

rec'd with returned. 3/17/97

COVER SHEET

**U.S. DEPARTMENT OF ENERGY
OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
YUCCA MOUNTAIN SITE CHARACTERIZATION OFFICE**

Docket Number RW-RM-96-100

**General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories
Notice of Proposed Rulemaking (NOPR)**

DISTRIBUTION AT HEADQUARTERS:

Bob Waxman, GC
Chris Einberg, RW
DOE FOI Reading Room
Docket File

CLOSE OF COMMENT PERIOD: Extended to April 16, 1997 (Federal Register notice forthcoming)

TODAY'S DATE: March 17, 1997

ATTACHED WRITTEN COMMENT(S)/DOCUMENTS:

- 1. Updated Public Comment Log Sheets (please recycle previous versions)**
- 2. Public Written Comments # 33 - 46**

**** Index to Docket File material sent by e:mail on 3/14/97 and delivered to FOI Reading Room**

102.8

*1/1
NHΦ3
WM-11*

Note: The original written comments are located in the official agency docket file currently being held by Bob Murray at the Yucca Mountain Site Characterization Project Office in Las Vegas, NV. (702) 295-4894. Andi Kasarsky is coordinating distribution for DOE Forrestal, (202) 586-3012.

1

9704100232 970317
PDR WASTE
WM-11 PDR



PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes ¹
1	12/24/96	Bob Miller Capitol Complex Carson City, NV 89710	Governor, State of Nevada	
2	1/14/97	William C. Bianchi, PhD 4375 San Simeon Creek Road Cambria, CA 93428 Villa Bianchi@worldnet.att.net	Self	e-mail
3	1/14/97	Nancy Sanders HC60/Box CH210 Round Mountain, NV 89045	Self	
4	1/14/97	Margaret Quinn League of Women Voters PO Box 779 Carson City, NV 89702	President, League of Women Voters of Nevada	xtn/hrgs
5	1/20/97	Dr. Rosalie Bertell 103062.1200@compuserve.com	President, International Institute of Concern for Public Health	e-mail
6	1/21/97	Mary Olson Nuclear Information and Resource Service 1424 16th St. NW, Suite 404 Washington, DC 20036	Nuclear Information and Resource Service	xtn/hrgs

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes ¹
7	1/23/97	Frankie Sue Del Papa Capitol Complex Carson City, NV 89710	Attorney General, State of Nevada	
8	1/27/97	Fred Dexter, Jr. Sierra Club - Toiyabe Chapter Southern Nevada Group PO Box 19777, Las Vegas, NV 89132	Conservation Committee Member Sierra Club - Toiyabe Chapter Southern Nevada Group	
9	1/29/97	Terri Hale 159 Ortiz Court Las Vegas, NV 89110	Self	
10	1/29/97	Barbara Hanson 159 Ortiz Court Las Vegas, NV 89110	Self	
11	2/3/97	Dr. Robert Bass Innoventech, Inc. PO Box 1238 Pahrump, NV 89041-1238	Self	Fax (5 pages total); Confidential information request
12	2/3/97	Mrs. Ruth Niswander 622 Barbara Place Davis, CA 95616-0409	Self	See also Comment #17; Letter also sent to Secretary

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

Page 3

No.	Date	Name & Address	Title & Organization	Notes ¹
13	2/4/97	Richard H. Bryan United States Senate 364 Russell Senate Office Bldg. Washington, DC 20010-2804	U.S. Senator (D-NV)	xtn/hrgs
14	2/5/97	Marty Grey Women's International League for Peace and Freedom P.O. Box 18138 Cleveland, OH 89193-8608	Women Speak Out for Peace and Justice branch of Women's International League for Peace and Freedom	
15	2/6/97	Charles Margulis WESPAC 255 Grove Street, Box 488 White Plains, NY 10602	Co-Chair, Westchester People's Action Coalition, Inc. (WESPAC)	xtn/hrgs
16	2/6/97	Marilyn Elie Adrian Court Cortlandt Manor, NY 10566	Indian Point Project	Phone: (914) 739-6164; xtn/hrgs
17	2/6/97	Ruth Niswander 622 Barbara Pl. Davis, CA 95616	Self	see also Comment #12
18	2/8/97	Russell Todd 15 Orchard Ct. Roslyn Heights, NY 11577 russtodd@juno.com	Self	e-mail; Letter also sent to Secretary

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

3/12/97

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes ¹
19	2/14/97	Cathy Rosenfield Tworoses4u@aol.com	Self	e-mail
20	2/17/97	Michael Borok 378 Barway Drive Yorktown Heights, NY 10598 mborok@pepsi.com [Private_User@pepsi.com]	Self	e-mail; also: borok@aol.com
21	2/19/97	Arch H. McCulloch Jr. Strathclyde Associates 5395 Summertime Drive Las Vegas, NV 89122	Self, Chief Engineer Strathclyde Associates	Phone: (702) 453-4757
22	2/19/97	George Crocker 5093 Keats Ave. No. Lake Elmo, MN 55042	Self	xtn
23	2/19/97	Mark Frederickson 900 17th Ave NE Rochester, MN 55906	Self	
24	2/21/97	Willie R. Taylor Office of the Secretary, PEP/MS 2340 U.S. Department of the Interior Washington, DC 20240	Director, Office of Environmental Policy and Compliance Office of the Secretary, U.S. Department of the Interior	Also contact: Dr. Vijai N. Rai, (202) 208-6661

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes ¹
25	2/21/97	Stephen Dwyer smd@wdc.net	Chairman, Southwest Mineral Research Foundation	Phone: (714) 731-1335 Letter not sent as e-mail; no other address given
26	2/21/97	Mr. Jerry N. Manlove 1500 Park Ave., Apt. 106 Minneapolis, MN 55404-1637	Self; Member, Greenpeace	
27	2/26/97	John Schraufnagel 1506 N. 19th St. Superior, WI 54880	Self	
28	2/26/97	Loya Marie Wells P.O.B. 21255 Santa Barbara, CA 93121	Self	
29	3/3/97	Jennifer Sundance 726 Vernon Ave., #1 Madison, WI 53714	Self	Original sent to Secretary; dated 2/2/97
30	3/3/97	Linda Ewald 949 Ponder Rd. Knoxville, TN 37923	Self	Original sent to Secretary
31	3/3/97	Joan O. King 304 Manor Drive Sautee, GA 30571	Self	Original sent to OCRWM Director; xtn

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes ¹
32	3/3/97	Paul Goettlich Granger, IL gottlich@sbt.infi.net	Self	e-mail
33	3/4/97	Mr. Robert Mikes Jr. 3080 Carruth St. Las Vegas, NV 89121	Self	
34	3/4/97	L. Cheryl Runyon and James B. Reed National Conference of State Legislatures 1560 Broadway, Suite 700 Denver, CO 80202	Project Manager(s) - Energy, Science and Natural Resources Program, National Conference of State Legislatures and its High-Level Radioactive Waste Interim Storage and Transportation Working Group	
35	3/5/97	Dan and April Dan1.html dano@accessnv.com	Self	e-mail; no other address given; html link to Dan and April's homepage.
36	3/5/97	Bob Breslof bobb@vegas.infi.net	Self	e-mail; no other address given.
37	3/10/97	Judy Treichel Nevada Nuclear Waste Task Force, Inc. 4550 W. Oakey Blvd., Suite 111 Las Vegas, NV 89102	Executive Director, Nevada Nuclear Waste Task Force, Inc.	

