



September 5, 2001

Carol Hanlon
S&ER Products Manager
U. S. Department of Energy
Yucca Mountain Site Characterization Office
P.O. Box 30307 M/S 025
North Las Vegas, NV 89036-0307

Re: Comments on the Secretary of Energy s Preliminary Recommendation of Yucca Mountain, Nevada, for Development as a High-level Nuclear Waste Repository

Dear Ms. Hanlon:

Public Citizen is a national, non-profit, consumer advocacy organization based in Washington, DC. Public Citizen was founded in 1971 and is supported by more than 150,000 members across the country. Our Energy Program works closely with local, state-level, and national organizations on energy policy issues. Our comments on the Secretary of Energy s preliminary recommendation of Yucca Mountain for development as a high-level nuclear waste repository follow.

Preliminary site recommendation is premature

1. The Department of Energy (DOE) lacks a basis for considering site recommendation at this time since several key analyses and regulations are incomplete. The Final Environmental Impact Statement (EIS), required under the Nuclear Waste Policy Act (NWPA), has not been issued. More than 11,000 comments were reportedly received on the Draft Environmental Impact Statement (DEIS) and these comments have not been addressed.
2. Similarly, the NWPA specifies that a site recommendation is to be accompanied by an analysis by the Nuclear Regulatory Commission (NRC) as to whether the DOE s could reasonably apply for a license to construct and operate the proposed repository (the "sufficiency review"). This document has not been issued. NRC has pointed to errors and inaccuracies in the DOE s analyses which have yet to be fully corrected. Also, the DOE s proposed licensing rule for a Yucca Mountain repository has not been finalized.
3. A site recommendation should reference the Siting Guidelines but these also have yet to be finalized. The DOE has proposed to change the Siting Guidelines, because Yucca Mountain would be disqualified under the original Siting Guidelines. Although the DOE seems to be relying on the proposed changes in its preliminary site recommendation, these changes have not been formally adopted.

4. A site recommendation is contingent on the DOE's assessment of whether the proposed repository could meet the EPA's radiation protection standards for Yucca Mountain. Public Citizen and other organizations are currently suing the EPA for having set an unacceptably weak standard that relies on dilution rather than containment of radioactivity at the proposed repository. The DOE should not move forward with site recommendation until these legal contentions have been resolved.
5. Before recommending that a nuclear waste dump be developed at Yucca Mountain, DOE should assess in detail the implications and feasibility of transporting 77,000 tons of high-level waste across the country to Nevada. The suitability of Yucca Mountain for a nuclear waste repository is intrinsically linked to the viability of transporting waste to the proposed site. Therefore, the Secretary of Energy should not be considering a site recommendation in the absence of such basic information as how waste would be transported and which routes would be used.

DOE process lacks integrity

1. Contrary to the mandate of the Nuclear Waste Policy Act, the DOE has failed to implement a publicly informed process for consideration of site recommendation. At the time of the site recommendation hearings in Nevada and the broader public comment period, the public does not have access to the above-mentioned regulations and analyses. A site recommendation would presumably reference these documents but the public is being asked to comment prior to their release. By prematurely scheduling the required hearings, the DOE has undermined the possibility for meaningful public participation in the Yucca Mountain Project.
2. The unjustifiably short notice of hearings at a time when many people are on vacation seems designed to minimize public participation. Going forward with the Las Vegas hearing despite a last-minute change in venue and the inaccurate address printed in the Federal Register has resulted in more confusion.
3. Amounting to another impediment to participation, the DOE has scheduled the Las Vegas site recommendation hearing in a venue that is inaccessible by public transit. Without publicly announcing this process, the DOE has established a roster of pre-registered speakers. This seems to indicate that the DOE is prioritizing comments from certain individuals and will make it difficult for other concerned citizens to deliver comments at a reasonable time.

Yucca Mountain should not be developed as a nuclear waste repository

1. The DOE's credibility as a fair and unbiased arbiter of the Yucca Mountain repository proposal has been irrevocably undermined. The public and their representatives in Congress cannot have confidence in any recommendation that arises out of such a dramatically flawed process.
2. Furthermore, transporting nuclear waste to Yucca Mountain would pose serious and unacceptable risks to public health and safety. Routing projections indicate that high-level waste shipments would likely pass within half a mile of the homes,

- schools, and workplaces of 50 million Americans in 43 states making this an unprecedented proposal for nuclear waste transportation both in terms of scope and scale. Transporting nuclear waste is inherently dangerous because transport accidents elevate the risk of radioactive release and disperse this risk along shipment routes where emergency response personnel may lack the training and equipment to respond effectively to a nuclear waste accident.
3. Moreover, the Yucca Mountain site is unsuitable because it cannot not geologically contain nuclear waste throughout its dangerous lifetime. Yucca Mountain is in a seismically active area and sits atop a freshwater aquifer. Questions about volcanic risk have not been addressed. Current repository design proposals rely more on "engineered barriers" (ie. storage casks), than the geologic stability of Yucca Mountain. This means that the only question is when not if a repository at Yucca Mountain would contaminate the area with radiation; once the storage casks degrade, dangerous concentrations of radionuclides could migrate into the surrounding environment.
 4. The NWPA limits capacity of the proposed dump to 70,000 metric tons of waste, which would be insufficient to accommodate the waste projected to be generated by currently operating reactors during their licensed lifetimes not to mention additional waste that would be generated by proposed new or relicensed reactors. Therefore, a dump at Yucca Mountain would not "solve" or consolidate the nuclear waste problem. Quite the opposite, it would impose the dangers of high-level nuclear waste along transport routes and in Nevada, which does not generate high-level waste.
 5. The Yucca Mountain Project is an enormous waste of taxpayer and ratepayer money. These funds should be redirected towards phasing out nuclear power and safely isolating the radioactive waste that has already been generated. Rather than throwing money at plans for new nuclear power plants, federal energy programs should point towards a sustainable energy future by actively promote efficiency, conservation, and renewables.

Thank you for considering these comments. We look forward to your response.

Sincerely,

Wenonah Hauter
Director,
Public Citizen's Energy Program