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STATEMENT OF FRED DILGER ON BEHALF OF THE CLARK COUNTY NEVADA COMPREHENSIVE PLANNING, NUCLEAR WASTE DIVISION REGARDING U.S. DEPARTMENT OF ENERGY'S DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA MOUNTAIN, NEVADA

PRESENTED AT THE PUBLIC HEARING IN CALIENTE, NV NOVEMBER 11, 1999

1 The Proposed Action and Modules 1 and 2 described by the Draft Environmental impact statement (DEIS) are unprecedented Federal actions unlike any previous Spent Nuclear Fuel shipping campaign.

- SNF shipments will take place for 24-39 years.
- The volume of shipments will be greater than ever before.
- Shipments will travel longer distances and times than in previous shipping campaigns.
- Shipments will not be co3nsolidated (like the campaign model previously used for other SNF and HLW shipments).
- Emergency response requirements for HLW/SNF are unlike those for any other material.

These differences suggest that a thorough assessment of the impacts of the proposed action was necessary. The Draft Environmental impact statement (DEIS) falls far short of this goal. The DOE has solicited and received stakeholder and public comment for over a decade about concerns about the Yucca Mountain Project. Despite extensive
2 advice and assistance, the DOE scorned these concerns when preparing the DEIS. Particularly, the DEIS fails to address public concerns about stigma voiced by the Clark County, the State of Nevada and a number of individuals. Because stigma is a legally cognizable injury, this is an extremely important issue for communities living along the transportation corridors. Clark County's concerns about the potential stigma effects of DOE's proposed action fall into four areas:

2 Continued

- Public liability-the degree of stigma related to future marketability;
- Hidden Clean-up costs-it is often difficult to assure buyers that estimated clean-up costs are adequate;
- Lack of financing-the inability to obtain financing for the purchase of a property or its future development;
- Fear of accidents or future harms-related to the proximity to the source of danger and desire to reduce the risk.

1 continued

The heart of an EIS is the discussion of alternatives including the proposed action. The DEIS should have presented the impacts of the proposal and the impacts of alternatives in a comparative form. Had the DEIS done so for transportation, it would have been clear that the human health risks caused by the proposed action are actually greater than for the no action alternative.

3

The DEIS transportation section fails to address the "range of alternatives" as required by the Council on Environmental Quality (CEQ).[i] The DEIS does not address bounding scenarios in assessing the transportation risk. Among the ranges of alternatives that should be included in the analysis are:

- the use of dedicated versus general rail freight,
- consolidated shipping that would remove all of the SNF from one region of the country versus a diffuse shipping program that leaves most of the country affected for long periods of time (advocated by the DOE),
- the use of uniform cask types versus a mix of cask types (proposed by DOE),
- analysis of the health effects of the "shortest path" from the reactors versus the health effects of routes that avoid highly populated urban areas,
- the shipment of ten versus twenty-five year old spent fuel.

4

The DEIS does not provide sufficient data regarding basic approaches to packaging, handling, and transportation to provide any community with the ability to assess impacts and design mitigation strategies. Fundamental information about how the SNF will be handled was not included. Rather, the DEIS appears to have been constructed with an eye on litigation instead of technical or public policy considerations. This approach to

4 continued impact assessment fails to abide by the NEPA and does not equip effected communities with the information necessary to understand and prepare to mitigate impacts.

5 Section 1502.22 of the NEPA calls for agencies to disclose the unavailability of information in evaluating reasonably foreseeable significant adverse effects on the human environment. The absence of safety performance data for any component of the transportation system needed to move waste from generator sites to Yucca Mountain is a major gap in available information. Historic accident rates cannot necessarily be applied to the equipment used in the proposed action because the equipment has not yet been fabricated let alone tested and deployed operationally. The DEIS describes some areas where gaps in information exist, but does not make these gaps clear. Sections of the DEIS where there are gaps in information should be highlighted and the implications these gaps have on the validity of the conclusions of the DEIS thoroughly discussed.

6 The description of emergency management impacts is of critical concern to Clark County. The NEPA obliges Federal agencies to examine the direct effects of their programs. The DEIS fails to accomplish this by providing a thorough description of the emergency response system necessary to respond to the Maximum Reasonably Foreseeable Accident (MRFA). Discussion of the MRFA is so sparse that emergency response professionals do not have sufficient information to define their repsonse requirements. The DEIS should have provided a more thorough description of the communications, security, packaging, and transportation systems deployed to mitigate accidents as well as the MRFA. No description of how the DOE will implement the emergency response sections of the Nuclear Waste Policy Act (section 180c) is provided.

7 In 1995, the DOE indicated in a report-cited as a DEIS reference,[ii] that input from the affected counties would be a consideration in selecting a route through Nevada to Yucca Mountain. Based on the concerns described above, Clark County believes none of the implementing alternatives proposed in the DEIS are acceptable without further study. Clark County contends that without a detailed description of the packaging, handling,

7 transportation, and mitigation systems necessary to implement the Yucca Mountain program it is impossible to assess the impacts of this program.

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[i] Council on Environmental Quality. Forty Most Asked Questions Concerning CEQ's NEPA Regulations. Wash D.C.

[ii] OCRWM. Nevada Potential Repository Preliminary Transportation Strategy Study 1. April 1995 P 10.

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