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes ¹
38	3/11/97	Nancy & Thomas Wall Carson City, NV 89703-4951 Snow Flower@compuserve.com	Self	e-mail
39	3/11/97	Mr. Katreen Romanoff 9813 Kernville Dr. Las Vegas, NV 89134-7876	Self	post card
40	3/12/97	Les Bradshaw MalMurphy@aol.com	County Manager Nye County, Nevada	e-mail; signed original to follow
41	3/12/97	Diana Salisbury 7019 Ashbridge Arnheim Road Sardinia, OH 45171	Sycamore Valley Environmental Awareness Group	Phone (513) 446-3135
42	3/12/17	Hal Rodgers 129 Empire Road Dayton, NV 89403-8076	Co-Chair, The Study Committee Northern Nevada Activities	Phone (702) 246-5994; Original by fax 3/12/97
43	3/12/97	David Patterson 2816 Darby Falls Drive Las Vegas, NV 89134-7646	Self	Phone (702) 256-4079; Enclosure
44	3/12/97	Mrs. Ethyl Hess Brian 5800 Shawnee Ave. Las Vegas, NV 89107-2600	Self	Enclosures

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes ¹
45	3/12/97	Ralph and Benita Cruz (& 11 other signers) 248 Helmsdale Dr. Las Vegas, NV 89014	Selves	Petition w/ 13 signers; Enclosures
46	3/12/97	Becky Gurka 5303 Stampa Ave. Las Vegas, NV 89102	Self	

¹ Notes: xtn/hrgs = comment requested extended comment period (xtn) or additional hearings (hrgs).

received
33 3/5/99

Mr. Robert Mikes Jr.
3080 Carruth St.
Las Vegas, NV 89121

February 20, 1997

April Gil
U. S. Dept. of Energy
Office of Radioactive Waste Mgt.
Yucca Mountain Site Characterization Office
Docket #RW-RM-96-100
P.O. Box 98608
Las Vegas, NV 89193-8608

Dear April,

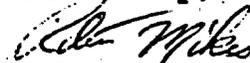
Thank you for the extension of the comment period thus affording me this opportunity.

My wife and I have lived in Nevada for close to 22 years. We have come to love Nevada and the wide open spaces and pristine beauty of our state. We have been following the proposal to reduce our state to the level of a nuclear dump for the rest of the nation and are severely opposed to it. We have no nuclear generating facilities in the entire state and receive no benefit from low cost power and resent being subjected to the risks of transporting nuclear waste through our state and storing it therein.

Yucca mountain is project that was ill concieved many years ago and perpetuated through governmental inability to admit the original error. Yucca mountain project should be abandoned at its present position and monies that are forthcoming for Yucca mountain should be directed to research that would lead to the safe and environmentally proper storage of nuclear waste. Once that is accomplished, there will be no need for Yucca mountain and each state can be responsible for their own waste as it should be.

You have an excellent opportunity with this comment period to step up and do the right thing for Nevada and, for that matter, the entire country because it is a better solution for all concerned. Thanks again for this opportunity.

Sincerely,



Robert Mikes



received
#34 3/5/97

NATIONAL CONFERENCE OF STATE LEGISLATURES

February 25, 1997

1560 BROADWAY SUITE 700 DENVER, COLORADO 80202
303-830-2200 FAX: 303-863-8003
www.ncsl.org info@ncsl.org

April V. Gil
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P.O. Box 98608
Las Vegas, Nevada 89193-8608

MICHAEL E. BOX
HOUSE MAJORITY CHAIRMAN
ALABAMA
PRESIDENT, NCSL

RUSSELL T. LARSON
CONTROLLER GENERAL
DELAWARE
STAFF CHAIR, NCSL

Dear Ms. Gil:

The following comments have been submitted by staff on behalf of the National Conference of State Legislatures and its High-Level Radioactive Waste Interim Storage and Transportation Working Group. WILLIAM POUND
EXECUTIVE DIRECTOR

Staff is concerned that the Department of Energy is proceeding with the development of final guidelines for evaluating the suitability of Yucca Mountain, Nevada, as a potential host for a deep geologic repository when the health and safety standards required under the Energy Policy Act of 1992 have not been formally proposed by the U.S. Environmental Protection Agency. It would seem unwise to proceed to final guidelines for site suitability without a complete understanding of the health and safety standards that a repository will be expected to meet and could cause additional delay in the future in order to alter the suitability guidelines to meet the health and safety standards. Staff understands that the EPA standards have been submitted to the Office of Management and Budget and have been awaiting approval by that agency for a substantial period of time. Staff recommends that Secretary of Energy-designate Federico Pena communicate with the OMB director to determine how much longer the final guidelines must be kept in abeyance in order to increase the likelihood that these regulations will coordinate and protect public health and safety.

In addition, staff has questions concerning the weight or credit that the Department plans to ascribe to the use of engineered barriers in a deep geologic repository to prevent radionuclides from reaching the biosphere. It is staff's understanding from the language in the Nuclear Waste Policy Act of 1982 that certain disqualifying factors (volcanism, seismicity, groundwater travel time) would preclude a site from serving as a repository host, despite the use of engineered barriers. Is the Department proposing that it can provide such secure engineered barriers that any site can prove suitable to host a repository and that the presence of these factors no longer will disqualify a site?

Finally, by focusing the guidelines strictly to the Yucca Mountain site and not to a generic site, staff wonders whether the guidelines would require further revision should Yucca Mountain prove not to be suitable to host the repository? Or, in the alternative, will the guidelines be so site specific that new guidelines will have to be developed to determine the suitability of a site for a second geologic repository, when such a facility is required?

Respectfully submitted,

L. Cheryl Runyon
L. Cheryl Runyon
Project Manager
Energy, Science and Natural Resources Program

Jim Reed
James B. Reed
Project Manager
Energy, Science and Natural Resources Program

To: 10CFR960
cc: dano @ accessnv.com at pmdfpo@YMPGATE
From: dano @ accessnv.com at pmdfpo@YMPGATE
Date: 03/04/97 08:57:00 PM
Subject: We are all against the Yucca Mountain Nuclear Dump !!!!!

received
#35 3/5/97

New Text Item: FILE.TXT

Myself, my wife, are two kids, and all my relatives and friends are all against the proposed Yucca Mountain Project!

If you would like more information about how much we do not want the dump, check out this link.



- DAN1.HTML

DAN'S DOMAIN

★HERE IS DAN'S TOP TEN LIST★

#1 THE YUCCA MOUNTAIN PROJECT

COMING SOON TO A NEIGHBORHOOD NEAR YOU!!

HIGH LEVEL NUCLEAR WASTE
DON'T LET THEM ROLL IT THROUGH YOUR TOWN!

IF YOU AGREE WITH ME, LET CONGRESS KNOW WITH SOME E-MAIL

#2 LOCAL TV & RADIO LINKS

YOU CAN LET THE LOCAL MEDIA KNOW ABOUT A STORY, OR JUST GIVE THEM SOME FEEDBACK.

#3 THE LOCAL WEATHER

IF YOU EVER NEED TO KNOW WHAT THE RELATIVE HUMIDITY IS RIGHT NOW!!!!

#4 GALLERY OF THE GROTESK

NOT FOR THE WEAK HEARTED



WARNING!! THERE IS SOME SICK STUFF IN HERE!!



#5 DAN'S FAVORITE TV SHOWS

THIS IS WHAT I WATCH WHEN I AM NOT ON THE NET
LOTS OF GRAPHICS, IF YOU HAVE A SLOW MODEM, FORGET IT !!!

#6 WEB SHAREWARE SITE

YOU WILL FIND 23,288 SHAREWARE PROGRAMS HERE

#7 HOTDOG PRO WEB EDITOR

IF YOU WANT TO MAKE A COOL WEB PAGE, USE THE SAME HTML EDITOR I USED

#8 NEWSLINK

YOU CAN SPEND A FEWS HOURS HERE AND NEVER GET BORED

#9 MAPQUEST

THROW AWAY YOUR OLD PAPER MAPS AND COME ON IN!!!

#10 TRIP PLANNER

YOU WILL NEVER GET LOST AGAIN WITH THIS LINK

BACK

WELCOME TO DAN & APRIL'S *LAS VEGAS* HOME PAGE

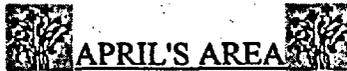


Who Are We, and Why The Heck Do We Have A Home page?

