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December 12, 2006

Dr. Jane Summerson, EIS Document Manager
Regulatory Authority Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 010
Las Vegas, NV 89134

Re: Eureka County, Nevada Comments on the Supplement to the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV

Dear Dr. Summerson:

Eureka County, Nevada is an affected unit of local government under Section 116 of the Nuclear Waste Policy Act as amended. Under that section, we conduct oversight of the Yucca Mountain project, including full participation in the National Environmental Policy Act process related to the proposed Yucca Mountain repository.

The above referenced Notice of Intent is of direct interest to us. We are providing the following comments to inform the Department of Energy in the preparation of its Supplement to the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. We ask that our comments be addressed in the Supplement to the EIS.

Process

The simultaneous scoping of this Supplement and the Mina route has been confusing and incomplete. DOE should have communicated in advance with stakeholders including the Affected Units of Local Government regarding timing, location of meetings, and the length of the comment period.

Originally DOE allowed only 45 days for the stakeholders and public to comment. After requests from the State of Nevada and other stakeholders, DOE provided an additional 15 days. Eureka County believes that for the Yucca Mountain project, which is both complex and controversial, a 90 day

comment period is the minimum that should be proposed by DOE, especially when stakeholders and the public are being asked to scope two major repository-related Environmental Impact Statements (EISs) at the same time.

In addition, we request that all reference documents for the Yucca Mountain Supplemental EIS be available on line at the time of publishing the draft Supplemental EIS.

TADS

One reason why the Supplement is necessary is because of the Department of Energy's recent decision to adopt the Transportation Aging and Disposal System (TADS). It is our understanding that DOE believes the TADS will simplify the challenge of accepting, transporting and disposing of spent nuclear fuel to Yucca Mountain from the commercial power plants, and that it will require less bare fuel handling and individualized operations than the previous design.

The TAD system is similar to the Multi-Purpose Canister (MPC) system proposed by DOE in the mid-1990's. It was considered to be practical at the time, but was never fully studied before DOE switched priorities away from transportation to a concentration on site characterization. A detailed history of DOE's consideration of "multipurpose" transport and disposal canister proposals, and an analysis of the reasons why they were rejected at that time, must be part of the Supplemental EIS.

The purpose of the EIS process is to inform decision making. When DOE makes the decision, and then does the EIS to justify the decision, as it appears to have done with TADS, the purpose of NEPA is perverted, and informed decision-making is compromised.

We suggest that the SEIS compare several transportation/disposal alternatives including TADS and MPC along with the no action alternative. This should provide decision makers with information that they need before moving forward with TADS.

The TAD system will likely reduce the capacity of rail casks (i.e. - fewer fuel assemblies can be accommodated per cask). This will result in an increase in the number of casks required to ship fuel, with a corresponding increase in the number of rail shipments. The impact of the TAD system on the number of shipments should be identified. The impact of any increase in the number of shipments should be assessed.

DOE should provide diagrams and detailed descriptions of the TADS in the Supplemental EIS. What is the status of the TAD design? Is the TAD licensed by the NRC? What materials will be used in fabrication, and how will the TAD inhibit corrosion? The Department's recent request for proposal from vendors regarding TADS is premature. The EIS process should be completed before

DOE solicits proposals for a concept that has not been vetted through the NEPA process.

Regarding public health and safety, DOE must analyze the impact on worker health and safety, public health and safety, and environmental contamination of packaging irradiated fuel in TADS at reactor sites, and of waste handling at the proposed repository.

DOE must analyze whether the TADS is compatible with retrieving waste from the repository. While the requirement is for 50 years after the first waste is emplaced, DOE analyze TADS retrievability in relation to the maximum amount of time it intends to be able to retrieve waste.

Potential conflicts

One of the major drawbacks of the Yucca Mountain site that was identified in the 1980's was potential conflicts with other government projects and land uses in the vicinity of the Nevada Test Site. The SEIS should disclose the current and projected conflicts, and describe how those conflicts will be resolved. For example, the proposed weapons production of plutonium triggers at the Nevada Test Site could present resource, transportation, and worker health and safety issues for the Yucca Mountain project.

Cumulative impacts

The SEIS should update, disclose and analyze the cumulative impacts of activities on the Nevada Test Site and in the vicinity of Yucca Mountain. These include but are not limited to current and projected military land and airspace uses that could compromise the repository project. Other DOE related proposals should be analyzed including the impacts of the Global Nuclear Energy Program (GNEP.)

Summary

The SEIS should present the public with current information about the design of the repository and its systems, including TADS. It should also relate directly to the information being prepared for the License Application. Sometimes the NEPA process is carried out apart from the actual planning and decision making. Instead it should be integrated into the planning process and the EIS should be a tool to inform decision making.

It appears that DOE is writing this Supplement to defend its decision to use TADS, rather than to determine the feasibility of TADS.

Thank you for considering our comments.

Sincerely,

Ronald Damele
Public Works Director

cc: Abby Johnson
Diane Curran Esq.