencies must also accept written comments from the public on  
13 the Draft EIS that they issue.

14           Governor Guinn has assigned the Nevada Agency for  
15 Nuclear Projects to lead the state's review of this Draft EIS.  
16 We are preparing written comments based on our technical  
17 analysis of this document that will be submitted to the  
18 Department of Energy in the next few months.

19           But you have to remember that in 1989, the Nevada  
20 State Legislature passed a bill making storage of high-level  
21 nuclear waste illegal within the state.

22           This action was taken not only to protect the  
23 health and safety of Nevadans and our neighbors in California,  
24 but also to protect our economy from the negative impacts that  
25 would accrue from our being a focal point for receipt of the

1 nation's high-level nuclear waste from commercial power  
2 reactors as well as from nuclear weapons plants.

3                   This was Nevada's response to a Congressional  
4 decision made in late 1987 to scrap the scientific site  
5 screening process for repository sites, as outlined in the  
6 Nuclear Waste Policy Act of 1982, and single out Yucca  
7 Mountain, Nevada as the only site to be considered for this  
8 dangerous facility that fourteen other states had already  
9 outlawed or made impossible to implement.

10                   Despite the Nuclear Waste Policy Act's exempting  
11 repository siting, considerations for the NEPA repository and  
12 any alternatives to the Yucca Mountain site from the heart of a  
13 true NEPA analysis, this Draft Environmental Impact Statement  
14 and the proposed action are still seriously flawed in a number  
15 of ways.

16                   First, the no action alternative, which is the  
17 only alternative to a Yucca Mountain repository development  
18 decision, is defined in such a way as to make it not only  
19 unreasonable and unsafe, but also unlawful.

20                   The National Environmental Policy Act requires  
21 that alternatives be reasonable.

22                   This Draft EIS considers no action to be either  
23 leaving irradiated nuclear fuel at the reactors -- at the  
24 reactors with no controls for 10,000 years or leaving it at the  
25 reactors with controls for one hundred years and then with no

1...

8 7

1 controls for another 9,900 years.

2                   Neither case is reasonable nor would it be  
3 permitted under the reactor's licenses that require full  
4 control of nuclear materials at the reactor site.

5                   MR. BROWN:   Excuse me.  Are you close to  
6 wrapping up?

7                   MS. SWARTZ:   Yes.

8                   The no action alternative is described in the  
9 Nuclear Waste Policy Act.  If the Yucca Mountain site is  
10 unsuitable, the Secretary of Energy is to so inform Congress,  
11 make recommendation for future action and wait for further  
12 direction, which assuredly would not be leaving the irradiated  
13 nuclear fuel on-site with little or no control for 10,000  
14 years.

15                   For thousands those of us who believe on  
16 technical grounds that the Yucca Mountain site is unsuitable  
17 for development as a repository, this Draft EIS does not offer  
18 a reasonable alternative.

2                   19                   This Draft EIS also does not describe the  
20 proposed project in a manner that allows analysis of its  
21 impacts.

22                   A number of designed alternatives and options are  
23 described and their impacts evaluated.  The expectation of DOE  
24 is that whatever design is finally selected, its impacts will  
25 have been bounded by the analysis of the alternatives and the

1 options.

2                   The range of possible impacts is wide and they  
3 all lead to releases of radionuclides from the repository that  
4 contaminate a groundwater source that is currently used for  
5 drinking water and agricultural purposes.

3

6                   What we don't know and can't know from this Draft  
7 EIS is how much contamination will be released, how fast it  
8 will be released and how soon it will be released.

9                   In simple terms, this Draft EIS does not tell us  
10 what the future risks of the proposed repository are to people  
11 and the environment.

4

12                   The Draft EIS does not analyze impacts associated  
13 with specific nuclear waste transportation routes even though  
14 it's intended that the document will be used at sometime in the  
15 future to select transportation modes and routes from 75  
16 individual waste sites to Yucca Mountain.

17                   Residents along potential transportation routes  
18 to Yucca Mountain, through 43 states and within one-half mile  
19 of more than 50 million people are most knowledgeable are local  
20 hazards, yet their specific knowledge is co-opted by the  
21 generic treatment of transportation risks in the Draft EIS.

22                   This generic approach also eliminates any  
23 substantial analysis of environmental justice which leads the  
24 Draft EIS to conclude despite dissenting opinion that there are  
25 no environmental systems that require analysis.

5

1                   The analysis of socioeconomic impacts of this  
2 Draft EIS does not include the impacts associated with  
3 perceived risks and stigma.

4                   It is well documented that negative reaction to  
5 nuclear waste ranks highest among reactions to risks within the  
6 US population.

7                   In response to such perceptions, people behave in  
8 ways that have direct and measurable economic consequences such  
9 as avoidance of places and products associated with nuclear  
10 imagery or stigma.

11                   The Draft EIS ignores this finding and does not  
12 consider the economic consequences of such stigma to cities  
13 such as Las Vegas and other tourist destinations and to rural  
14 communities, especially those associated with agricultural  
15 production.

16                   Is it too simplistic to say that nuclear waste is  
17 bad for marketing no matter what the product? This is a fact  
18 of life that must be considered in any honest analysis of  
19 nuclear waste transportation and disposal.

7

20                   And finally, the proposed action includes a  
21 permanent land withdrawal of 230 square miles which includes  
22 the Yucca Mountain site with an area of less than two square  
23 miles.

24                   The southern boundary of the site which is in the  
25 direction of groundwater flow from the site is twelve miles

41  
7

1 from the buried waste.

2                   This is an unnecessarily large area to be  
3 withdrawn from all future public use unless it is expected that  
4 the groundwater in this area will be so contaminated with  
5 radionuclides from the repository that public protection is  
6 required.

7                   If this is the case, it should be clearly stated  
8 in the Draft EIS.

9                   The State of Nevada will be submitting extensive  
10 written comments on this Draft Environmental Impact Statement  
11 for a high-level nuclear waste repository at Yucca mountain.

8 12                   It is our hope that these comments and those of  
13 all others will be seriously considered and that a reasonable,  
14 no action alternative will be selected as the preferred action  
15 in the Final Environmental Impact Statement.

16                   Thank you.

17                   MR. BROWN: Thank you.

18                   MS. DIXON: Thank you for your comments.

19                   MR. BROWN: Since I think most people will be  
20 reading statements, we seem to have only one podium. I think,  
21 it would be much easier for those making public comments to use  
22 the podium, so let me procure a few of my notes, and I will  
23 call the next speaker, Les Bradshaw.