[CLICK HERE TO LEARN ABOUT OUR FAMILY](#)

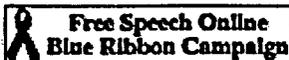


[DAN'S DOMAIN](#)





FOR OUT OF TOWN VISITORS ONLY



JOIN THE FIGHT AGAINST ONLINE CENSORSHIP



[CLICK HERE](#)
IF YOU DON'T WANT A NUCLEAR ACCIDENT IN YOUR HOME TOWN



Back To : USER PAGES

Back To : ACCESS NEVADA HOME PAGE **Access Nevada**



E-MAIL US (IF YOU ARE REALLY BORED)

3731
TIMES OUR SITE HAS BEEN VISITED **3731**

SINCE 1/1/96

YOU CAN SEE THE LAST 30 USERS

received
#36 3/5/97

To: 10CFR960
cc:
From: bobb @ vegas.infi.net at pmdfpo@YMPGATE
Date: 03/05/97 12:27:00 PM
Subject: sitings

New Text Item: FILE.TXT

To whom it may concern:

I don't think you people understand that we here in Nevada do not want this poison in our state. Also, the American people do not want this poison traveling by truck, rail or barge or however you transport it, through our cities and towns. I know money is the influencing factor in getting it buried in Yucca Mtn,

but I think what is going on in Washington, D.C., that is soon to change. We do not want it buried at the Test Site because when you say "interim" you mean forever. Admit it, you work for the powers that be in the Nuclear Energy business. They have "bought" our elected and appointed officials. And they have probably "bought" you. It is the worst poison on earth and Nevada is not this country's cesspool.

Now we are bombarded with claptrap from nonother than the Dr. Goebels of the Nevada Nuclear Waste Study Committee, Mr. Hal Rogers. He spreads his manure as though he is speaking for a group of citizens that want the dump when in reality he works for the Nuclear Energy Industry. We should accept just compensation for the dump, he expouses. We may be a lot of things but one thing about the people of Nevada, we are not prostitutes. I guess it takes one to know one.

bobb@vegas.infi.net

Bob Breslof

NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

Alamo Plaza
4550 W. Oakey Blvd.
Suite 111
Las Vegas, NV 89102
702-248-1127
FAX 702-248-1128
800-227-9809

March 3, 1997



April V. Gil
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P. O. Box 98608
Las Vegas, NV 89193-8608

Re: Comments on General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories 10 CFR Part 960; Proposed Rulemaking

The proposed rulemaking published in the Federal Register December 16, 1996 is not an amendment of the Department of Energy's (DOE) siting guidelines (10 CFR Part 960), as is stated, but is rather a recommendation by the DOE that the current guidelines be eliminated. If, as proposed, the guidelines are replaced by a total system assessment of the performance of a proposed site-specific repository at Yucca Mountain, the assurances given to the public of a thorough and scientifically sound site characterization plan will be nullified.

The basis for DOE's argument in favor of the proposed action is that there are no longer other proposed sites for comparison. However, the existing guidelines can and should be used for any site under consideration for development as a repository. The comparison, in the case of Yucca Mountain, would be between the required qualifying and disqualifying natural conditions and the site itself. It has been the understanding of the public that if Yucca Mountain did not meet the requirements of the guidelines, the site would be abandoned. This was not a confused assumption. It was clearly stated by project officials at countless public meetings -- "if it (the Yucca Mountain site) can't meet the regulations (the current guidelines and also the Nuclear Regulatory Commission (NRC) requirements and Environmental Protection Agency (EPA) standards that existed at the time), we walk away." These statements were made for many years when Yucca Mountain was the sole candidate site. And, in fact, when questions were raised from the public audience about whether or not the regulations would ever change to fit the site, the answer from DOE was always an unequivocal NO.

Aside from being a breach of trust with the general public, the suggested amendment is also a direct violation of the Nuclear Waste Policy Act and the 1987 Amendments Act. Section 112. (a) states that the Secretary shall issue general guidelines for the recommendation of sites for repositories. "Such guidelines shall specify detailed geologic considerations that shall be

primary criteria for the selection of sites in various geologic media. Such guidelines shall specify factors that qualify or disqualify any site from development as a repository..." This section of the law also provides that, "[t]he Secretary may revise such guidelines from time to time, consistent with the provisions of this subsection. The revision being considered is not consistent, and does not conform with the law.

The proposal before us, the change from siting guidelines to a total system performance assessment (TSPA), is in effect, an attempt to change an apple to an orange. TSPA-1997, the cornerstone of the Viability Assessment for Yucca Mountain, stacks layers of considerations and insufficient data into controversial computer models, adds whatever expert judgement is necessary, and produces a prediction of long-range performance. The existing guidelines put specific natural conditions to a pass/fail test. In the past, TSPAs were used as *tools* for project directors to determine what scientific and technical work was still needed to be done. They were never intended to be a site suitability *product*.

Since the passage of the 1987 amendments to the 1982 Nuclear Waste Policy Act the public has placed its confidence for proper determination of site suitability on the ability of Yucca Mountain to comply with the existing guidelines. This part of the law is easily understandable to Nevadans and provides a transparent means for the site to be shown either capable or possibly unable to isolate high-level nuclear waste for the time period necessary to assure public safety. During the last few years, well before this proposal for elimination of the guidelines, the Yucca Mountain project has had a continuing series of program changes. These changes have been prompted by Congressional budget decisions, Congressional attitudes and the several generations of DOE leadership and the vastly different philosophies of each. It is the opinion of the Nevada Nuclear Waste Task Force that the proposal to eliminate the guidelines is due to either a greater emphasis on meeting schedules and budgets, or fear that the natural system at Yucca Mountain will not be able to meet the existing regulations.

As more is learned about the natural attributes of the site, more emphasis has been devoted to the waste package and supplemental manmade barriers. The Federal Register notice refers to "the progress made in the evaluation and understanding of the Yucca Mountain site" and "the technical understanding gained from characterization work performed at Yucca Mountain." One of the things that has been learned is that water will move through the repository much faster than was expected. Probably at a rate that would violate the guideline for ground water travel time. By eliminating that rule and replacing it with TSPA where now manmade channels can divert the water, site suitability can survive. The public was told that a major reason for the selection of Yucca Mountain as a candidate site for a repository was that it was dry, waste could be placed in the unsaturated zone, and ground water would not contact the waste, or if it did, the travel time to the accessible environment was so slow that no release standards would be violated. In addition, DOE has now begun to promote the theory that dilution is a positive attribute of the total Yucca Mountain repository system. Dilution is a form of pollution - to what level, is debatable. The public understands that dilution does not reduce health effects. It only makes them more difficult to find and attribute to the facility. If the scientific investigators working at

the site are merely gathering data that is then given to engineers to determine how to provide fixes for problems discovered in the natural system, then the proposal clearly shows the public that they were deceived when they were told that regulations would never change to fit the site.

Another phenomenon due to reliance on TSPA rather than guideline compliance, is that the analysis of Yucca Mountain is beginning to resemble the over medication of a patient. As more is learned about the proposed repository's negative characteristics, more creative engineering is incorporated into the system. Expected heat will require ventilation, expected water will require channeling, chemistry problems require waste package modification, etc. By abolishing the guidelines, the project will be allowed to turn 180 degrees from the original intent of the Nuclear Waste Policy Act and science will evolve from site characterization to an engineering challenge focused on overcoming the site's inadequacies and possibly disqualifying conditions.

As was stated earlier, the public clearly understands and accepts the site characterization plan requiring Yucca Mountain to meet the existing guidelines. The statement in the Federal Register Notice that TSPA "would enhance the ability of the DOE to provide the public a more understandable conclusion about the suitability of the Yucca Mountain site for development as a repository" is simply untrue. By its nature a TSPA is subject to many interpretations and conclusions. Its only real value is as a tool to determine what level of uncertainty exists and what additional scientific work is necessary to lessen or eliminate it. TSPA has been and should continue to be a publicly available document that shows the current state of knowledge about the site.

If, as the Federal Register notice states, "the DOE is proposing these amendments to clarify and focus the guidelines to be used in evaluating the suitability of the Yucca Mountain site in Nevada for development as a repository," the Nevada Nuclear Waste Task Force believes that the change should be very different. We propose that DOE keep the existing guidelines and additionally examine the characteristics of this site which were said to have led to the decision making Yucca Mountain the sole candidate repository location. Items such as dry climate, low population, location near another DOE facility (NTS) for example should be evaluated. Gather as much data as can be obtained, and determine if in fact, in addition to meeting current regulations it will, over the long term be a good repository site when local characteristics are also considered.

