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8 MR. LOUX: I am Robert Loux, and I'm
9 executive director of the Nevada Agency of Nuclear Projects.
10 I am testifying today on behalf of Governor Kenny Guinn, and
11 we will, of course, be submitting a more detailed statement
12 for the record within the comment period.
13 MR. LAWSON: Thank you.
1 14 MR. LOUX: Since the inception of the
15 federal high-level nuclear waste program in 1983, Department
16 of Engery's work with respect to the candidate Yucca Mountain
17 repository site has been characterized by bias and
18 inappropriately favorable interpretations of data that mask
19 serious and even fatal flaws present at the site and within
20 the federal program as a whole. This State of Nevada's
21 review of this Draft Environmental Impact Statement indicates
2... 22 that the document continues this pattern. The state believes

2 ... 1 the Draft Environment Impact Statement to be legally and
2 substantially deficient.
3 The National Environmental Policy Act
4 requires federal agencies in preparing environmental impact 5
statements supporting major federal decisions and projects
6 consider alternatives to the actions being proposed,
7 including the alternative of taking no action. In the Draft
8 EIS for the proposed Yucca Mountain high-level nuclear waste
9 repository, the Department of Energy has chosen two no action
10 scenarios that are unrealistic, unreasonable, and legally
11 deficient.
12 The Draft EIS postulates a situation where
13 in the place of a repository at Yucca Mountain, spent nuclear
14 fuel at high-level radioactive wastes are assumed to be
15 stored on site at reactor and generator locations for a
16 period of 10,000 years. In the first no action scenario, DOE
17 assumes active institutional control is maintained for the
18 entire time, while under the second, institutional control
19 ceases after the first 100 years.
20 Both scenarios are wholly inappropriate and
21 even absurd. The Council on Environmental Quality interprets
22 the no action alternative as the "federal agency not acting

1 at all," not constructing and operating a repository at Yucca
2 Mountain. In the absence of a repository, it is illogical to
3 assume that spent fuel and high-level waste would simply be
4 left at reactor sites forever. The most plausible no action
5 scenario is one where there would be some periods, perhaps 50
6 to 100 years, of at-reactor storage, combined with
7 application of waste reductions technologies and followed by
8 some sort of revised and, hopefully, dramatically improved
9 process, to construct storage and/or disposal facilities.
10 MR. LAWSON: Could I ask you to slow down a
11 little bit for the reporter?
12 MR. LOUX: DOE no action scenarios cannot be
2 cont 13 defended on the basis of reasonably, foreseeable courses of
14 action in the absence of a decision to move ahead with the
15 development of repository. Instead, what DOE appears to have
16 done is select for analysis scenarios designed to generate
17 the greatest public alarm and political pressure in favor of
18 its proposed action. In doing so, DOE has violated the clear
19 intend of NEPA that a realistic and reasonable no action
20 alternative be evaluated and compared to the proposed action.
3... 21 This Draft EIS also does not describe the
22 proposed repository project in a manner that allows an

3 cont. 1 analysis of its impacts. Asserting that the design for the
2 facility is still "evolving", DOE describes a number of
7 3 design alternatives and options in the Draft EIS with the
4 expectation that whatever design is finally selected, its
5 impacts will have been bounded by the analysis, the
6 alternatives and options. The range of possible impacts is 7
wide, and they all lead to the releases of radionuclides for 8
the repository that contaminate the groundwater source that 9
is currently used for drinking water and agricultural
10 purposes, including dairy farms. What we don't know, and we
11 can't tell from the DEIS, how much is released, how fast it's
12 released or how soon it's released. In simple terms, the
13 Draft EIS does not tell us what future risk from the proposed
14 repository are to people and the environment.
15 The Draft EIS that DOE has released for
4... 16 public comment also does not reflect the fundamental concept
17 of geologic isolation as required by the Nuclear Waste Policy
18 Act of 1982. The act calls for isolation of spent fuel and
19 high-level waste through a vehicle of deep geologic disposal.
20 Instead, the evolving facility designed described in the
21 document relies almost exclusively on engineered barriers, 22
including a proposed 750,000 year waste package and over 100

4 cont.

1 miles of titanium drip shields to compensate for the known
2 deficiencies of the site and to make the facility work. And
3 in fact, the Draft EIS acknowledges Yucca Mountain, as a
4 geologic formation, is incapable of isolating highly
5 radioactive and long-lived waste from the environment.
6 MR. LAWSON: 30 seconds.
7 MR. LOUX: Not only is the project
5
8 inadequately described for purposes of assessing the impacts
9 required as required by the National Environmental Policy
10 Act, but what it proposes also violates the intent of the 11
Nuclear Waste Policy Act that disposal of spent fuel and
12 high-level waste be accomplished through geologic disposal.
6
13 The State of Nevada believes that the Draft
14 EIS systematically under estimates radiological, social and
15 economic impacts of spent fuel and high-level waste. And at
16 upcoming public meetings, the state will comment on proposed
17 impacts of routine repository shipments to the proposed
18 facility. And once again, the State of Nevada will be 19
submitting extensive written comments in this Draft
20 Environmental Impact Statement. Thank you for your
21 cooperation.
22 MR. LAWSON: Our next speaker is Robert