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MS. SWARTZ: Actually, it's not. I'd like to
turn the mike just slightly so that I'm speaking to our
constituents here and the public as much as possible.

Those of you who were here this morning already
heard this statement and I beg your patience while we make it
again.

My name is Ginger Swartz and my task tonight is
to represent the Office of the Governor, Nevada Agency for
Nuclear Projects. I'm making this statement on behalf of Bob

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1 Loux, the executive director with Nevada Agency for Nuclear
2 Projects who was unable to be at the meeting this evening.

3 I'll tell you in advance -- in advance that this
4 statement is three or four minutes longer than the five-minute
5 limit, and when Mr. Brown lets me know the five minutes are
6 here, I may pause a moment, but I would like your indulgence
7 for allowing the Office of the Governor to complete its
8 statement.

9 Thank you.

10 The National Environmental Policy Act of 1969 is
11 our basic national charter for protection of the environment.
12 Among its purposes and of great importance in considering a
13 high level nuclear waste disposal site at Yucca Mountain is
14 fulfilling the responsibilities of each generation as trustees
15 of the environment for succeeding generations.

16 The National Environmental Policy Act or NEPA, as
17 it has come to be known, the process of which this Draft
18 Environmental Impact Statement is a part, is intended to help
19 public officials make decisions that are based on understanding
20 of environmental consequences and take actions that protect,
21 restore and enhance the environment.

22 The environment referred to in NEPA includes the
23 human environment and protection of human health and safety is
24 implicit in the goals of the act.

25 The NEPA procedures of which this hearing is a

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1 part are designed to ensure that the environmental information
2 is available to public officials and citizens before decisions
3 are made and before actions are taken, and the purpose of the
4 NEPA regulations is to assure that federal agencies respond
5 according to the letter and the spirit of the act.

6 The NEPA process is the primary entree that the
7 public has to participate in the federal decision-making on
8 actions that may or will significantly affect the environment,
9 including the human environment.

10 The Nuclear Waste Policy Act requires that the
11 Department of Energy issue an EIS to accompany the secretary's
12 recommendations to the president that nation go forward with
13 development of a high-level nuclear waste repository at Yucca
14 mountain if such a recommendation is made.

15 We are here today because the NEPA regulations
16 include the requirement that agencies hold hearings to record
17 and then consider the comments of the public on the EIS's they
18 intend to issue.

19 In the Final EIS, agencies must incorporate these
20 comments or explain why they did not incorporate them.
21 Agencies must also accept written comments from the public on
22 the Draft EIS's they issue.

23 Governor Guinn has assigned the Nevada Agency for
24 Nuclear Projects to lead the state's review of this Draft
25 Environmental Impact Statement.

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1 We are preparing written comments based on our
2 technical analysis of this document that will be submitted to
3 the Department of Energy within the next few months.

4 But it must be remembered that in 1989, the
5 Nevada State Legislature passed a bill making the storage of
6 high-level nuclear waste illegal within this state.

7 This action was taken not only to protect the
8 health and safety of Nevadans and our neighbors in California,
9 but also to protect our economy from the negative impacts that
10 could accrue from our being the focal point of receipt of the
11 nation's high-level nuclear waste from commercial power
12 reactors as well as from nuclear weapons plants.

13 This was Nevada's response to a Congressional
14 decision in 1987 to scrap the scientific site screening process
15 for repository sites as outlined in the Nuclear Waste Policy
16 Act of 1982.

17 At this time Yucca Mountain was singled out as
18 the only site to be considered for this dangerous facility that
19 fourteen other states had already outlawed or made impossible
20 to implement.

21 Despite the Nuclear Waste Policy Act exempting
22 repository siting, consideration of a NEPA repository and any
23 alternatives to the Yucca Mountain site from the heart of a
24 true NEPA analysis, this Draft Environmental Impact Statement
25 and the proposed action are still flawed in a number of very

1 important ways.

2 First, the no action alternative, which is the
3 only alternative to a Yucca Mountain repository development
4 decision, is defined in such a way as to make it not only
5 unreasonable and unsafe, but also unlawful.

