

State of Nevada  
Governor's Office



Agency for  
Nuclear Projects

1802 N. Carson Street, Suite 252  
Carson City, NV 89701  
(775) 687-3744  
Fax: (775) 687-5277

Input for Friday, 1/21, Commission meeting on DOE's EIS

Submitted by: Robert Loux

REC'D BY SECY

14 JAN 00 3:31

*Legacy/main-20*

**SUMMARY OF STATE OF NEVADA FINDINGS  
WITH RESPECT TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR THE PROPOSED YUCCA MOUNTAIN HIGH-LEVEL  
RADIOACTIVE WASTE REPOSITORY**

**Issue 1: The No Action Alternative**

The no action alternative is unrealistic and unreasonable and does not represent a realistic representation of circumstances that would exist if DOE does not implement the preferred alternative (i.e., development of a repository at Yucca Mountain).

**Issue 2: Inadequate and Inaccurate Project Description**

The description of the proposed action contained in the EIS is inadequate and not reflective of the proposed project as it is currently described by DOE (facility design, thermal load scenario, etc.).

**Issue 3: Proposed Action Inconsistent with the NWPA**

The project described in the draft EIS may be in conflict with the Nuclear Waste Policy Act (NWPA) since it does not constitute "geologic disposal", but rather proposes an engineered storage facility constructed using a series of underground tunnels. The geologic formation that is Yucca Mountain contributes almost nothing to waste isolation; reliance is almost solely on engineered barriers.

**Issue 4: Failure to Disclose Transportation Routes**

The draft EIS fails to identify the specific transportation routes for spent fuel and HLW shipments from specific reactor and generator locations to Yucca Mountain despite the fact that these routes were identified as part of the analyses contained in the transportation appendix. DOE, in effect, has chosen to hide the routes and simply report the results of the analyses in a generic fashion.

**Issue 5: Inadequate and Misleading Noticing of Public Hearings**

The manner by which the comment period and public hearings were noticed by DOE was/is misleading and intended to suppress public participation and public comments. Notices make no reference to the specific transportation routes, the types and volumes of shipments along each route, and the impacts to specific communities along identified routes.

**Issue 6: Inadequate Analysis of Rail Corridors in Nevada**

The analysis of potential rail corridors in Nevada is inadequate, incomplete, arbitrary. Different corridors are evaluated at different levels of detail; specific alignments are not identified precisely enough to adequately assess impacts; and no preferred alternative is identified (that decision is left to some "future" decision point, but the information in the draft EIS "could" be used to make the decision at that time).

**Issue 7: Inadequate Analysis of Highway Routes in Nevada**

The evaluation of alternative highway routes is inadequate, incomplete, and relies on numerous questionable assumptions. The most likely alternative highway route (the NDOT 'B' route from I-80 to US 93 to US 6 to US 95) is not analyzed at all; the primary route (I-15 to US 95) assumes infrastructure that is not in existence (the yet-to-be-built beltway section) and ignores the current HM 164 route (I-15 connecting directly with US 95 in Las Vegas).

**Issue 8: Inadequate Treatment of Heavy Haul Truck Transport in Nevada**

The draft EIS fails to demonstrate the feasibility of the unprecedented large-scale, long duration heavy haul transport of SNF and HLW on public highways. It misrepresents the operational complexity of such shipments; grossly underestimates the amount and cost of infrastructure improvement required along Nevada highways; and contains an incomplete and inadequate analysis of potential HHT routes.

**Issue 9: Inadequate and Inaccurate Analysis of Spent Fuel Radiological Characteristics**

The draft EIS misrepresents the radiological characteristics of the spent fuel that would be transported, using reference fuel that is older, less radioactive, and less thermally hot.

**Issue 10: Faulty Assessment of Routine Radiation Exposures Due to Transportation**

The draft EIS grossly underestimates the routine radiation exposures along highways and rail lines. This is especially true in Nevada with respect to heavy hauls shipments characterized by long stop-times, reduced speeds, and other local conditions.

**Issue 11: Inadequate Treatment of Accidents and Terrorism/Sabotage Impacts**

The draft underestimates the consequences of severe accidents and terrorism/sabotage incidents, especially with respect to heavy haul transportation.

### **Issue 12: Legally and Substantively Deficient Analysis of Socioeconomic Impacts**

The draft EIS completely ignores potential economic impacts to Nevada's key industry - tourism. In violation of NEPA, the draft ignores a substantial body of information and research produced by the State of Nevada, independent researchers, and even DOE's own contractors clearly documenting potential negative economic impacts associated with the Yucca Mountain program and associated spent fuel and IILW transportation.

### **Issue 13: Inappropriate Transportation Scenarios**

The transportation scenarios analyzed in the draft EIS are inappropriate and non-reflective of reasonable transportation scenarios for the project. The all truck and all rail scenarios do not reflect a reasonable and readily identifiable expectation of how waste shipments would occur. Information is available to DOE to enable a point to point, mode specific evaluation for the entire transportation system (i.e., the PIC current capabilities scenario analysis - 1996).

### **Issue 14: Inadequate Treatment of Cumulative Impacts**

The draft EIS fails to adequately assess cumulative impacts from past, current, and future activities at the Nevada Test Site.

### **Issue 15: Incomplete and Inadequate Assessment of Impact to Native Americans**

The analysis of impacts on Native American communities is incomplete and inadequate. The EIS fails to address any specific Native community impacts and ignores completely the likely transportation effects on communities along transportation routes (such as the Duckwater reservation along the NDOT 'B' route).

### **Issue 16: Procedural Deficiencies with Respect to NEPA**

The draft EIS, in its totality, is procedurally deficient with respect to the letter and spirit of the National Environmental Policy Act. It is neither a project-specific EIS nor a programmatic EIS, yet it attempts to serve as the basis for both programmatic and project-specific decisions.