If and when the proposed Yucca Mountain site complies with the existing guidelines, DOE should begin assessing how specific design concepts will work within the natural system, and compare the results of these assessments to the applicable regulatory standards. Discrete, independent findings on individual technical factors should already have been made.

The proposed amendments were not a Congressional directive. They were included in DOE's 1996 Program Plan that the Congress funded. Also within that Program Plan it states, "[t]he Congress directed, and the reduced funding level in Fiscal Year 1996 has required, that repository licensing activities be deferred. *The goal of submitting a successful license*

application to the Nuclear Regulatory Commission, however, remains central to the Program's mission." This statement, we believe, is the basis for the proposed change. Rather than pursue careful and complete site characterization in line with public expectations, DOE has chosen to minimize this responsibility and accelerate the schedule toward licensing. This disregards the need for public trust and confidence and violates the intent of the law.

The Nevada Nuclear Waste Task Force is a public interest organization working to assist the people to effectively participate in the federal government's high level nuclear waste program. We are in daily contact with citizens requesting information and expressing their views, ideas and concerns regarding all aspects of this issue. The opinions that we receive through interactions and conversations are reflected when we participate informally or make requested presentations in meetings and technical exchanges held by DOE, NRC, EPA, the Nuclear Waste Technical Review Board and others. It is well known that the people of Nevada and elsewhere have doubted, since the passage of the 1987 Amendments Act, that the Yucca Mountain project was an objective scientific effort. When DOE officials claimed that the project would be considered a success whether the site was found suitable or not, they were not believed. The public feared that the Yucca Mountain project was aimed at "making a repository work." That fear was instrumental in a former Secretary of Energy's decision to assemble a task force to examine and make recommendations concerning public trust and confidence in the DOE. Other strategies have also been employed during the course of this program to lessen public opposition. If adopted, the proposed amendments to the guidelines will convince citizens that their disbelief in the sincerity of DOE officials was well founded and that efforts to create public trust and confidence in the Department and this program were meaningless exercises.

Submitted by:



Judy Treichel
Executive Director

received
#38 3/11/97

To: 10cfr960
cc:
From: SnowFlower @ compuserve.com at pmdfpo@YMPGATE
Date: 03/11/97 10:21:00 AM
Subject: Yucca Mountain

New Text Item: FILE.TXT

Dear Ms. Gil,

We think changing the guidelines for Yucca Mt. is NOT in the best interests of the people of the State of Nevada.

We are opposed to changing the 1984 guidelines.

Nancy & Thomas Wall

Carson City NV 89703-4951

Received
#39 3/11/97



USA 19

Office of Civilian Radioactive Waste Mgmt.
Yucca Mtn Site Characterization Office
P.O. Box 98608

LV NV 89193-8608
██

© USPS 1991
April 1st

I want real Science - not EPA science
to determine safety for nuclear waste sites.
a big NO to Yucca Mountain.

It is not safe - nor is it far from
large resident development.
Katreen Romanoff

★ ★
Mr. Katreen Romanoff
9813 Kernville Dr
Las Vegas, NV 89134-7876

To: 10CFR960
cc: StellaNick @ aol.com at pmdfpo@YMPGATE, PNegdi @ aol.com at
pmdfpo@YMPGATE, LeswB @ aol.com at pmdfpo@YMPGATE
From: MalMurphy @ aol.com at pmdfpo@YMPGATE
Date: 03/11/97 09:59:00 PM
Subject: Revised 960 Comments

received
#40 3/12/97

New Text Item: FILE.TXT

Here are the revised, and final, Nye comments. As I indicated on the phone, please discard the earlier version I sent on March 9.

Nick will provide you a signed hard copy, as well as a disk if you need one. The comments themselves are in Wordperfect 6.1

Thanks and best to all.

Mal



-960COM~1.DOC

March 11, 1997

received
#40 3/12/97

April V. Gil
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P.O. Box 98608
Las Vegas, NV 89193-8608

Re: General Guidelines NOPR, Docket Number RW-RM-96-100

Dear Ms. Gil

We appreciate the opportunity to submit these comments on the Department's proposed amendments to the repository siting guidelines.

As you are well aware Nye County, as the *situs* jurisdiction, has long been active in its exercise of its oversight of the Yucca Mountain Project, under the authority delegated to it by the U.S. Congress under the NWPA, as amended. Among the activities in which the Nye County Nuclear Waste Repository Project Office (NWRPO) has been engaged has been the Department's sometimes fitful efforts to determine whether, and how, to amend its siting guidelines. That process has been controversial and contentious. The proposal on which the Department seeks public comment promises to continue that tradition. Some background is in order, therefore, before we set out Nye's substantive reaction to the Department's proposal.

Background

The Yucca Mountain Project has been repeatedly redirected, beginning with the single focus on Yucca Mountain in the Nuclear Waste policy amendments Act of 1987. We have previously reviewed and commented upon several attempts by the Department to formulate a policy with respect to the repository siting guidelines developed in response to the changing program directions. Our comments have been offered either formally in writing, or informally at various interactions such as DOE/NRC Management Meetings.

In May of 1994, for example, in response to DOE's proposed "Scenario A" Nye, declined to actively participate in developing any proposed changes to 10 CFR 960, and took the position that its pre-decisional role should be limited to responding to OCRWM's proposed changes, if any. Nye also, at that time, did not feel that justification had yet been made, given that site

characterization was in its early stages, for wholesale changes in the siting guidelines. The County also opposed developing site-specific guidelines, and felt that adopting the NRC's Subpart E of 10 CFR 60 would mask the fundamental distinction between site suitability and licensability. Finally, we have consistently spoken out against the potential that "institutional momentum" would simply ensure that Yucca Mountain is licensed regardless of site conditions. An example of this concern is the direction by Congress to ratify the Department's Revised Program Plan, to amend the siting guidelines "to make them specific to the Yucca Mountain site." This was done, of course, at DOE's request, and despite our active opposition.

These concerns remain, even though we acknowledge that the provisions of 10 CFR 960 contemplated periodic revision in response to new information becoming available. More is known about Yucca Mountain now than was known in 1984; indeed more is known today than just three years ago, when real site characterization began. New knowledge and understanding of the key natural processes operating at the site, and the engineered barriers likely to be employed to enhance waste isolation, has been developed. Nye County's own Independent Scientific Investigations Program has contributed data and analyses to the understanding of Yucca Mountain.

The Current Proposal

DOE now proposes that an overall system performance approach, based on a total system performance assessment, provide the basis for determining site suitability. This approach is proposed to be used instead of the alternative of writing "site specific" guidelines, such as adapting the groundwater travel time disqualifying condition of 10 CFR 960.4-2-1 to what is the known or suspected actual groundwater travel time at the site.

While we would still prefer that DOE, as it indicated was its intent in 1994, first applied the guidelines in their present form, Nye County finds the currently proposed approach far preferable to a "site specific" revision of the guidelines. Evaluating Yucca Mountain's suitability on the basis of an assessment of the overall system's ability to isolate waste for the required period of time provides a more meaningful test than artificial guidelines written to fit the specific conditions and processes the Department feels can be demonstrated at Yucca Mountain. Nye County remains opposed to such a contrived approach.

The Department's proposal, however, appears to focus on the site's overall ability to protect the public and safety, and the environment, from the hazards posed by nuclear waste and still will subject the site to the standards established by the EPA (or the Congress) and the licensing regulations of the NRC. In this light, and in light of the reservations we have noted above, Nye County does not oppose the current proposal. We also support the Department's decision to revise only those portions of the guidelines necessary to make them consistent with the new subpart calling for the overall system evaluation. Provisions applicable to screening and comparison among sites should remain intact for future use should Yucca Mountain fail the

ultimate test, and should the nation face up to the unavoidable need for a second repository.

An Open Repository Concept

We have one major reservation with, or perhaps question concerning, the effect of the proposed amendments. That has to do with the ability of the Department to consider an open, naturally ventilated repository, in the design that will be the subject of the final total system performance assessment.

