

PDR

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 (NPR)**

DISTRIBUTION AT HEADQUARTERS:

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

CLOSE OF COMMENT PERIOD: March 17, 1997

TODAY'S DATE: March 5, 1997

ATTACHED WRITTEN COMMENT(S)/DOCUMENTS:

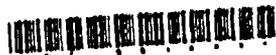
1. Updated Public Comment Log Sheets (please recycle previous versions)
2. Public Comments
 - a. Comments # 12 and 18 now include an identical letter to Secretary Peña.
Please substitute the attached versions.
 - b. Comments 24 - 32.

7. 203 7/1
4/26

9703130418 970305
PDR WASTE
WM-11 PDR

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.

130075



PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes
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	
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	
7	1/23/97	Frankie Sue Del Papa Capitol Complex Carson City, NV 89710	Attorney General, State of Nevada	

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes
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
13	2/4/97	Richard H. Bryan United States Senate 364 Russell Senate Office Bldg. Washington, DC 20010-2804	U.S. Senator (D-NV)	

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes
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)	
16	2/6/97	Marilyn Elie Adrian Court Cortlandt Manor, NY 10566	Indian Point Project	Phone: (914) 739-6164
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; Same letter also sent to Secretary
19	2/14/97	Cathy Rosenfield Tworoses4u@aol.com	Self	e-mail

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes
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 Sunertime 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	
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
25	2/21/97	Stephen Dwyer smd@wdc.net	Chairman, Southwest Mineral Research Foundation	(714) 731-1335 Letter not sent as E- mail; no other address given

PUBLIC COMMENT LOG - 10 CFR 960 RULEMAKING

No.	Date	Name & Address	Title & Organization	Notes
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 [no address known]	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
32	3/3/97	Paul Goettlich Granger, IL gottlich@sbt.infi.net	Self	e-mail

Jan. 27, 1997

received
#12 2-3-97

April V. Gil
U.S. Dept. of Energy
Office of Civilian Radioactive Waste Man-
agement
Characterization Office
P.O. Box 98608

Las Vegas, Nevada 89193-8608

Dear Ms. Gil:

The Dept. of Energy should with-
draw its proposed rule of exemption
for Yucca Mt. as a waste dump. Besides,
T. Mountain should have been disqualified
already because it has major fault
lines running thru the waste area. This
region is comparable to San Francisco
in its level of seismic activity. Also, the
rock of the mountain is fractured. The
lowering of standards, specifically for
Yucca Mt, is unconscionable! The
proposed rule would preserve a high
standard for other sites but not Yucca.

Part of lowering standards
for Yucca is to ignore the dangers of

Transporting the waste - across
many states including my state of
California. How awful! This decision
will affect the next 12,000 human gen-
erations and is dangerously inadequate.
During all these millenia of transport-
ing radioactive waste, accidents will
surely occur.

We should not be generating
nuclear waste at all, and the waste
that occurs should be buried at the
site of generation. I do not look
forward to having dangerous convoys
of radioactive material cruising down
California highways. I do not under-
stand what national madness has
led us into this nuclear nightmare.

Sincerely,
M. Ruth Niswander
622 Barbera
Davis, Ca. 95616

received
#12 2/1/97

Jan. 27, 1997

Hon. Federico Peña
Secretary of Energy
U.S. Dept. of Energy
1000 Independence Ave.
Washington, D.C. 20585
Dear Secretary Peña:

The Dept. of Energy should withdraw
its proposed rule of exemption for
Yucca Mt. as a waste dump. Besides,
the Mountain should have been disqualified
already because it has major fault
lines running thru the waste area.

This region is comparable to San Francisco
in its level of seismic activity. Also,
the rock of the mountain is fractured.
The lowering of standards, specifically
for Yucca Mt, is unconscionable!
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standard for other sites but not
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nuclear waste at all, and the waste that
occurs should be buried at the site of
generation. I do not look forward to
having dangerous convoys of radioactive
material cruising down California
highways. I do not understand what
national madness has led us into this
nuclear nightmare.

