

OCT 10 2001

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25 MR. KIRKEBY: Thank you. Good to see you.

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1 For the record my name is Kevin Kirkeby. I

2 am a member of the White Pine County Board of

3 Commissioners.

4 I'll give you a copy of this.

5 Comments of Kevin Kirkeby on behalf of White

6 Pine County, Nevada, regarding whether the Secretary of

7 Energy should recommend Yucca Mountain, Nevada as a site

8 for a geologic repository for nuclear waste.

9 My name is Kevin Kirkeby. I am a member of

10 the board of White Pine County Commissioners. I am here

11 today on behalf of the White Pine County Commission and

12 the people of White Pine County.

13 My fellow commissioners and I have a

14 fiduciary responsibility to protect the public health,

15 safety and well-being of residents and visitors to White

16 Pine County. As one of the ten local governments

17 designated by the Secretary of Energy as potentially

18 affected by the Yucca Mountain project, White Pine

19 County also has a responsibility to provide these

20 comments and recommendations to the Department of

21 Energy.

22 The White Pine County Board of Commissioners
23 expects the Secretary of Energy to fully consider this
24 letter before deciding whether, and under what
25 conditions, to recommend the Yucca Mountain site as a

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1 geologic repository.

2 At the outset, let me note that White Pine
3 County does not believe that a decision by the Secretary
4 of Energy to recommend the Yucca Mountain site as a
5 geologic repository is in the best interest of Nevada
6 and its residents.

7 There are unique local conditions and
8 resultant impacts specific to White Pine County, Nevada,
9 which we believe require full consideration as an
10 integral part of any decision to recommend Yucca
11 Mountain as a safe and enduring repository.

12 As a consequence, White Pine County has
13 prepared a comprehensive impact report which has been
14 submitted directly to the Secretary of Energy.

15 The Secretary, in formulating a
16 recommendation to the President, should consider White
17 Pine County's impact report. In addition, White Pine

18 County expects the Secretary of Energy to submit its
19 impact report, pursuant to section 114(a)(1)(G) of the
20 act to the President.

21 We understand that other affected units of
22 local government and the State of Nevada are preparing
23 impact reports, all of which should be considered by the
24 Secretary of Energy in determining whether to recommend
25 the Yucca Mountain site.

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1 White Pine County believes that the Secretary
2 of Energy must also consider the Final Environmental
3 Impact Statement for the Yucca Mountain site when
4 deciding whether to recommend the site to the President.

5 To date, the Department of Energy staff has
6 suggested that final release of the final -- excuse me,
7 that release of the Final Environmental Impact Statement
8 will occur concurrently with the site recommendation.
9 This would suggest that the Secretary of Energy may not
10 be able to consider the contents of the final EIS when
11 making a decision on whether to recommend the site.

12 White Pine County recommends that the
13 Secretary defer any decision to recommend the site until
14 at least 30 days following public release of the final

15 EIS.

16 Supporting documents suggest that the design
17 of the repository system is not complete. A final site
18 suitability evaluation should be conducted only after
19 the design of the facility has been completed. Absent
20 final design, there is no guarantee that the repository
21 will perform in a manner consistent with preliminary
22 evaluations.

23 It is not clear to what extent the final
24 design will vary from the design basis used in the
25 preliminary evaluations of site suitability. Supporting

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1 documents do not reveal the extent of uncertainty
2 associated with lack of a final design.

3 Any decision to recommend the Yucca Mountain
4 site should be reserved until a final design for the
5 facility is available and suitability evaluation for
6 said design complete.

7 White Pine County is concerned that the
8 Secretary may make a recommendation based upon
9 preliminary evaluations of the suitability of the Yucca
10 Mountain site. Presumably, DOE intends to develop a
11 more refined and/or complete assessment of the site

12 prior to submission of a license application to the NRC.

13 The Secretary is encouraged to refrain from
14 making a site recommendation based upon a preliminary
15 suitability evaluation, withholding such decision until
16 such time as a more refined and/or complete evaluation
17 has been completed.

18 White Pine County believes that a more robust
19 evaluation of the site would address the issues raised
20 within this comment letter.

21 It appears as though the Department of Energy
22 is fitting its site suitability guidelines to the Yucca
23 Mountain site. This appearance is supported by the
24 department's failure to promulgate revised guidelines
25 until after completion of the preliminary site

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1 suitability evaluation against the proposed new
2 guidelines.

3 As a consequence, the public is left with the
4 distinct impression that the site may not have been able
5 to comply with existing suitability guidelines.

6 White Pine County shares this concern. It is
7 recommended that the Secretary require an evaluation of
8 Yucca Mountain site against existing suitability

9 guidelines at 10 CFR 963. Any recommendations by the
10 Secretary should include an assessment of the public
11 health and safety benefit of the new suitability
12 guidelines.

13 If the new guidelines are simply
14 site-fitting, the Secretary should so disclose said
15 fact.

16 Let me close by restating White Pine County's
17 contention that a recommendation by the Secretary of
18 Energy to seek a license to construct and operate a
19 deep-geologic repository for spent nuclear fuel and
20 other high-level radioactive waste is not in the best
21 interest of the county.

22 DOE has not done nearly enough work to
23 consider the extent of and ways to effectively mitigate
24 the consequences of transporting radioactive waste
25 through White Pine County.

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1 Until such time as the consequences of
2 transportation are fully known and DOE has designated
3 the shipping mode and route or routes, a recommendation
4 to proceed with licensing of a repository is premature.

5 This would appear to be the case particularly

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6 given NCR's comments on the draft EIS which encourages

7 DOE to identify preferred mode and route or routes in

8 the final EIS.

9 Thank you.