Data gathered and analyzed in Nye County's Independent Scientific Investigations Program strongly suggest that an open, naturally ventilated repository will remain dry for at least 10,000 years, with the temperature of the host rock staying below 30 degrees C. These conditions would essentially eliminate the primary mechanism for transport of radionuclides away from the repository to the accessible environment, by keeping water from coming into contact with the waste in the first place. The statutory and regulatory framework under which the repository program has been conducted has always contemplated a closed repository.

If these new data and analyses are confirmed by further analysis and calculations, a closed repository may not offer the optimum isolation as would a naturally ventilated repository, even though suitable under the guidelines, and licensable under the NRC regulations. Accordingly, Nye County strongly urges DOE, in amending its guidelines, not to preclude by regulatory language the consideration of a final design allowing for an open, ventilated repository at Yucca Mountain, and thereby preclude the opportunity for greater protection of the public's health, safety and the environment.

We recognize that the determination of Yucca Mountain's suitability under the guidelines is merely the first step, and that a design could be submitted to the NRC, or a licensing condition imposed by it, which is not necessarily included within the clear language of 10 CFR 960. Nevertheless, we believe that maximum flexibility in this design possibility is desirable, and that the Department should ensure that such flexibility is built into the language of the guidelines themselves.

This can be accomplished in one of two ways. First, by revising the definition of "Closure" in §960.2 so that the term would not necessarily imply sealing the repository immediately after the operational and performance confirmation periods. Alternatively, that term could be defined in a way which clearly encompassed the possibility of the repository remaining open and naturally ventilated for an extended period, such as:

'Closure' means the final closing of the remaining open, operational areas of the underground facility and boreholes after termination of waste emplacement operations, performance confirmation, and any extended period of natural ventilation.

Detailed Comments

The last sentence of the first paragraph of "B. Proposed Revisions", at page 20 of the Supplementary Information, 61 FR 66161, should be revised by adding the language: " and for use in siting additional repositories when needed in the future."

The discussion under "Section 960.2 Definitions" at page of the Supplementary Information, 61 FR 61663, should be changed to reflect the recommendation explained above to include the potential for an open, ventilated repository for a extended period of time, perhaps as long as 10,000 years.

The reviews under both Executive Order 12612 and Executive Order 12866 are inadequate. Neither of the EO's refer only to federal mandates, in the sense of actual legal requirements enforceable against the states or local governments under statutes or authorized regulations. Both do, however, require the following of federal agencies:

In the case of EO 12612, the effect on states (including local governments), the relationship between the federal government and the states, or the distribution of power and responsibility among various levels of government, are to be considered.

Under EO 12866, an assessment is to be made of the effects of federal regulations on state, local and tribal government, including specifically the availability of resources to carry out any mandates, or seek to minimize any burdens that uniquely or significantly affect such governmental entities.

EO 12866 further addresses "significant regulatory action", which it defines as any action which may adversely effect the economy, competition, jobs, productivity, the environment, public health or safety, or state , local or tribal governments. It is beyond argument that the Yucca Mountain program affects Nye County in a significant way. The economy, jobs, the environment, public health and safety all may well be affected, not only by the ultimate placement of nuclear waste in Yucca Mountain, but by the very activity of characterizing, and developing the site. Congress clearly recognized those affects, and burdens, by authorizing and funding, per the NWPA, as amended, Nye County to exercise monitoring and oversight responsibilities.

The County is currently without such financial assistance, with the exception of a small amount to carry out a minimal, and not adequate, on-site data gathering and monitoring program. No funding is available to participate in the process of commenting on these very guideline amendments, for example, despite the fact that their adoption could have a significant effect on the conduct of the Department's suitability determination at Yucca Mountain. The fact that the

lack of funding is the result of restrictions imposed by Congress in the appropriation process, nevertheless does not obviate the reality of the burden imposed on Nye County.

The Project's affects are clearly present and, therefore, must be acknowledged and fully analyzed per the cited Executive Orders. Indeed, a strong argument exists that the EO's impose an affirmative obligation to provide funding necessary to enable Nye County to carry out a meaningful oversight program as called for in the NWPA -- to the extent any funds are available to the Department from any source that not encumbered by the restrictions established by Congress.

Again, we appreciate the opportunity to submit these views. We look forward to continuing to participate as this process goes forward, to the extent that we are able given the current funding constraints.

Very truly yours,
NYE COUNTY, NEVADA

/s/
Les W. Bradshaw, County Manager

April V. Gll
U.S. Department of Energy, OCRWM
Yucca Mountain Site Characterization Office
P.O. 98608
Las Vegas, Nevada 89193-8608

received
741 3/12/97

March 8, 1997

Delivered by the U.S. Postal Service. Regular Mail. Postage
Prepaid

Re: Proposed Revision of the General Guidelines for the
Recommendation of Sites for Nuclear Repositories

Dear Ms. Gll:

Proposed site locations for the disposal and disposition of high-level, low-level, mixed, and interim storage of nuclear waste would certainly appear to have similar experiences and similar complaints. In spite of numerous public meetings, compliance documents, and supposedly technical studies based upon objective science, the directly affected public at the Yucca Mountain site and elsewhere voice similar complaints.

1. Guidelines and Rules Change as the project continually moves forward to site selection and construction.

2. In spite of sincere efforts by the public to be updated and informed on project changes as they arise, critical information is presented in a series of documents that appear to conflict and contradict one another, and scientific data is presented in such a fashion as to be incomprehensible, therefore, irrefutable.

3. The adversely affected public feels deceived and manipulated and suspects another agency "double-cross" as the project continually moves toward construction.

The State of Nevada and the communities in the vicinity of the Yucca Mountain proposed repository were originally promised that if the site did not meet scientific strict scientific criteria, it would not be feasible as a disposal site for high-level nuclear waste. However, it certainly appears that guidelines can be changed to allow completion of the project. DOE has continually indicated that strict guidelines would be followed. Unfortunately, the public did not ask which guidelines would ultimately be applied. Revision of guidelines and exemption from standards that designed to protect the public health and the environment do not inspire public trust and confidence.

In Nuclear Waste Policy Act of 1982, the Congress

established federal responsibility for the permanent disposal of highly radioactive waste generated at civilian nuclear power plants and created the Office of Civilian Radioactive Waste Management (OCRWM) within the Department of Energy (DOE) to manage the disposal program. The centerpiece of the disposal program is the Yucca Mountain Site Characterization Project, whose purpose is to investigate Yucca Mountain, Nevada, to determine if that site is suitable for permanent disposal of highly radioactive waste. (GAO/OSI-96-2, DEPARTMENT OF ENERGY, UNETHICAL CONDUCT AT DOE'S YUCCA MOUNTAIN REPOSITORY, September 1996, page 1.)

Although Nuclear Waste Policy Act of 1982 directed DOE to identify and recommend three sites for detailed investigation as a potential permanent repository, the act was amended in 1987 to direct DOE to investigate only the Yucca Mountain site. Given this historic and significant change in the rules, no wonder the public suspects further rule revisions and fear that the TSPA will be misused in the future as a site suitability document.

Executive Order 12674 contains the Principles of Ethical Conduct for federal employees and directs those employees to avoid any actions that create the appearance of loss of impartiality. DOE regulations specifically direct agency employees to avoid any actions which might result in or create the appearance of loss of independence or impartiality, decision-making outside official channels, or adversely affect the confidence of the public in the integrity of government. (10 C.F.R. 1010.101)

Assumptions on the suitability of the Yucca Mountain Site appear to be continually changing to make the site suitable based upon utility industry need for a repository. The public can logically have little trust and confidence in a process wherein the rules are constantly being revised and exemptions from standards granted in order to allow the project to proceed.

Respectfully submitted,



Diana Salisbury
SYCAMORE VALLEY ENVIRONMENTAL AWARENESS GROUP
7019 Ashridge Arnheim Road
Sardinia, Ohio 45171
(513) 446-3135

cc: Nevada Nuclear Waste Task Force, Incorporated
Prairie Island Coalition

FAX COVER SHEET

TO: Ms April Gil

DATE: 3-12-97

FAX NO: 794-1309

FROM: Hal Rogers
129 Empire Road
Dayton, NU 89403

Phone (702) 246-5994
Fax (702) 246-5998

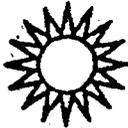
SUBJECT: Docket # RW-RM-96-100

NOTES:

April: Per our telecon of today, comments of the Committee follow. I have also mailed these comments to you.

