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1 Senator, could I offer my podium to you?

2 SENATOR BRYAN: Thank you very much. May I

3 give the court reporter a copy? This might be helpful. Let

4 me preface my remarks by thanking you for inviting me to

5 share my views on the Yucca Mountain Draft Environmental

6 Impact Statement. Let me conclude at the outset that in my 7

judgment, the DEIS is wholly inadequate in providing a sound 8

basis for making any decision regarding the suitability of

1

9 Yucca Mountain as a high-level nuclear waste repository, and

10 it raises more questions than it answers.

11 The document released by the DOE does little

12 to notify the public of the potential impact of Yucca

13 Mountain and continues a decade's long policy of the DOE to

14 ignore or obfuscate any of the more serious and important

15 issues that need to be addressed before any decision should

16 be made regarding the suitability of Yucca Mountain.

17 The DEIS is deficient in numerous ways, some

18 of which will be brought to light during the public comment

19 period and many more which I expect will provide a basis for

20 legal challenges in the years to come. Today, I'd like to

21 focus on just a few of those more glaring defects, including

22 in my judgment the most obvious failure, and that's to

2...

1 identify national transportation routes between reactor sites
2 and Yucca Mountain.
3 For many years, it has been obvious that the
4 nuclear community's greatest fear is that the department will
5 be forced to identify routes for the transportation of waste
6 from reactor sites to Yucca Mountain. The DOE is well aware
7 that the day they specified these transportation routes, the
8 controversy over Yucca Mountain will no longer be a Nevada
9 issue alone but will be a source of extreme and vocal outrage
10 in hundreds of communities, large and small, across the
11 nation. The nuclear community's strategy all along has been
12 to delay as long as possible this day of reckoning and hope
13 that by the time the routes are announced, effected
14 communities along the routes will have missed their
15 opportunity to weigh in and will be powerless to block those
16 shipments.
17 This DEIS purports to analyze generic
18 transportation routes, claiming specific information or
19 public comment on transportation routes is unnecessary or 20
inappropriate. Unfortunately for the DOE, the impacts or
21 risks associated with the transport of the nuclear waste are
22 not generic. They are very personal. They are powerful, and

...2 1 they are specific. Individuals living along the
2 transportation routes have the right to know if the federal
3 government plans to build a repository at Yucca Mountain will
4 expose their children's school, playground or other
5 facilities to risk of nuclear exposure or accidents.
6 Americans across the nation are entitled to know if any of
7 these tens of thousands of shipments will pose a risk to
8 their favorite fishing spot or river or their community's
9 water supply.
10 And across the nation, hundreds, if not
3... 11 thousands, of communities will, like Nevada, find their 12
public health and safety threatened by the shipments of 13
high-level nuclear waste to Nevada. Most of these
14 communities today as a result of the DOE's refusal to
15 identify specific risks are ignorant of these risks. DOE has
16 scheduled a total of four public meetings in corridor cities,
17 Atlanta, St. Louis, Denver and Salt Lake City. What about
18 Chicago or Kansas City, Cleveland, Hartford or Birmingham? 19
When will these communities be notified of the DOE's plans? 20
The failure by the DOE to identify these communities and put 21
their citizens on notice of the implications of Yucca
22 Mountain for them makes a total mockery of the total system

...3 1 of public notice and comment as required by NEPA.

2 The DOE's failure to identify transportation

4 3 routes across the nation has nothing to do with their

4 technical ability to designate the routes. Transportation

5 corridors for such hazardous materials are such well defined,

6 and DOE has access to the same commuter models that allowed

7 the State of Nevada to develop these route maps some years

8 ago. DOE has never questioned the accuracy of these

9 projected routes but has done everything possible to avoid

10 facing the reality of notifying the citizens along those 11

corridors what is in store for them should Yucca Mountain 12

ever be deemed suitable.

...3 13 The suitability of transportation routes to

14 Yucca Mountain is every bit of important to the American

15 public as the geology of Yucca Mountain itself. DOE has

16 failed in carrying out its charge to provide a full risk -17

full public venting of the risk associated with building the 18

repository. On this basis alone, DEIS should be withdrawn 19

until such time the DOE notifies the public.

20 Now, there are deficiencies that I'd like to

21 mention as well, like the transportation routes which are

5... 22 examined in a generic manner. The very design of the

1 repository itself is left up in the air. Sixteen years after
2 President Regan effected his signature to Nuclear Waste
...5 3 Policy Act and just a few short years before the Secretary of
4 Energy is planning to determine the suitability of Yucca
5 Mountain, the DOE still refuses to commit itself to a single
6 design for the repository. Three different design concepts
7 are included, but none is identified as the preferred
8 alternative, and the DOE has not even limited itself to
9 choosing a design from among these three.
10 As with so many other aspects of this
11 program, the DOE prefers to maintain a moving target by
12 keeping the options open. In so doing, the DOE believes it
13 can keep modifying the design concept to accommodate any new
14 problems that may development at the site. Failure to commit
15 to a design precludes any definitive analysis of the impacts
16 of the repository, creating yet another in a long series of
17 violations in the spirit, if not the letter, of NEPA.
6...
18 The DEIS's analysis of the "no action
19 alternative" is equally disingenuous. Under NEPA, the DOE is
20 required to provide an analysis, for comparison purposes, of
21 reasonable alternative scenarios that do not include
22 constructing a repository. "No action alternatives" included

