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SUPPLEMENT TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA MOUNTAIN, NYE COUNTY, NEVADA

(DOE/EIS-0250D-S)

PRELIMINARY COMMENTS BY THE
CLARK COUNTY, NEVADA
DEPARTMENT OF COMPREHENSIVE PLANNING
NUCLEAR WASTE DIVISION

JUNE 5, 2001
SUNCOAST HOTEL
LAS VEGAS, NEVADA

Irene Navis 1

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Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the disposal of Spent Nuclear Fuel and High-Level Radioactive Waste *at Yucca Mountain, Nye County, Nevada*
DOE/EIS-0250D-S

PRELIMINARY COMMENTS BY THE CLARK COUNTY, NEVADA DEPARTMENT OF COMPREHENSIVE PLANNING, NUCLEAR WASTE DIVISION

Background:

Since 1983 Clark County has been an active participant in monitoring the Department of Energy (DOE) Yucca Mountain nuclear waste program efforts. In 1988, DOE designated Clark County as an *"affected unit of local government* (AULG)" under provisions of the Nuclear Waste Policy Act of 1987. The designation was an acknowledgement that activities associated with the Yucca Mountain Program could result in considerable impact to our citizens and community. The concern about potential impacts was further emphasized by the Clark County Board of Commissioners (the Board) approval of resolutions on January 8, 1985, April 5, 1988 and March 7, 2000 opposing the siting of a repository at Yucca Mountain. The Department of Comprehensive Planning, Nuclear Waste Division has been designated by the Board to monitor Yucca Mountain Program activities.

Request for an Extension of Time to Review the SEIS:

1 Prior to discussing our comments on the SEIS it should be noted that Clark County, the State of Nevada and the other nine *affected units of local government* have requested a 45-day extension to increase the review period to 90-days. The current deadline for comments is June 25, 2001. The Board meets twice a month. The meetings are public and must be noticed to meet Nevada Open Meeting Law requirements. An extension of time will allow the Clark County Board of Commissioners more time to consider the issues presented in the SEIS, and to take formal action at a regularly scheduled Board meeting.

The Draft DOE Environmental Impact Statement for a Geologic Repository at Yucca Mountain, Nye County, Nevada (DEIS)

On February 15, 2000 Clark County submitted to DOE an extensive document detailing comments associated with the DEIS. The Board also approved a resolution expressing concerns about the inadequacies of the DEIS in describing and analyzing potential impacts to our community. Of primary concern was the identification of a number of transportation routing and rail options in Clark County and Southern Nevada without a commensurate evaluation of the potential impacts to our tourist-based economy and quality of life.

Subsequently, the Board requested in its February 15, 2000 resolution that *"Since Clark County and other issues, appropriately required by the National Environmental Policy Act, are not adequately addressed in the DEIS, a new DEIS or a supplemental EIS for Yucca Mountain must be prepared by DOE to address failures in the current DEIS."*

The following are preliminary comments to the Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (SEIS). Clark County will provide additional comments prior to the deadline for the comment period.

General Comments

2 • The SEIS once again fails to address a multitude of issues of concern to the public elected officials and others in Clark County. Given that the DEIS listed a number of potential transportation routing options in Nevada, and in particular the Las Vegas Valley (e.g., the Beltway), it is unconscionable that these issues and related potential primary and secondary socioeconomic impacts have not yet been evaluated.

3 • Clark County's comments to the DEIS were submitted to DOE on February 15, 2000, well over a year ago. It is still uncertain, however, how (or whether) DOE has considered the issues raised in our review. Clark County, the State of Nevada and the other affected governments are currently in the process of developing "Impact Assessment Reports" (IAR) that are intended to substantively address a host of significant community impact not evaluated in the DEIS. Affected government IAR information will accompany the *Site Recommendation*. As part of the National Environmental Policy Act (NEPA) DOE is preparing a *Public Response* Document (PRD) to inform the public and others on how comments to the DEIS were addressed. It is our understanding that current plans are to release the PRD at the same time as the FEIS. Clark County, however, has requested that DOE release the PRD well in advance of the FEIS release date to enable IAR preparation efforts to be more focused.

