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Nuclear Regulatory Commission Hearing on
The SEIS on Yucca Mountain

September 15, 2015

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- **Time extension for Review:** While the NRC's 30-day extension for SEIS review is welcome, I believe there are strong arguments to justify a 60-day extension. Many of the important participants (e.g. affected units of local government) have almost no resources with which to undertake the analysis. Review, therefore, will probably have to be undertaken by staff with other responsibilities. Given the many delays that have been experienced over the life of the program, an extension of 60 days doesn't seem unreasonable.
- **NRC Resources:** Several years ago the Appeal's Court required the NRC to complete review of the license application. The NRC indicated that it had limited resources with which to undertake the review. Given this acknowledgement to the Court, it is unclear whether sufficient resources were available to adequately complete the groundwater analyses. If the resources available were inadequate to complete the analysis, the NRC should note areas where additional funding could result in a more comprehensive analysis.
- **Program Revisions:** The NRC needs to acknowledge in the final SEIS that there are recent developments that may serve to change the Program significantly and create a need to revisit the EIS/SEIS. Examples:
 - Based on recommendations from Energy Secretary Moniz in January 2015, the President authorized the development of a "sole" repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities.
 - Subsequently, Moniz indicated that DOE would begin identifying and vetting a defense-waste repository and separate sites for one or more interim facilities for spent fuel from shuttered reactors. (This, of course, would require congressional approval to build the facilities.)
 - The construction of an independent defense-waste repository could change the character of a permanent repository. The EIS and SEIS would then no longer reflect the current state of the nuclear program.
 - Not related to the groundwater, but the recent creation of the Great Basin National Monument in eastern Nevada may result in the need to consider other transportation options. This could alter the configuration of a repository and related activities.

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Add = *C. Pineda (CLSI)*

- **Congressional Perceptions:** The NRC has accurately noted that *“Unsupportable assumptions about human activities far in the future would result in correspondingly unsupportable conclusions about the potential impacts.”* Notwithstanding the great uncertainty of future activities, climate, etc., however, the document is replete with statements that the impacts will be SMALL (in capital letters) from releases of radioactivity to the accessible environment. We don’t know, however, what the actual impacts will be in the future. It may, therefore, be more prudent to refer to the potential impacts as “indeterminate,” or “uncertain.”
- I mention this in part because some in Congress may consider the conclusions reached by NRC in the SEIS as an affirmation that Yucca Mountain is a more than adequate site for a repository, a conclusion that is premature. To be realistic we need to remember the recent experience at the Waste Isolation Pilot Project (WIPP) site in New Mexico. WIPP, of course, was touted as a repository that would isolate waste from the public for centuries. Needless to say it hasn’t worked out that way.