Sincerely,
M. Ruth Wiswender
621 Barbera
Davis, Ca. 95616

received
2/8/97 #18

To: 10cfr960
cc:
From: russtodd @ juno.com at pmdfpo@YMPGATE
Date: 02/08/97 05:31:00 PM
Subject: General Guidelines NOPR Docket Number RW-RM-96-100

New Text Item: FILE.TXT

also cc.
Senator Moynihan
Senator D'Amato

This e-mail is about the Dept. of Energy's (D.O.E.) proposal to exempt Yucca Mountain site in Nevada from any specific or verifiable disqualifying factors in evaluation for permanent repository, which is part of Senator Craig's bill S.104.

I'd like to preface my comments with the statement that all bills that the Dept. of Energy initiates about radioactive waste should also include propositions that:

- 1) no new waste can be produced for Nuclear Weapons Production and their development.
- 2) nuclear power as an energy production method produces too much hazardous radioactive waste, therefore all nuclear power plants should be shut down so no new waste is produced.
- 3) nuclear waste will probably have to be kept in above ground storage facilities that can be monitored constantly from above, below and all sides, as the only way to truly determine if the waste is being safely contained.

As far as the D.O.E proposal on Yucca Mountain goes:

- 1) The D.O.E. must consider transportation, socio-economic, and environmental factors in evaluating Yucca Mountain suitability as a permanent nuclear waste repository. We live in a democracy and a land of life, not a colony of the nuclear power and weapons industry and a deserted waste land.
- 2) The D.O.E. is losing Scientific and Public credibility when it tries to drastically change the rules
- 3) The D.O.E. must preserve specific technical parameters that will qualify or disqualify Yucca Mountain, and these should be the same as those that would be applied to any site, as current guidelines state. There should be no compromise when it comes to isolation of nuclear waste from the environment.

Thank you

Sincerely yours,

Russell Todd
15 Orchard Ct.
Roslyn Heights, NY 11577

received
2/8/97 #18

15 Orchard Ct.
Roslyn Heights, NY 11577
Feb. 8, 1997

Dear Sec. Of Energy Fredrico Pena,

This e-mail/letter is about the Dept. of Energy's (D.O.E.) proposal to exempt Yucca Mountain site in Nevada from any specific or verifiable disqualifying factors in evaluation for permanent repository, which is part of Senator Craig's bill S.104.

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- 1) The D.O.E. must consider transportation, socio-economic, and environmental factors in evaluating Yucca Mountain suitability as a permanent nuclear waste repository. We live in a democracy and a land of life, not a colony of the nuclear power and weapons industry and a deserted waste land.
- 2) The D.O.E. is losing Scientific and Public credibility when it tries to drastically change the rules
- 3) The D.O.E. must preserve specific technical parameters that will qualify or disqualify Yucca Mountain, and these should be the same as those that would be applied to any site, as current guidelines state. There should be no compromise when it comes to isolation of nuclear waste from the environment.

Thank you

Sincerely yours,

Russell Todd

Russell Todd

RW97100113



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

In Reply Refer To:
ER 96/803

FEB 7 1997



Ms. 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

Dear Ms. Gil:

The United States Department of the Interior (Department) has reviewed the proposed rule-making for General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories and offers the following comments.

As the Department of Energy (DOE) indicated, the original Guidelines were required by the 1982 Nuclear Waste Policy Act (NWPA) to guide the screening of 9 sites in the western United States to select three sites for detailed site characterization and then selection of a repository location from the three candidate sites. When the 1987 Amendment to the NWPA eliminated all sites other than Yucca Mountain, the screening was abruptly ended, but the requirement to apply the Guidelines to each site to determine its suitability was not addressed and has remained. Thus, the Guidelines are a relic of the early 1980s and an unnecessary burden to a program already under strong criticism for repeated delays and slippages.

