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1 MR. DE BOTTARI: I commented on this draft in Carson City. At that time I commented on what was contained in the document. Today I'm commenting on what was not included and must be included in a revised EI -- DEIS. The revised DEIS must be recirculated so that DOE can receive comments from more of the population impacted by this program. A DEIS public hearing is supposed to inform the public on the good and bad of the proposed project. DOE has gone out of their way to make sure that the general public is not informed.

2 The public hearing that we have is similar to a three act play. The first act is a sales pitch similar to the pitch for time shares. The second act puts the audience at ease by question and answer period. An intermission helps to reduce the audience and many think they have given their, and after the intermission, the public hearing begins. DOE does not want the public to be aware of the many routes through cities in forty-three states.

An example of this plan, one public hearing has been held in California in Lone Pine. What would be the reaction of the California Congressional delegation if the public in California were aware that nuclear waste was planned to be moved on Interstate 5 and 15 from border to border?

3 This document which at first glance looks like a document that is a work of unbiased authors. Upon reading this document, one quickly comes to the conclusion that the authors did not want to really study the problem, but instead created a document that attempts to justify a political decision. The report uses adjectives to state conclusions. Sales brochures use adjectives to sell a product, and this is a poor but extensive sales brochure for an Edsel of the energy business. The DEIS on page 1-1 states that "the Federal Government has a responsibility to dispose of these materials permanently to protect the public health and safety and the environment," bullet 1, paragraph 2. The second bullet states that "the Federal Government needs to take precautions to ensure these materials do not adversely affect the public health and safety and the environment of this or future generations."

4 This DEIS was prepared to approve the above points and falls willfully short the above mandated requirement. I will attempt to show in the next few minutes how by establishing specification and boundaries that do not meet the above requirements, DOE provided a sham document and is being used to follow the procedure established by -- by NEPA. This DEIS lists the materials, table A-8, volume 2, page A-17 to be stored. They are careful on this table not to list the half-life -- half-life of the elements. This is an example how DOE presents a report which on the surface the general public receives a feeling that it must be good. Look how thick it is. DOE is very careful not to blatantly lie, but they come very close. I guess in a legal sense, DOE is puffing.

5... Volume 1, page 1-6, paragraph 1-2-2.1, Commercial Spent Nuclear Fuel. DOE carefully describes the type of fuels stating that the material also contains actinides. The actinides are so dangerous that in 1973, NASA report with funding from AEC stated that the study was conducted because although the actinides are a small fraction of the total waste, the half-life of some of the materials are over a million years. What I'm concerned about is that this small fraction is equivalent to about nine tons of which a percentage will be dangerous far beyond the 20,000 years that DOE states is -- is a safe period for all waste stored at the repository, because after that time, the containers are all gone.

This report is bogus if the actinides are included. Some of these will be carried by the underground water table and will end up concentrated in the food chain of future generations. This is in direct conflict with the enabling directive that the Federal Government shall protect future generation and environment, page 1-1, bullet 2. There is no proof anywhere in this document that the actinides are not dangerous. Why is this small fraction not dangerous to the public safety, health and environment of future generations and is

5 cont. [in conflict with the NASA report? Has mother nature changed or -- or was this overlooked? Are any of the nuclides specified in table 1-9 chemically toxic materials? I don't know. They didn't say.]

6 [Page 1-14, section 1.3.2.1, identification of water borne chemically toxic materials, last paragraph, last sentence, quote: "While there are radiological limits for plutonium, no chemical toxicity benchmarks have been developed. Therefore, because of this lack of data to analyze chem -- chemical toxicity, plutonium was not analyzed for the chemical screening." Question: Can the secretary of DOE sign off on this DEIS without knowing the results of the analysis?]

MR. LAWSON: Thirty seconds.

7 MR. DE BOTTARI: [The first paragraph, it is unclear to the reader why the analysis was not continued out to a million years. This must be explained why it was not done before a revised DEIS is circulated. The authors attempt to confuse the reader by stating that some analysis was done out to a million years, but it is not clear whether plutonium 237 and iodine 129 were included in the analysis to evaluate the impact on public health. Was it included?]

8 [Volume 2, page 1-9 through 1-12, what is the conclusion of impact on the nuclides on public health posed
9 in the repository and during transportation to the site?] [Page 1-14, table 1-9, why was a performance
10... assessment calculations only modeled to the year 2055 when some of the materials have a half-life of
over a million years?] [DOE has attempted to minimize the threat of terrorists. I heard that they explained
it in volume 1, page 6-33, 6.2.4.2.3, Impacts of Acts of Sabotage.

The last sentence of the second paragraph attempts to dismiss the problem with the following statement, quote: "Capable of penetrating a cask shield leading to contaminants to the environment," closed quote. The next question to be asked is: What contaminants and how long will the area be contaminated and what is the impact on property and people? This was not answered under the guise it is classified. Now thanks to a 60 Minutes broadcast on December 26, we now know that a depleted uranium warhead which can penetrate a tank will easily penetrate the cask, will be very dangerous to the public health.

The English recently published a report on health problems of their personnel contaminated in Desert Storm conflict. The date -- the data to date only discusses the contaminations from the depleted uranium warhead against materials that were not radioactive. The impact of depleted uranium against a shipping cask will create a dust cloud which will be far more dangerous to public health than occurred in Desert Storm.]

MR. LAWSON: Excuse me.

MR. DE BOTTARI: I only got about thirty seconds.

10 cont. [This must be studied and the impact must be shown around major transportation areas where the greatest
11 impact will be felt. How does DOE propose to clean up the amount of radioactive and toxic dust that will
be scattered by such an attack?] [The transportation of large containers containing tons of material create a
significant risk to public health of the present generation and to the health of future generations because
of the million year half-life of some of the materials. The problem is clearly in conflict with the second
bullet presented in page 1-1 of the DEIS. The argument that DOE has shipped material in the past does
not wash for various reasons. One is the size of the package being shipped, which is made innocuous.
This entire area of transportation's problems are woefully deficient -- deficient in the EIS. To reduce the
amount of public outcry, DOE has not shown any detail maps that -- indicating what cities in each state
will be exposed to significant risk. This must be included.]

- 12 In closing, DOE's proposal for storing nuclear waste is akin to how public stored human waste in the early 1900s. The outhouse and septic tanks have been eliminated from the out -- from the handbooks of public health departments throughout the country because of the long-term impact on future generations. With this DEIS, DOE attempts to go back in time and revert to a hole in the ground to store waste. I truly believe our government can do a better job.]
- 13 I again propose that we stop construction of the proposed site for a 50-year period, and during this time, fund a program outside of DOE to al -- to study alternative methods and at the end of that time choose the
- 14 best method for this country. [This is not a program that can be decided on cost. It can impact the health
- 15 of future generations. DOE has assigned a value to human life, and I do not believe they are God. [Thank you for the time and I hope DOE will agree with me and recommend to the secretary that the project should be placed on hold for fifty years. Let's do what's right for this country and not only listen the special interest lobby group who control at this time some of the members of Congress.] Thank you.