...6 1 in this draft in my judgment defeats the basic purpose of
2 this NEPA requirement by constructing unrealistic scenarios,
3 rigged to create further justification for the Yucca Mountain
4 repository alternative.
5 For example, the first no action scenario
6 assumes the waste remains at reactor sites under the control
7 of utilities for 10,000 years. By assuming institutional
8 control over the reactor sites for nearly 10,000 years after
9 reactors have been shut down, this alternative is clearly
10 intended to make the astronomical costs to be incurred by a
11 repository over the next 100 years appear to be more
12 reasonable.
13 The second no action scenario assumes that
14 the waste will remain on site indefinitely but that the
15 utilities will stop caring for the waste after 100 years,
16 creating 77 unmonitored, unmaintained nuclear dumps across 17
the nation. This second scenario is obviously designed to 18
sell the supposed environmental benefits to DOE.
19 As the DOE admits, both no action scenarios
20 are extremely unlikely to occur. First, storage on site is
21 likely to occur for the next coming decades, perhaps even 100
22 years, but no one is suggesting seriously that they never

...6 1 develop a long-term solution. The advantages of moving the
2 waste also assumes the decommissioning of all reactors at
3 sometime in the very near future, an unlikely assumption.
4 Second, assuming any regulatory agency, even 100 years from 5
now, will allow high-level nuclear waste to remain on site 6
with no institutional controls is ludicrous on its face.
7 NEPA's requirement for no action alternative is intended to
8 provide a basis for a meaningful evaluation of a proposed
9 action, not to artificially inflate the supposed benefits of
10 the action, yet another major tenant of NEPA that the DOE
11 uses to its own advantage. The DOE needs to identify
12 reasonable no action alternatives before it moves forward
13 with this DEIS.
14 And finally, the DEIS's statement or
7 15 treatment of socioeconomic impacts is completely inadequate.
16 Over all the years it has been studying Yucca Mountain, DOE
17 appears to gain little or no knowledge of the tourist based
18 economy supporting a community of more than a million people
19 just a few short miles to the south of Yucca Mountain. Las
20 Vegas has developed into one of the premier tourist
21 destinations in the world, and for over one million people,
22 it's not just a remote desert location. It is our home. And

7... 1 even a modest decline in tourism could have serious economic
2 consequences throughout the state. The loss of tourism due 3
to even a hint of nuclear threat to public health and safety 4
would be devastating; an actual accident, in addition to the 5
physical harm it would cause to Nevadans, and Nevada's
6 environment, could render billions of dollars investments in
7 Las Vegas virtually worthless. Unfortunately, DOE chose not
8 to analyze these far reaching impacts, nor has the DOE
8 9 analyzed similar impacts in corridor cities. Environmental
10 justice issues, both in Nevada and along transportation
...7 11 corridors, are given similarly short shrift by the DOE. The
12 socioeconomic impacts of the proposed repository need to be
13 much more fully addressed before the DOE can make any
14 meaningful decision regarding the suitability of Yucca
15 Mountain.
16 The proposed burial of 70,000 metric tons
17 high-level nuclear waste is an unprecedented undertaking. 18
The political conscription of Nevada as the host for this 19
facility is equally without precedent. The general public 20
has an instinctive and justifiable fear of the hazards of 21
nuclear materials. In Nevada, we have learned an important
22 lesson from the atmospheric testing programs of the '50s. We

1 were told not to worry. Everything will be perfectly safe. 2 Later we found out just how untrue those claims were. And 3 today scientists are still struggling to analyze what is 4 happening below the ground at the Nevada Test Site due to 5 years of underground testing. In the communities surrounding 6 Hanford or Paducah or Tokai, thousands of people worry about 7 the effects of these facilities and upon their impact of the 8 health and safety of their families.

9 Many important questions have been raised.

9 10 Very few are answered. Geology has proven to be difficult to 11 model. The important question of water seepage to the sites

10 12 remains open. Volcanic activity in the area appears to have

11 13 been far more recent than previous estimates. Seismic 14 activity remains an important issue. Yucca Mountain and the 15 NTS lie within the second most active seismic area in the 16 continental United States. Well, over 600 earthquakes 17 registering over 3.0 on the Richter scale have been recorded 18 in the area in the past 20 years. With all that at risk, I 19 would assume the DOE would want to err on the side of

12... 20 caution. But the lack of public support for the repository 21 in Nevada, a state that opted against nuclear power, I would 22 assume and indeed hope that the DOE would be scrupulous in

...12 1 its compliance with NEPA and make every effort to build a
2 record of public trust and confidence. Unfortunately, that
3 does not appear the case.
4 DOE continuously fails and the plans for
5 Yucca Mountain has once again opted to cut corners in the
6 interest of avoiding controversy in keeping to an unrealistic
...1 7 schedule. Nevada and all Americans are entitled to a
8 substantive and thorough analysis from DOE. Unfortunately,
9 we have learned not to expect it. I would urge the DOE to
10 withdraw the DEIS until many deficiencies have been corrected
11 and we can begin a more thoughtful and complete analysis of
12 all the impacts of the high-level waste repository at Yucca
13 Mountain. I thank you again for the opportunity to speak,
14 and I thank you as well, sir.
15 MS. BOOTH: Thank you, Senator.
16 MR. LAW: Thank you, Senator Bryan. Our
17 next speaker is Commissioner Jeff Taguchi.