Best Regards
Hal

received
#42 3/12/97



**The
Study
Committee**

received
#42 3/12/97

Northern Nevada Activities
129 Empire Road, Dayton, Nevada 89403-8074
Phone (702) 246-5994 * Fax (702) 246-5998

March 11, 1997

Ms April Gil
US Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Characterization Office
Docket No. RW-RM-96-100
P.O. Box 98608, Las Vegas, NV 89193-8608

Dear Ms. Gil:

1. The Study Committee is a 15,000 member Nevada citizens organization that has been monitoring the Yucca Mountain project activities to assure ourselves that project decisions are based on science and good engineering practice. Consequently, we are concerned about the DOE proposal to modify the existing regulation, 10CFR960, applicable to the selection and characterization of sites to be considered for high level nuclear waste disposal facilities, under provisions of The Nuclear Waste Policy Act and Amendments (the Act).
2. Provision for revision of the guidelines (10CFR960) is clearly provided in Section 112(a) of the Act. We have no questions regarding this aspect of the matter.
3. The regulation was intended for use in the evaluation of multiple sites, to select those suitable for characterization (e.g., see the regulation, Subpart A, §960.1; there are many other examples). This is further reinforced by the Act, especially Section 112.(a), and in Section 113 (b),(1),(A)(iv), where criteria to be used to determine the suitability of a selected candidate site shall be developed in accordance with section 112 (a), indicating that new criteria would be necessary. Further, at (B) and (C), the major engineering aspects of the proposed repository must be provided, but are not provided under the current 10CFR960; will these be provided under the proposed sub-part E ?
4. We have been assured by the DOE that the only parts of 10CFR960 to be discarded are those voided by the 1987 revision of the Act. Otherwise, current provisions of the regulation will be retained so it can be used again for evaluation of multiple sites. Some parts of the regulation will be editorially changed to accommodate the addition of sub-part E. This is consistent with good engineering practice and is acceptable to us.

5. In summary, The Study Committee finds, with the exception of engineering information required by the Act and requested above (¶ 3), the revised regulation 10CFR960 appears satisfactory. We look forward to your response to the questions in ¶ 3. Please call me if there are any questions.

Sincerely,



Hal Rogers
Co-chairman

April Gil
U. S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P. O. Box 98608
Las Vegas, NV 89193-8608

March 07, 1997

received
#43 3/12/97

Dear April Gil:

The proposed use of Yucca Mountain for storing High-Level Nuclear Waste needs to be more thorough evaluated. Past reported "incidents" at Low-Level Nuclear waste dumps, one of which is delineated in the attached, should be enough to predict a "colossal disaster" when 77,000 tons of High-Level waste is amassed in a single location.

Fifteen earthquakes were recorded at Yucca Mountain from May 1995, through October 1996. This type seismic activity is typical of past catastrophic incidents. Envision, God forbid, Yucca Mountain erupting in 2025 with a magnitude Mt. St. Helens experienced in 1980. Would the 77,000 tons of Nuclear Waste go critical mass, or what? The 1986 Chernobyl disaster would be recorded in the history books as a "Tea Party."

Isn't it time the federal agencies responsible for this situation take the Billions, that are supposedly in the trust fund, and distribute them to the Nuclear Powered Electrical Generating plants to expand their "on site" storage facilities.

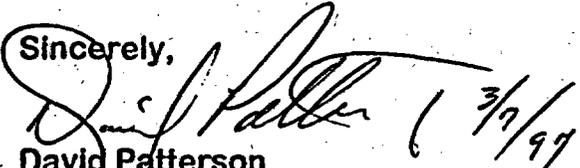
Nevada has no Nuclear Powered Electrical Generator plants; however, your plans are for us to be the dumping ground for the radioactive waste from all states having them. A recent news article stated the U.S. is accepting Nuclear Waste from foreign Nations. Are we going to be the Radioactive Waste Dump for the world?

It's interesting to follow the recent news articles on Germany's attempt to move 110 tons of Nuclear waste to the their Gorleben storage site. Wow! 30,000 police were required. One can only speculate on the numbers if 77,000 tons were involved.

I hope the potential contamination problems from transporting the Nuclear waste to Yucca Mountain and Germany's problems will provide a "wake-up call" to all responsible individuals in this matter. Don't create a bigger problem for tomorrow.

I feel the funding of "on Site" storage expansion for those activities generating the radioactive waste is the most realistic and economical approach to this problem.

Sincerely,


David Patterson
2816 Darby Falls Drive
Las Vegas, NV 89134-7476
702-256-4079

Waste dump cover-up alleged

Knight-Ridder Newspapers

SAN JOSE, Calif. — A professional scientists' group has accused high-ranking federal officials of covering up leaks at a low-level nuclear waste dump in Nevada to prevent political opposition to the development of another, similar dump in California's Mojave Desert.

The group, Public Employees for Environmental Responsibility, revealed internal communications to support its charges that U.S. Geological Survey Director Gordon Eaton and top colleagues concealed evidence of radioactive leaks at a Beatty waste dump for 16 months in 1994 and 1995, because they were concerned that environmentalists could use it to block construction of the controversial Ward Valley dump in the California desert.

The 1,000-acre Ward site is the planned repository for low-level radioactive trash from hospitals, biotechnology and power plants, but controversy over possible leakage has stalled its approval.

The Nevada leak is considered important because proponents believe the similarities of the desert terrain made the 30-year-old Beatty dump a good benchmark for Ward Valley's safety. Like Beatty, low-level radioactive waste at Ward Valley was to be stored in unlined trenches.

The employee group, PEER, filed a complaint Dec. 19 asking the Department of Interior's Inspector General to investigate alleged misconduct, including accusations that USGS officials withheld evidence of a leak from a National Academy of Sciences panel reviewing Ward Valley safety in 1994-95, while sharing the information with the private contractor who will operate Ward Valley and the California state agency that will own the dump.

The chief researcher named in the complaint said he and the USGS are being targeted by environmentalists, seeking to "roadblock" the Ward Valley dump.

"I'm just this pawn who had information that they want to stop," veteran USGS hydrologist David Prudic said. He noted that PEER's complaint calls for banning the USGS from future work on the Ward Valley project

because of alleged bias.

PEER legally represents 5,000 federal, state and local scientists and environmental professionals, defending whistleblowers and others whose research lands them in political trouble. The group is defending some 37 USGS scientists charging that the USGS used a massive 1995 layoff to purge whistleblowers, including two researchers who co-authored a controversial report warning that a radioactive leak from Ward Valley could contaminate water supplies from the Colorado River.

The group released USGS e-mail to show that officials recognized "the can of worms that this (leak evidence) will open" and Eaton's first memo to Interior Department superiors was an alert ... that this discovery may be used by opponents of the proposed new low-level radioactive waste disposal facility at Ward Valley, California, to attempt to block construction.

Defenders say Eaton was simply stating the truth.

After an environmental group forced USGS to make public the Beatty dump leak in October 1995, the disclosure caused the Clinton administration earlier this year to halt transfer of federal land for the Ward Valley dump to the state of California.

The administration ordered an independent review of the project. USGS first found indications of contamination in June 1994.

Survey officials flatly denied allegations of wrongdoing, saying zealous critics have mistaken cautious, deliberate research for suppression of evidence. "We pride ourselves on objectivity," said William Alley, chief of the survey's groundwater office. "They're taking (the memos) out of context."

Alley said researchers were so shocked when they found evidence of high radioactive levels a football field-distance from the Beatty dump in 1994, they suspected it could be a sampling mistake, fallout from 1950s nuclear weapons testing or illegal dumping.

It took them another year to confirm the contamination came from the dump and another four months to report it to Interior Department superiors.

