

Comments to DOE on Yucca Mountain Site Characterization Office

Carol Hanlon, DOE
Yucca Mountain Site Characterization Office (M/S #205)
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Dear Ms. Hanlon:

Public Citizen's supplementary comments on the Secretary of Energy's Yucca Mountain site recommendation considerations follow. We continue to oppose the nuclear waste repository proposal and urge Secretary Abraham *not* to recommend Yucca Mountain as the site for this flawed project.

1. The DOE's revised the repository siting guidelines (10 CFR 960/963) are a dangerous departure from the concept of geologic containment and offer an inadequate standard for site recommendation. The new performance-based siting guidelines permit a reliance on "engineered barriers" in an attempt to mask the many problems that should disqualify the repository proposal. Given the difficulties in accurately predicting, on the basis of such very limited experience, the performance of engineered barriers over the hundreds of thousands of years that high-level nuclear waste remains dangerously radioactive, coupled with the inadequacies of the "natural barriers" at Yucca Mountain, it appears to be only a question of *when* not *if* the proposed repository would leak.
2. A similar problem persists with the Environmental Protection Agency's (EPA) site-specific radiation protection standards for Yucca Mountain. 40 CFR Part 197 establishes a lower level of protection for Yucca Mountain than for other areas, which remain covered under the generic rule. The new rule sets an inadequate benchmark for performance assessment evaluations, allowing the DOE to rely on dilution and dispersion, rather than containment, of radioactivity from the proposed repository. A site recommendation made in reference to projected compliance with this rule not only violates the concept of geologic containment but directly threatens health and safety in the Yucca Mountain area.
3. The Nuclear Waste Technical Review Board has repeatedly raised concern with the high levels of uncertainty involved in the DOE's Total System Performance Assessments (TSPAs). The Secretary of Energy should not consider a site recommendation when the TSPAs for current repository design proposals are not technically defensible.
4. At best, the Secretary's consideration of site recommendation is still premature. Although some additional documents have been released since the initial comment period on site recommendation, the DOE has not yet detailed a scenario for transporting waste to Yucca Mountain, finalized the Environmental Impact

- Statement, or addressed security concerns in the context of the new terrorist threat.
5. Furthermore, the Nuclear Regulatory Commission's Sufficiency Review comments make it clear that additional research and analysis are required to substantiate the repository proposal. Indeed, findings in a draft report by the Government Accounting Office, reported on in November by the Washington Post and others, indicate that the DOE is several years away from being able to complete a license application. Yet according to the Nuclear Waste Policy Act, a license application is to be submitted within 90 days following Congressional approval of a site recommendation. This clearly indicates the intent of the Act that a site recommendation be much more thorough, complete, and defensible than could be provided by the Energy Secretary at this time.
 6. Finally, indications of contractor conflict of interest and pro-industry bias within the Yucca Mountain Project, as reported in November by the DOE's own Inspector General, seriously undermine the integrity of the DOE's process. The involvement of Winston & Strawn lawyers in both shaping the DOE's Yucca Mountain activities and advising and lobbying on behalf of the Nuclear Energy Institute on nuclear waste legislation is a serious conflict of interest, which has no doubt compromised the integrity of Yucca Mountain Project over the past two decades.

The recent Inspector General report also notes that TRW, the managing and operations contractor for the Yucca Mountain Project until February 2001, was also simultaneously engaged in lobbying activities on nuclear waste storage issues. TRW was additionally implicated in December 2000 in a leaked draft of the Yucca Mountain Science and Engineering Report and an attached memo indicating that it could be used to sell the project to members of Congress.

The public cannot be expected to have confidence in a site recommendation issued by an agency that so obviously fails to maintain impartiality. The DOE has failed to exercise necessary oversight of its contractors, resulting in a pro-industry bias in the agency's site characterization and site recommendation activities. The DOE should indefinitely shelve all site recommendation activities and initiate a thorough review of the causes and consequences of contractor conflict of interest within the Yucca Mountain Project.

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

Sincerely,

Lisa Gue
Policy Analyst
Public Citizen's Energy Program