One of the original technical guidelines [9604-2-1 Geohydrology, (d) Disqualifying Condition] is especially inappropriate for Yucca Mountain and might provide a basis for expensive legal challenges and delays, even if the site satisfied all Nuclear Regulatory Commission (NRC) and U.S. Environmental Protection Agency (EPA) regulations.

The proposed DOE rule-making to modify the Guidelines is logical. It declares that the existing postclosure and preclosure technical guidelines (Subparts C and D, respectively) are intended only for comparing multiple sites and will not be used for determining suitability of Yucca Mountain. Instead, a new guideline, Subpart E - Yucca Mountain Site Guidelines, will be inserted specifically for that site.

Subpart E is succinct. Compliance will be determined by the ability of a geologic repository at the site "to meet the applicable standards through a postclosure system performance assessment." This is very different from Subpart C which provides technical guidelines on eight different aspects of a site's geology, and excludes consideration of any engineered barriers of a repository. The "applicable standards" are the EPA standards currently being developed specifically for the Yucca Mountain site and the NRC regulations that will implement them.

The proposed EPA standards for Yucca Mountain (required by the Energy Policy Act of 1992) have not yet been published and are perhaps six months or more away from their final form, while the NRC's modifications to their regulations (10 C.F.R.60) for implementing them are delayed even further. However, these are the standards that the repository will have to meet to obtain an NRC license for construction and operation. Thus, it makes little sense for DOE to have to comply with existing Guidelines based on obsolete EPA and NRC regulations that no longer apply to Yucca Mountain.

The original DOE Guidelines were proposed on February 7, 1983, a year before NRC proposed consideration of modifications to their regulations at 10 C.F.R. 60 to include the unsaturated zone and Yucca Mountain. The final Guidelines were issued eight months before NRC's final modifications.

While seven of the eight Subsection C postclosure technical guidelines are fairly reasonable to impose on the Yucca Mountain Site, the requirement of a ground water travel time (GWTT) of at least 1,000 years to reach the "accessible environment" is not a measure of the performance of an unsaturated zone site. This requirement originated in 1983 in NRC's regulations at 10 C.F.R. 60, when all sites were in the saturated zone and conventional wisdom was that GWTT would be fairly simple to establish by standard hydrologic calculations based upon the regional hydraulic gradients established largely from existing wells.

The Department submitted comments to the NRC on the proposed NRC changes to 10 C.F.R. 60 on April 20, 1994. These comments included the United States Geological Survey's position that GWTT is perhaps an inappropriate criterion for an unsaturated site such as Yucca Mountain and this criterion would be difficult to demonstrate. There was no provision to assess water quantity transport over time. As the Department noted, "It seems inappropriate to reject a site that might have one cubic meter of water moving through a repository to the accessible environment in 1,000 years and to accept a site that might have one million cubic meters of water moving through it to the accessible environment in 1,500 years."

The Department's concerns were dismissed by the NRC with the argument that NRC was free to choose lesser values than 1000 years if other factors warranted it. Unfortunately, DOE has no such flexibility in the existing Guidelines. Thus, a site with a GWTT of less than 1000 years could be disqualified by the Guidelines but licensable by NRC, depending on its overall performance.

We appreciate the opportunity to review and comment on the proposed rule-making. Should you have any questions related to these comments, please do not hesitate to contact Dr. Vijai N. Rai of this Office at (202) 208-6661.

Sincerely,

A handwritten signature in cursive script that reads "Willie R. Taylor". The signature is written in dark ink and is positioned above the typed name and title.

Willie R. Taylor
Director
Office of Environmental Policy
and Compliance

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

FEB. 12, 1997

received
#25 2/21/97

Dear Ms. Gil,

This is the letter I sent this week to Senator Craig, Re: S-104. I hope you will not only find it of interest, but also find a way to implement it. I would appreciate any comments or suggestions about how your site could be used for this emergency plan. I would like to include this proposal in my report to the NRC with as much detail as possible. Thanks.