Received
#43
3/12/97

March 7, 1997

April Gil
U.S. Department of Energy
P.O. Box 98608
Las Vegas, Nev. 89193-8608

received
#44 3/12/97

Dear April;

I wrote about this matter, years ago. When all of this first came up about Radioactive Waste and other nuclear garbage to be dumped in Nevada. It can't matter to those of you who have not made Nevada your home, as much as it does to us who have raised our families here and have lived here in my case, since 1943.

Our once peaceful, desert town with Clean Air, Clean Water (enough for our needs then) has become a treacherous place in which to live. One of the outstanding reasons for this is the on-slaught of people moving here from everywhere.

No one plans on an accident, but they happen continually. Our roads and freeways are not safe anymore. Train wrecks, happen also. Traffic is bumper to bumper in busy times of

Please, inform the DEO - Department of Energy.
I do not stand alone in feeling that this
move could set us up for annihilation,
with more than a million people now living in
Las Vegas alone. To transport this dangerous
material to either temporary (you want us to believe
deposit at the Test Site or worse yet to Yucca
Mountain. Why is it that no one else
wants it? We certainly do not!

When I wrote before it didn't matter, but
since you have asked for public comments,
I am writing again. Do you think it will
matter now, we are only taxpayers.

Thank You

Mrs. Ethel Hess Brian
5800 Shawnee ave.
Las Vegas, NV.

89107-2600

P.S. I am ^{amazed} that the
casinos are standing still
for this. Will they make more
money? I think not. It will only
turn people away.

E.B.

Yucca comment deadline extended

STAFF SUN REPORTS

The U.S. Department of Energy has extended until March 17 the public comment period on its proposal to change siting guidelines for Yucca Mountain, the proposed site for disposing of high-level nuclear waste.

Written comments may be submitted to April 6, U.S. Department of Energy, Office

of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, P.O. Box 98608, Las Vegas, NV 89193-8608. Internet users can send electronic mail to 10CFR960@notes.ymp.gov

Fed benefits won't justify putting nuke waste in state

Dave Swallow's SUN letter of Feb. 18 made me angry. He speaks of the benefits we would derive from storing nuclear waste in Nevada.

This so-called "clean energy" he speaks about produces waste so deadly no one wants it.

The builders of nuclear power plants have invested millions of dollars in these projects, with disregard as how to dispose of nuclear waste.

Now, to protect their investments, they are lobbying to dump their garbage someplace other than where it belongs, which is where it was manufactured.

Swallow, it is the same as if you own a lot more acreage than your neighbors and they band together and decide to dump their garbage in your acreage.

Even if they compensate you, you probably would not be too pleased with this.

Removed to Las Vegas 38 years ago and saw it grow to what it is today. I am not happy with what has happened to it, but that's progress.

But please, don't bring your nuclear garbage with you. We don't need it.

Waste it!
Jess Macias

received
#44 3/12/97

Don't Waste Nevada

Received
#45
3/2/97

To: Members of Congress

We, the undersigned, oppose the use of Nevada as a national waste site. We urge you to oppose efforts to place all commercial and D.O.E. nuclear waste at the Nevada Test Site (NTS). We urge you to strengthen the environmental, health and safety regulations regarding the handling and disposal of nuclear waste. We oppose the transportation of nuclear waste across this nation, and we are concerned about the risk of accidents in the communities along the routes.

The Yucca Mountain site should be abandoned due to geological and transportation risks. The discovery of additional earthquake faults, the elevated groundwater and the escape of radioactive Carbon-14 gas are all reasons to abandon this site. Since over 80% of all commercial reactors are east of the Mississippi, Yucca Mountain poses great transportation risks. The Nuclear Waste Policy Act should not be weakened, but should be modified to all for on-site storage of nuclear waste.

NAME ADDRESS ZIP PHONE

Ralph Cruz 248 Helmedale Dr. No. 89014 433-9337

Berita Cruz 248 Helmedale Dr. No. 89014 433-9337

Mr. M. Joseph Karsina 3528 MacDougal St. #1089110 452 6016

Neil Soren 1600 W. S. S. S. 5142 LV NV 89102

Eric M. Landonich 1624 S. Palm Grove #157 89104-431-4651

Maureen Milano 8217 Jane St. LV NV 89123 896-1732

Steve Li 511 Sunset St. Henderson NV 89014

CHRISTINA LIHOZER 131 STELLARIE ST #329 89014

Julie Payne Sparks 1444 Harmony Rd. AR 89014-433-8838

Monica Payne 1050 Whitney Ranch Dr #430

Lisa Heakley 1801 Cahoon Ct. Henderson 89014 433-8726

Chy Noye 721 CASINO CENTER #2 LV, NV 89101

Mr Wesley 5841 S. David St LV NV 89122

State senator says Nevada could become 'garbage dump of America'

By Ed Vogel
Donrey Capital Bureau

CARSON CITY — Senators voted unanimously Wednesday to allow voters to decide the fate of a clause in the state constitution under which Nevada gave up its rights to federally controlled lands.

Unless residents remove the clause, Sen. Dean Rhoads, R-Tuscarora, said Nevada will become the "garbage dump of America."

"Nevada is going to become the candidate for everything other states don't want," he said.

Sen. Dina Titus, D-Las Vegas, said the federal government several times has mentioned the clause in litigation involving the state's move to block a high-level nuclear waste dump at Yucca Mountain.

The Senate passed Senate

Joint Resolution 27, which calls for citizens to vote in November 1996 on the "disclaimer clause" in the constitution ratified in 1864. The Assembly also must approve the resolution before the matter goes on next year's general election ballots.

As a condition for statehood, Congress required the residents to pass a clause under which they permanently gave up their rights to unappropriated lands in Nevada.

Senators contended this disclaimer was unconstitutional because it was required of only 15 of the 50 states, and all states constitutionally are supposed to enter the union on an equal footing.

Now about 86.7 percent of the land in Nevada is managed by federal government agencies.

While supporting the

resolution, Sen. Joe Neal, D-North Las Vegas, questioned whether Congress will respond to the proposal.

"Aren't we just spinning our wheels?" he said. "Congress will just look at it and trash it."

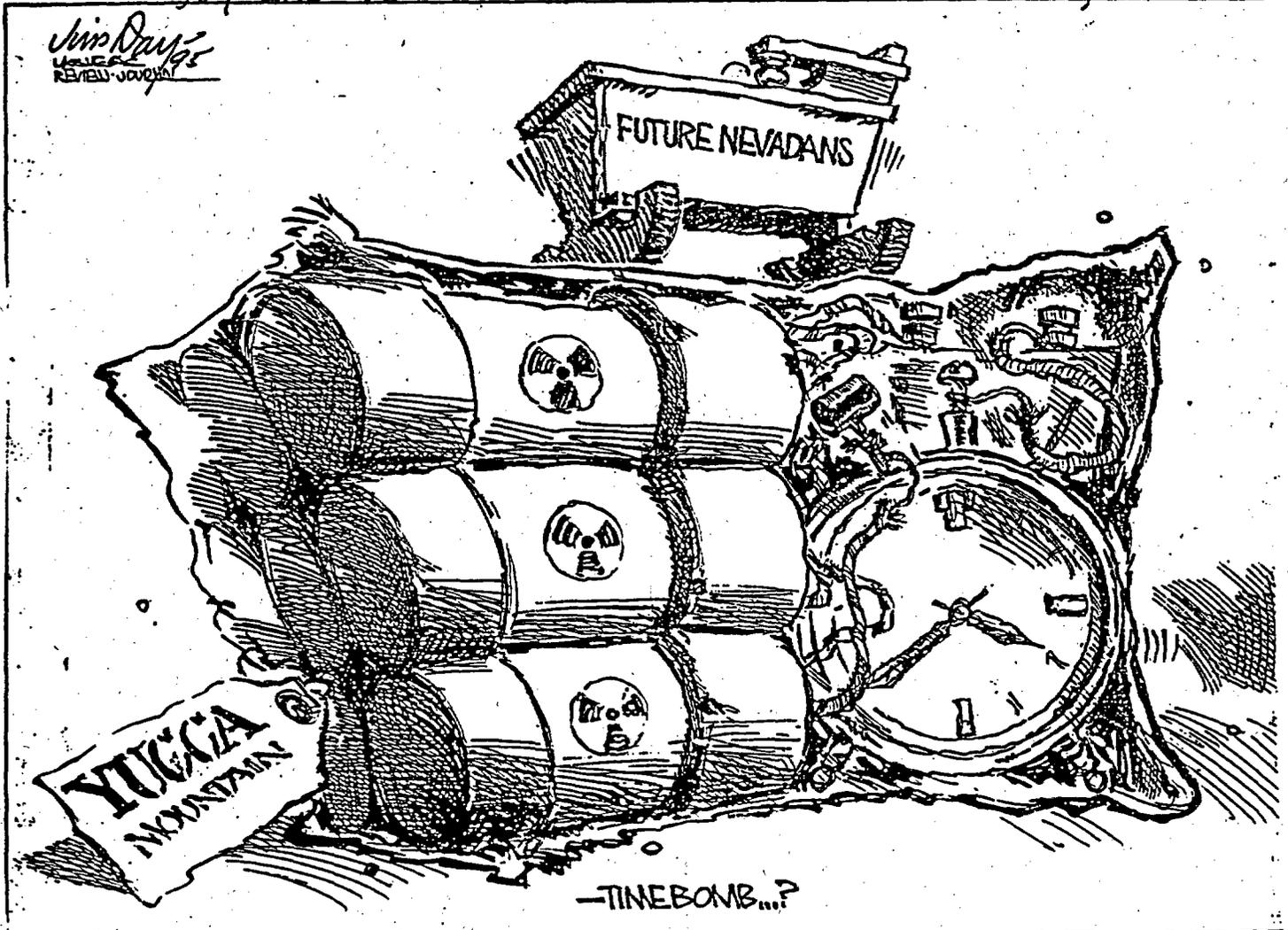
Neal pointed out that Nevada's approval for the disclaimer clause was in effect a contract with America. He added that North Las Vegas and other Nevada communities already can acquire more land from the federal government for expansion.