4 • The Yucca Mountain Program is national in scope. It creates the potential for impacts in much of the United States, largely with respect to the transportation of the waste. By limiting the scope of inquiry, however, the SEIS perpetuates an incomplete and inadequate understanding of the potential effects of a project of this magnitude and complexity. It, moreover, discounts the views expressed by a large number of concerned citizens throughout the nation who participated in last year's DEIS public meetings. Similarly, it conveys the message that these issues are not important.

5 • Since the SEIS does not describe a specific design for the repository, the information provides nothing to increase the public's knowledge of potential environmental impacts. Also uncertain is how DOE can provide a "site recommendation" when the SEIS and S&ER are still examining "flexible" repository concepts. Absent a specific design, it is also unclear how the site can be evaluated against a specific Environmental Protection Agency exposure standard siting guidelines.

6 • The absence of an evaluation of cumulative impacts in the SEIS is also of concern. Two potentially significant cumulative affects are glaring in their omission. First, nuclear testing activities resulted in the extensive contamination
7 of areas adjacent to the proposed Yucca Mountain site. Second, the NTS was selected last year as one of two national sites eligible to accept low-level radioactive waste from all DOE nuclear weapons-development sites currently undergoing remediation. ~~Neither of these, however, to evaluate cumulative affects in the SEIS~~. The selection of the NTS as a low-level radioactive waste disposal site, in particular, warrants an examination of cumulative transportation impacts.

8 • Finally, it is interesting to note that nationally stakeholders will not have an opportunity to express their views on the SEIS at public hearings. In the original review of the DEIS, citizens in venues throughout the nation, appropriately, had opportunities to offer public comments. Hearings held in other parts of the nation will enable others to consider the SEIS, important since its treatment or non-treatment of issues will affect them as well. Furthermore, since there are ten affected units of local government in Nevada and California, DOE should hold also hearings in other areas of Nevada, or in Inyo County in California.

Specific Comments:

9 • Page 3-19, Section 3.2. *Total System Performance Assessment* (TSPA-SR) will be the vehicle that is used to predict the long-term performance of the proposed repository. It is, therefore, one of the more critical elements in a Site Recommendation decision. The errors and inconsistencies in the TSPA-SR and the model validation issues, however, basically will cast a doubt regarding any conclusions reached using the TSPA-SR. On May 17, 2001 the Nuclear Regulatory Commission (NRC), in correspondence to the DOE, noted calculation errors and inconsistencies during a review of TSPA-SR documentation. With no confidence in the calculations it places the data in Table 3-14 in question, and makes statements such as the "*waste packages would remain intact for as long as or longer than for the higher temperature mode*" suspect.

10 • The site suitability decision on Yucca Mountain should be made with the confidence that the researchers building the predictive tools are adhering to high professional standards. Likewise, there should be strong assurances that the tools employed in the decision-making process have some validity. Reliance on these basic issues, however, is also questionable. The DOE Office of Quality Assurance, for example, issued a corrective action report on May 3, 2001, which, under the description of Condition #6 noted that "*Yucca Mountain personnel failed to consistently implement . . . requirements (AP-3.10Q) for model validation. Based on the lack of progress to resolve this deficient area through various deficiency reports the area of model validation is considered to be a significant condition adverse to quality.*" Based on these deficiencies, both of which impact the TSPA-SR, it is imperative that the SDEIS and the Science and

10 cont'd. Engineering Report (S&ER) be reissued after the full impact of these conditions on the TSPA-SR and supporting documentation have been evaluated.

11 • On Page 2-8 (Lower-Temperature Repository Operating Mode), it is noted that "placing younger fuel in surface aging facility" could vary thermal outputs. In essence this is recommending the development of an interim storage facility at the Yucca Mountain site. Construction of such a facility, of course, violates the provisions of the Nuclear Waste Policy Act (NWPA), which prohibits the siting of a repository and an interim storage facility in the same state. In addition to its illegality, the construction of such a facility would need to address a separate set of potential environmental impacts. Indeed, as is the case with the Private Storage Facility in Utah, proposed for the Skull Valley Goshute Reservation, it would require a separate EIS.

12 • On Page 2-20 a number of repository layouts are illustrated. The "Flexible Design" and "Low Thermal Load" layout options extend further north than the proposed design. These, therefore, appear to extend closer to a location where, in previous analyses, the groundwater level would be closer to the repository horizon. This is not discussed or described, however, in the SEIS.