Sincerely,
Stephen Dwyer

Dear Senator Craig,

Please reconsider the Nuclear Waste Storage Plan proposed under S-104. I strongly oppose the moving of vast amounts of high level materials without a more thorough plan. I know that the situation is critical and something must be done, but such a thin plan is not the answer. It would lead into an even greater problem in the short term.

I would like to recommend that this plan be modified to involve the shipment of only the most dangerous and critical materials, perhaps only 10% of the proposal. The top of the list would be the huge number of rods at San Onofre SONGS in S. CA. These rods are in the most dangerous seismic zone and could cause the most damage. I have been working with the NRC to implement an Emergency Removal Plan for SONGS 1,2&3. These rods should be moved immediately to NV or AZ, out of the seismic zone and high population areas.

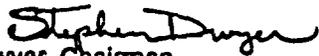
A successful small scale emergency removal could help prove up the new technology and only then should a larger plan be contemplated. There needs to be more public and scientific input also. All our lives are on the line.

An emergency Spent Fuel Pool, similar to the current ones but better, could be put in place very quickly. San Onofre Spent Fuel could be moved to NV, which is one of the shorter routes, and then more sophisticated technology could be tried. A step by step procedure is absolutely necessary.

Please modify the plan to make it realistic and it could be started very quickly and without so much controversy. A rational and scientific plan could be acceptable to the public. I'm sure most everyone would like to see San Onofre cleaned up, since it involves so many people and the Pacific Ocean. Other critical sites would be the permanently shut down sites first, the ones that are over capacity and still operating and then the others, including perhaps some miscellaneous but critical stockpiles.

Time is running out for S. CA as the "Big Quake" is now overdue. Lets not waste it on a too much, too soon, unscientific plan that will be delayed and mired in controversy indefinitely.

Please just start with San Onofre.

Sincerely, 
Stephen Dwyer, Chairman
Southwest Mineral Research Foundation
714-731-1335
smd@wdc.net

Jerry Manlove
1500 Park Ave, #106
Minneapolis, Mn 5540
Feb. 12, 1997

received
#26 2/21/97

April V. Gil
U.S. Department of Energy. OCRWM
Yucca Mtn. Site Char Office
P.O. Boc 98608
Las Vegas, NV 89193-8608

Dear April Gil,

Re: Please don't lower EPA standards so Yucca Flat can be accepted for storage for nuclear waste.

Greenpeace indicates that the Department of Energy (DOE) finally figured out that Yucca Mountain in Nevada would be disqualified as if DOE's rules for siting nuclear waste repositories were applied. I am very unhappy that the DOE proposed changing the rules so that the general guidelines for the Recommendation of Sites for Nuclear Waste repositories do not apply to Yucca Mountain, the only site under consideration.

DOEs proposed revisions would eliminate consideration of geologic, hydrologic, transportation and other conditions and factors. I am against your changes where the DOE would determine whether or not the overall performance at Yucca Mountain would simply comply with a yet-to-be developed U.S. EPA standard, and then recommend the site for a repository.

Sincerely,

Jerry Manlove
Member of Greenpeace

April V. Gil

received
#29 2/26/97

I am writing about the Yucca Mountain Nuclear Waste Repository. The DOE figured out that Yucca Mountain would be disqualified as a site under the DOE ~~own~~ rules for siting a nuclear waste repository. So now the DOE proposes changing the rules so Yucca Mountain will be acceptable. This is UNacceptable! The public's health and safety must be the top concern. Please keep me informed.

Thank you
John Schraufnagel
1506 N 19th St
Superior WI 54880

received
#28 2/26/77 #28

April V, Gil
U.S. Dept. of Energy, OCRWM
Yucca Mtn. Site Char. Office
P.O. 10,98608
Las Vegas, NV 89193-8608

Dear Mr. Gil,

I am writing to oppose
changing the rules so that
the General Guidelines for
the Recommendation of Site
for Nuclear Waste Repository
do not apply to Yucca Moun-
tain.

Geologic, hydrologic, trans-
portation and other conditions
and factors need to be con-
sidered for the public

safety.

