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MR. CLARK: I'm Major General Retired Tony
18 Clark.
19 I'm the Solicitor General of the State of
20 Nevada. I'm with the Nevada Attorney General's office.
21 On behalf of the Nevada Attorney General, I'm appearing
22 to strenuously object to this hearing to consider the
23 possible recommendation of Yucca Mountain as a site for
24 the country's first high-level nuclear waste
25 repository. Without the benefit of final siting
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1 guidelines or Final Environmental Impact Statement as a
2 foundation for its tentative decision, the Department
3 of Energy is, in effect, depriving the public of the
4 opportunity to provide meaningful input into a decision
5 which has potentially huge impacts for Nevadans and for
6 the nation as a whole.
7 The Nevada Attorney General has repeatedly
8 sought clarification of the United States Department of
Energy's intentions concerning this hearing to consider
10 a Preliminary Site Suitability Evaluation for the
11 proposed high-level nuclear waste repository at Yucca
12 Mountain. Notice of this hearing published in the
13 Federal Register on August 21 of this year does not
14 make clear whether the noticed hearings and ensuing
15 public comment period constitute Nevada's entire
16 opportunity to appear here and submit comments
17 addressing the proposed Yucca Mountain site
18 recommendation as required by section 114 of the
19 Nuclear Waste Policy Act.

20 To date, the Department of Energy has not
21 issued its final site guidelines for the proposed Yucca
22 Mountain repository, nor has DOE issued its Final
23 Environmental Impact Statement for the protect. DOE is
24 apparently relying on documents that by its own
25 acknowledgement are preliminary, namely the Yucca
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1 Mountain science and engineering report and the
2 Preliminary Site Suitability Evaluation report.
3 It is the Nevada Attorney General's position
4 that any hearing conducted before the siting guidelines
5 are finalized and a final EIS is issued, it is
6 premature and invalid under the act. The public and
7 the state simply cannot provide meaningful comments to
8 a project of this scope and magnitude based upon
9 preliminary documents which do not reflect the final
10 proposal within the context of applicable siting
11 guidelines and a final EIS, evaluating the
12 environmental impacts of the largest public works
13 project in history.
14 Under no set of circumstances do we believe
15 that this hearing comports with section 114 of the act
16 and the clear mandate that DOE shall provide for public
17 hearings to consider a site recommendation. Moreover,
18 it is particularly inappropriate to limit in any way
19 the opportunity of Nevada's Governor and Legislature
20 under section 114, subparagraph 1F of the act to
21 comment on the final site recommendation and report
22 once they are issued by DOE. On behalf of the state of

23 Nevada, I respectfully protest this hearing and request

24 that DOE comply with the provisions of the Nuclear

25 Waste Policy Act. Thank you.

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