EIS000406

Austin, NV 12/7/99
Exhibit 1-1
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DEC 07 1999

LANDER COUNTY, NEVAD

INITIAL COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGICAL REPOSITORY FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA MOUNTAIN, NYE COUNTY, NEVADA

DECEMBER 7, 1999

My name is Bill Elquist and I am a member of the Lander County Board of County Commissioners. Lander County has participated in oversight and monitoring activities of the Yucca Mountain Project since 1992. We appreciate DOE's willingness to provide public comment opportunities for this Draft Environment Impact Statement. Lander County is in the process of completing an entire review of the DEIS and will submit extensive written comments by the deadline date.

My comments today are based upon our initial review of the DEIS and focus on some of the key aspects of the analysis in the documents beginning with the transportation impact analysis.

1 **On page 1-3 the DEIS states:**

"Although it is uncertain at this time when DOE would make any transportation-related decisions, DOE believes that the EIS provides the information necessary to make decisions regarding the basic approaches (for example, mostly rail or mostly truck shipments), as well as the choice among alternative transportation corridors." With respect to alternate rail corridors to Yucca Mountain, it is questionable whether DOE even has the authority to select such a corridor given that the majority of lands within the various alternative corridors are public lands under the management authority of the Bureau of Land Management (BLM). It is at least arguable that the selection of rail route alternatives and specific alignments are subject to BLM's own environmental review and permitting process because they ultimately have the authority to grant a right-of-way for construction and operation.

2... **We are uncertain as to what level of review or consultation took place with BLM as the alternative corridors were being developed. It does not appear that they are a cooperating agency. The final EIS should explain efforts to coordinate the review and**

...2 selection of a proposed alternative route with BLM.

3 Contrary to the statements made on page 1-3, the DEIS does not provide sufficient site specific analysis of impacts which would allow for a detailed comparison among route alternatives and ultimately the selection of one alternative corridor. The DEIS contains a host of generalized statements about resources and potential impacts along alternate rail corridors.

4 Finally, it does appear from the evaluation in the DEIS that the risk associated with rail transportation is less than the risks associated with truck transportation. Under the truck transportation alternative, more than 100,000 individual truck shipments will be made to Yucca Mountain compared to approximately 25,000 rail shipments. A Yucca Mountain DEIS which is structured to support a decision to choose one modal option over the others appears contrary to current DOE transportation planning guidance and policy direction. Recently, DOE issued its draft request for proposal for the acquisition of waste acceptance and transportation services for the Office of Civilian Radioactive Waste Management, otherwise known as the privatization proposal. Under this proposal, private shipping companies called regional servicing contractors would be selected to transport waste from generator sites to Yucca Mountain. As proposed, the regional servicing contractor would make modal and route decisions with guidance from DOE. In effect, regional servicing contractors could use multiple routes and modes for waste shipments. This approach seems somewhat inconsistent with the impact results and the approach taken in the DEIS where one modal option is compared against the other. Furthermore, DOE limited its discussion of highway transportation routes to one (I-15). The Final EIS should clarify the policy direction DOE intends to take and describe how that policy direction will be reflected in future Yucca Mountain transportation logistics and planning.

5 Although transportation constitutes a major and potentially adverse impact to Lander
6 County residents, the central issue of a repository and ultimately the decision by the Secretary of Energy to recommend the site to the President and the Congress rests squarely on the performance of Yucca Mountain and its ability to contain radioactive materials. Lander County questions whether DOE currently has the capability to predict repository performance with any degree of assurance. At the time the DEIS was written, DOE did not have an acceptable performance assessment process in place. This is an observation made by most technical oversight groups involved in the Yucca Mountain Project. Page 2-86 of the DEIS states:

"DOE believes, however, that sufficient information is currently available to assess the

...6 **range of impacts that could result from either the Proposed Action or the No-Action Alternative."**

Again, the ability to predict environmental impacts relies on the ability to predict how the repository will perform. The completion of the draft EIS roughly paralleled the completion of DOE's viability assessment. Assuming the scientific understanding was roughly similar, we believe the comments made by oversight groups with respect to the performance assessment in the viability assessment are applicable to the DEIS. With respect to the current ability to predict repository performance the Total Systems Performance Peer Review Panel noted:

"The objective that Congress defined for the TSPA-VA was to assess "the probable behavior of the repository." Judged on that basis, the Panel finds that a number of the components of the TSPA-Va analysis were not supported by adequate evidence that they are representative for the systems, components, and process they were designed to simulate....For these reasons, it is unlikely that the TSPA-VA, taken as a whole, describes the long-term probable behavior of the proposed repository. In recognition of its limitations, decisions based on the TSPA-VA should be made cautiously". (Final Report TSPA Peer Review Panel, Pg. 1)

These same concerns were echoed by the Nuclear Waste Technical Review Board (NWTRB) in their report entitled, *Moving Beyond the Yucca Mountain Viability Assessment,* NWTRB noted:

"Judging the realism of the "bottom line" TSPA estimates of repositotry performance in the VA is difficult because some of the underlying assumptions may be overly conservative and others may be nonconservative. This is due, in large part, to a general lack of data that support many of the critical assumptions in the mathematical models."

7 **These observations made by technical oversight groups call into question whether DOE currently has the ability to predict performance and hence the potential encironmental impacts of the repository. If this is the case, we question whether the DEIS in its current form could support the decision by the Secretary of Energy to recommend the site to the President and congress. Unfortunately, it that the completion of the EIS process is being driven more by schedules than the ability to support decisions with strong technical analysis. For this reason, DOE needs to consider reissuing a draft EIS when the ability to predict performance can support the environmental impact analysis and ultimately a decision to recommend the Yucca Mountain site for geologic disposal. Furthermore, the analysis in the DEIS cannot be based upon conceptual designs, particularly when such concepts (design alternatives) have not been utilized or proven to work.**

8 **Based upon our preliminary review, the cumulative impact analysis in the DEIS appears to have ignored past above ground nuclear weapons testing and its health affects combined with other proposed activities such as the transportation or radioactive materials. Lander County is an areas which has been affected by the weapons testing program as evidenced by its designation as a down wind community. The EIS needs to consider the cumulative public health affects. The analysis in Section 8.4.1.2 needs to be duplicated for Section 4.2 and include past above ground weapons testing programs in the analysis.**

9 **Finally, the following issues need to be addressed and thoroughly analyzed concerning direct impacts to Lander County in a detailed manner:**

1) Real estate property value impact
10 **2) Tourism impacts**
11 **3) Aesthetics effect**
12 **4) Wildlife migration impacts due to fencing**
13 **5) Wilderness areas**
14 **6) The shortage of law enforcement officers in Southern Lander County**
15 **7) Socioeconomical impacts**
16 **8) Earthquakes, flood areas, bad weather and high wind areas**
17 **9) The lack of medical facilities in Southern Lander County (the closest being 90 miles away in Battle Mountain**
10) Emergency response training and personnel
18 **11) Mining impacts**
19 **12) Ranching and grazing allotment impacts**
20 **13) Fishing, hunting and recreational impacts which is a major source of the revenue for Southern Lander County's revenue**
21 **14) Military overflights and other Federal Agency interactions**
22 **15) Shared use of the proposed railroad**
16) and railroad crossings over highways

Thank you for your consideration of Lander County's initial review comments. A copy of this testimony will be submitted for the record.