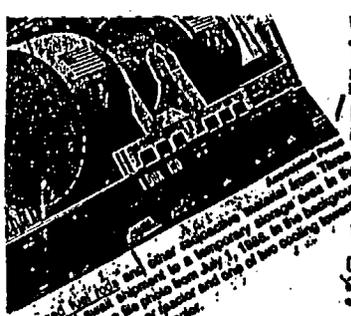
But Sen. Ernie Adler, D-Carson City, said Nevada has lost 3.7 million acres to federal control since 1964.

"This has a lot to do with the sovereignty of Nevada," he said.

Neal said his reading of history shows that Indians are entitled to control much of Nevada under old, disregarded treaties.

8B / LAS VEGAS REVIEW-JOURNAL WED. MAR. 8, 1995





Wisconsin Electric
The Nuclear Regulatory Commission (NRC) has fined Wisconsin Electric Power Co. \$225,000 for violations that occurred last summer.

Reactors placed on watch list

The Nuclear Regulatory Commission reports a safety problem.

NEW
SUNDAY

SCIENTISTS FEAR ATOMIC EXPLOSION/ OF BURIED WASTE

DEBATE BY RESEARCHERS

Argument Strikes New Blow Against a Proposal for a Repository in Nevada

Nevada — America's Wasteland Forever? Since the 1940s, many have seen Nevada as a place for anything they throw away. Now it has become the nation's nuclear waste dump. The state has been the proposed host for toxic industries of all types.

Power plants want to send 70,000 tons of high-level radioactive waste to Nevada, or even holding it on-site where it could be monitored, or even helping to solve its problem in Nevada.

CONFRONTING THE NUCLEAR LEGACY — PART III

Can Nuclear Waste Be Stored Safely at Yucca Mountain?

Studies of the mountain's history and geology can contribute useful insights.

CANNONBALL CAVITY

FORTY YEARS OF NUCLEAR ACCIDENTS

NRC fines Wisconsin Electric
The Nuclear Regulatory Commission (NRC) has fined Wisconsin Electric Power Co. \$225,000 for violations that occurred last summer.

The accident at Chernobyl was the worst in the history of nuclear power. However, there have been other accidents at nuclear plants. But fortunately, the safety systems that are installed to prevent large-scale nuclear disasters have done their job very well. On some occasions, however, the people who run the plants haven't done their job.



German protesters block nuclear waste

Associated Press
DANNINGBERG, Germany — People had been arrested in Danningberg, west of Bonn, for blocking a truck carrying nuclear waste. Three people were slightly injured in the police action. The truck was stopped on Monday only to find its way blocked by protesters, mostly young people, who were protesting against the transport of nuclear waste.

Plastic Fiber Op Radioactive Contamination

RICHMOND, Wash. — Researchers at Pacific Northwest Laboratory have developed a fiber optic sensor that can detect radioactive contamination by means of ultraviolet light. The sensor was developed by researchers at the University of Washington and is being tested at the Pacific Northwest Laboratory. The sensor is made of plastic fiber optic and is designed to detect radioactive contamination in a variety of environments.

Current Events
Regulatory Trustees Put Pressures on Chief of Northeast Utilities
Flaws in Nuclear Operations Prompt Board to Mull Bernard M. Fox's Tenure

Study boosts Three Mile Island-cancer link

WASHINGTON — A study linking cancer and radiation from the Three Mile Island nuclear power plant during the 1979 nuclear accident.

Received
1/21/81

March 7, 1997

received
#46 3/12/97

April Gil
U.S. Department of Energy
Office of Civilian Radioactive Waste
Management
Yucca Mountain Site Characterization
Office
Docket No. RW-RM-96-100
P. O. Box 98608
Las Vegas, NV 89193-8608

Dear Ms. Gil:

I would like to take this opportunity to submit comments on "General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories, 10 CFR, Part 960, Part V, December 16, 1996.

I would like to state that I am opposed to the proposed rule change. I do not believe the proposed rule change would serve the public interest. The present law, 10 CFR, Part 960, Part III, December 6, 1984, in my opinion, is adequate. The basis for my comments on the rule change are presented below.

This rule change would effectively dilute the Nuclear Regulatory Commissions (NRC) ability to keep their autonomy. The philosophy, content, and intent of Department of Energy (DOE) regulations are aimed toward rule-making. The NRC regulations are aimed toward licensing. It appears to me DOE is taking its concept of regulations and trying to apply them to NRC regulations. If this rule change takes place then DOE would not have to meet strict NRC licensing requirements and give DOE weaker rules with which they would have to adhere.

The National Research Council publication "Technical Basis for Yucca Mountain Standards (1995) outlines their concept for using risk to a "critical group" for their basis as a technical health based standard. When dealing with risk uncertainty, risk assessment is used. When risk assessment is used on true uncertainty (unknown probabilities) then theory collapses to guesswork. Changing the current process would subsume the consequences (health effects) of risk and this important aspect of law would be lost. The burden of whether something is harmful should remain on the entity which will create the risk/harm and not on the public.

Developing assumptions are extremely important to the development of any model. Regulators develop models, however, the public should have the opportunity to choose whether or not the chosen assumptions are acceptable. I believe the public should participate in the formulation of the assumptions to be used.

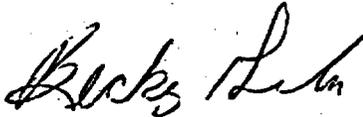
Validation of a model is inherent in the use of models. Validation requires reproducible results independent of the model being validated. I do not believe modeling with scarce on-site knowledge will produce a valid model.

With this rule change there would be no way for the public to compare our system with other countries. The public would be dependent on information conceived by DOE and no independent means of confirmation would be possible.

In conclusion, I am opposed to this rule change. The present law has worked well and I see no reason why it should be changed. Blurring the delineation between NRC and DOE would not benefit the public. Basing standards on never-before-used risk assessment (ie. Critical group), would abrogate the responsibility of the entity creating harm to protect the public from harm. Validation of a model of the type proposed to be used would be difficult because of lack of site-specific knowledge. Without public participation in the formulation of assumptions for the model denies the public the opportunity to define and understand the model. A model of the type proposed would not enable the public to independently confirm the results.

Thank you for taking the time to read my comments.

Respectfully submitted,



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