Please do not compromise the safety of the public in this way.

Instead, begin immediately to phase out the nuclear power plants with safe alternative energy forms.

Sincerely,

Joyce Marie Wells

P.O. Box 21255

Santa Barbara

CA - 93121

received
#29 3/3/97

2-2-97

Secretary of Energy

Re: the proposed rule to
exempt Yucca Mountain
from standards applying to other
high-level dumps.

I am strongly opposed to
this action. We have no
business treating the traditional
lands of the Shoshone any
differently than we would
treat the lands in our own
backyards. The people & land
en route to the site also deserve
the respect of safety.

Sincerely
Juniper Sundance

received

#30 3/3/97

Linda Ewald
949 Ponder Rd.
Knoxville, TN
37923

Mr. Fredenco Pena, Secretary Designate
U.S. Dept. of Energy
1000 Independence Ave. S.W.
Washington, DC 20585

Dear Mr. Pena,

I am writing to urge that the Department of Energy withdraw its proposed revision of the guidelines for siting permanent nuclear waste storage. In evaluating Yucca Mountain or any other site, the DOE should consider socio-economic, environmental, transportation, and environmental justice factors.

Historically, low-income and racial/ethnic communities have been disproportionately selected as sites for the disposal of all

kinds of toxic wastes. Proposals for siting new nuclear facilities also follow this pattern. Money becomes a big motivator, leading disadvantaged communities to accept and even bid for nuclear facilities and waste storage units. When families are hungry today it is difficult to think about preserving the environment or about future risks. These communities should not be forced to accept hazardous facilities, either by industry pressure or by economic need. Your support will be greatly appreciated by the people directly affected and by those concerned across the country. Thank you for your time and attention.

Sincerely,
Linda Ewald

5

January 10, 1997
304 Manor Drive
Santee, GA 30571

received
#31 3/3/97

Daniel Dryfus, Director
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1000 Independence Ave.
Washington, DC

Dear Mr. Dryfus,

I am writing to request an extension to the public comment period on the Department's published proposed rule (Monday Dec. 16, 1996 Vol. 61, Number 242, pages 66157-66169) to revise 10CFR960 "General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories."

For a number of years now I have followed DOE's activities closely. While I am not professionally involved, I have read extensively and have received some technical training. I am one of your stakeholders and am on your mailing list.

The DOE has made an effort to appear more "citizen friendly". I appreciate it, but I am beginning to doubt your sincerity. Once again your comment period is too short and too inconvenient.

Nuclear waste transportation is everyone's problem. It's not something that can should be decided by a privileged few. I am a local LEAGUE OF WOMEN VOTERS president. The LEAGUE is doing the best it can to educate the public. (See their recent issue brief, *TRANSPORTING RADIOACTIVE SPENT FUEL*) However, it takes time.

If you were really interested in citizen input, you would help us promote public forums on the subject. These limited comment periods are beginning to look more and more like a sham.

Sincerely,

Joan O. King
Joan O. King

RW97100031

To: 10CFR960
cc:
From: gottlich @ sbl.infi.net at pmdfpo@YMPGATE
Date: 03/01/97 07:34:00 AM
Subject: Nuclear waste transport

received
#32 3/3/97

New Text Item: FILE.TXT

I would like to comment on this project.

This is an ill conceived project from the start. It is a thinly veiled excuse for the commercial utility companies to be free of the liability of the waste product of their power production. What is accomplished by this transportation project is the placement of liability on the taxpayers for thousands of years while the utility companies have no further liability.

This project only furthers the risk of injury to people and planet and complicates the storage of the high level nuclear waste. It opens the door to untold possibilities of terror by putting the waste into the hands of contractors who will generally be the lowest bidders which have the lowest level of employee relations, and thus, will be employing some of the lowest level of skilled and competent drivers.

This project named Mobile Chernobyl should be ended before it begins.

Thank you for your time,
Paul Goettlich
Granger IN