

MR. DiBARTOLO: I am not in junior high. I have proceeded to high school now.

MR. LAWSON: This is Russell DiBartolo. He will be followed by Fred Dilger and then Alyssa Jensen.

MR. DiBARTOLO: My name is Russell DiBartolo. I represent Clark County Nuclear Waste Division.

Clark County, Nevada, is one of ten affected units of local government that is funded by the Department of Energy to monitor the program and to engage in certain activities.

We represent or work with people from groups from rural areas. One example in Clark County being Indian Springs, which is very close to the Nevada Test Site. And urban areas such as Las Vegas, Henderson and North Las Vegas. We also work with Native American tribes, developing areas such as Laughlin and Mesquite, downwinders, people who have been affected by fallout from NTS, a very diverse group.

Today I want to talk very briefly about decision making based upon the Yucca Mountain EIS. As background, federal agencies are required to evaluate environmental impacts associated with all major federal decisions.

1...

The Nuclear Waste Policy Act requires that the Secretary of Energy prepare an EIS consistent with the requirements of the National Environmental Policy Act, and the Nuclear Regulatory Commission is required to prepare an EIS to support decisions to license major nuclear facilities. The Nuclear Waste Policy Act requires that the NRC to the maximum extent practical adopt the Department of Energy's EIS as its own.

However, NRC staff's preliminary review has already found deficiencies in DOE's process regarding the no action alternative, consultations with local governments and other entities, description of mitigation measures, analysis of cumulative effects, and environmental justice, description of the transportation system, description of socioeconomic impacts, and cultural impacts, and even the proposed action. This reinforces our belief that the EIS is

1 cont. | seriously deficient and incomplete.

Decisions will be supported by the Yucca Mountain EIS during the years 2001 to 2005. The Secretary of Energy needs to depend upon this document to decide whether to recommend to the President that Yucca Mountain be nominated to Congress as the first repository for spent nuclear fuel.

The administration in Congress needs to decide whether to construct, operate, monitor and eventually close the repository. They need to decide what models -- what modes of transportation to use and what highway routes, corridors and/or intermodal transfer facilities to use. And they need to base their decisions on good complete information such as should be included in the EIS. And the Nuclear Regulatory Commission has the requirement to decide whether to issue a license to the DOE to construct the repository and a license to operate the repository. So there is a lot riding on this.

2 | So what problems may arise for Nevada and Clark County residents because of a deficient and incomplete EIS? Picture such an EIS supporting the decisions that need to be made by federal officials. This is the federally mandated document in which these officials expect to see a complete picture, one that addresses all the impacts of concern to us, like the conflict of designation of transport routes with local government plans and development plans.

For example, the city of Las Vegas is designing and planning a very large town center which would be cut in half by one of the proposed routes.

The city of North Las Vegas is negotiating to obtain 7500 acres of land for urban development near the proposed beltway that has also been mentioned as a potential route.

3 | There are also effects of designation and use of highway transportation routes on property values, higher insurance rates for people, loss of business due to the stigma of an area. There are the cost of government programs, development of affected mitigation plans and even governmental liability. None of these have been included.

4... | I'll take one of these concerns, stigma or a lessened reputation of an area, and show you how DOE has treated it in the DEIS.

(2)

4 cont.

MR. LAWSON: Thirty seconds, please.

MR. DiBARTOLO: [The section reads:

"Many other public scoping comments present views and concerns not related to the scope of content of the proposed action. Examples of such comments include inequities in the siting process, stigmatization, and legal issues involving Native American land claims and treaty rights and unrelated DOE activities."

With such an interpretation of what is important or pertinent on DOE's part, we have little hope that its EIS will accurately reflect the potential impacts on the affected areas."

How is a local government to plan with such uncertainty and incompleteness? ] Thank you.