6 The National Environmental Policy Act requires
7 that alternatives be reasonable.

8 This Draft EIS considers no action to be either
9 leaving irradiated nuclear fuels at the reactors with no
10 control for 10,000 years or leaving the active reactors with
11 controls for one hundred years and then with no controls for
12 another 9,900 years.

13 Neither case is reasonable, nor would it be
14 permitted under the reactor's licenses that require full
15 control of nuclear materials at the reactor site.

16 The no action alternative is prescribed in the
17 Nuclear Waste Policy Act, and if the Yucca Mountain site is
18 unsuitable, the Secretary of Energy is supposed to inform
19 Congress, make recommendations for future action and wait for
20 further direction.

21 This direction would assuredly not be leaving the
22 irradiated nuclear fuel on-site with little or no control for
23 10,000 years.

24 For those of us who believe on technical grounds
25 that the Yucca Mountain site is unsuitable for development of

1 the repository, this Draft EIS does not offer a reasonable
2 alternative.

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3 This Draft EIS also does not describe the
4 proposed project in the manner that it allows analysis of its
5 impacts.

6 A number of design alternatives and options are
7 described and their impacts evaluated. The expectation of DOE
8 is that whatever design is finally selected, then its impacts
9 will have been bounded by the analysis of the alternatives and
10 the options.

11 The range of possible -- possible impacts is wide
12 and they all lead to releases of radionuclides from the
13 repository, the contaminated groundwater source that is
14 currently used for drinking water and agricultural purposes.

3

15 What we don't know and can't know from this Draft
16 EIS is how much contaminant will be released, how fast it will
17 be released and how soon it will be released.

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

21 MR. BROWN: Five minutes.

22 MS. SWARTZ: The Draft EIS does not analyze
23 impacts associated with specific nuclear waste transportation
24 routes, even though it is intended that the document will be
25 used at some point in time to select transportation modes and

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1 routes from 75 individual waste sites to Yucca Mountain.

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2 Residents along potential transportation routes
3 to Yucca Mountain, through 43 states and within one-half mile
4 of more than 50 million people are most knowledgeable about
5 local hazards, yet their specific knowledge has been co-opted
6 by the generic treatment of transportation risk in this Draft
7 EIS.

5

8 This generic approach also eliminates any
9 substantial analysis and environmental justice which leads the
10 Draft EIS to conclude, despite dissenting opinions, that there
11 are no environmental justice issues that require analysis.

12 The analysis of socioeconomic impacts in this
13 Draft EIS does not include the impacts associated with
14 perceived risk and stigma.

6

15 It is well documented that the negative reaction
16 to nuclear waste ranks highest among reactions to risk within
17 the US population.

18 In response to such perceptions, people behave in
19 ways that have direct and measurable economic consequences such
20 as avoidance of places and products associated with nuclear
21 imagery or stigma.

22 The Draft EIS ignores this finding and does not
23 consider the economic consequences of stigma to cities such as
24 Las Vegas and other tourist destinations and to rural
25 communities, especially those associated with agricultural

1 production.

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

6

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6 And finally, the proposed action includes a
7 permanent land withdrawal of 230 square miles which includes
8 the Yucca Mountain site which has an area of less than two
9 square miles.

10 The southern boundary of the site which is in
11 direction of groundwater flow from the site is twelve miles
12 from buried waste.

13 This is an unnecessarily large area to be
14 withdrawn from all future public use unless it is expected that
15 the groundwater in this area will be so contaminated with
16 radionuclides from the repository that public protection is
17 required.

18 If this is the case, it should be clearly stated
19 in the Draft EIS.

20 The State of Nevada will be submitting extensive
21 written comments on this Draft Environmental Impact Statement
22 for high-level waste repository at Yucca Mountain.

8...

23 It is our hope that these comments and those of
24 others will be seriously considered and that a reasonable no
25 action alternative will be selected as the preferred action in

8 cont. | 1 the Final Environmental Impact Statement.

2 Thank you.

3 MS. DIXON: Thank you for your comments.

4 MR. BROWN: Thank you.

5 Our next speaker is Les Bradshaw.