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Jane R. Summerson, EIS Document Manager
Yucca Mt Office, U.S. Dept of Energy
1551 Hillshire Drive, M/S 010
Las Vegas NV 89134

**Re: Comments on Proposed Scope of Supplement and Amendment to the Final
EIS for Yucca Mountain HLW Repository (NOIs 10/13/06)**

Dear Dr. Summerson:

The comments below outline my own concerns regarding the public participation process and the scope of proposed supplements or amendments to the Final Environmental Impact Statement (EIS) for the Proposed Yucca Mountain HLW Repository. My own comments do not preclude submission of comments from other members of our staff, who are better able to address more technical issues.

I was initially very pleased to see that the DOE is now addressing in more detail a range of major changes to site design, operation and oversight that were first proposed in the summer of 2001 as supplemental to the Draft EIS. At that time, entirely new surface functions and facilities (such as above-ground MRS-style waste storage and wet pools for opening caskets and mixing and matching fuel assemblies) were being thrown at the tail end of the EIS process like rice after a fleeing bride. Much of the scientific research for the proposed deep geologic burial repository was not applicable to these sketchily outlined surface facilities. Furthermore, scheduled opportunities for final public meetings in September, 2001, were disrupted by the terrorist attacks in New York and Washington on September 11 of that year.

I attended the DOE's presentation in Amargosa Valley on November 1, 2006, and discussed the information presented with DOE staff in great detail, or, I should say, to the detail possible, given their limited knowledge of the topics they were presenting. Staff present was not able to answer any of the following questions. Furthermore, I was told that much of this information may not even be known at the time of final EIS supplement publication. I believe issues below are well within the scope of even a cursory understanding of the potential environmental impacts of proposed actions at the reactor sites, during HLW transport, and at the proposed Yucca Mt. facility. If this information is not yet known, then a report on the environmental impacts is premature.

Federal Jurisdiction Over Proposed Yucca Mountain Site

All of the questions below are only germane if the United States can prove legal title to the land proposed for withdrawal for the Yucca Mountain HLW Repository. A lengthy inquiry by the United Nations Indigenous Rights Commission has recently upheld the Western Shoshone nation's title to these lands, and upheld Shoshone charges of massive human rights violations in this and other nuclear policy matters.

Proposed Transport, Aging, and Disposal Canisters (TADs)

- What specific metal material or alloy will be used to manufacture the TADS?
- How will that alloy affect the tunnel floors, soil sorption rates, and the Amargosa Valley and Death Valley ground and surface water as it decomposes over time, both alone and in conjunction with Alloy-22, the titanium drip shields, and the high-level waste itself?
- What kind of overpacks will be used during TAD transport, to what extent will they be reused, transported to additional sites, and how much radiation do they absorb and re-transmit themselves with repeated use? How and where will they ultimately be disposed of, and what regulations apply?
- Who will manufacture these TADs and the overpacks? Where?
- This will be an enormous manufacturing contract. There will be significant environmental impacts from a manufacturing process of this scope. What is the bidding and oversight process for the TAD construction? I was told that "the DOE would prefer not to discuss it."
- How will TADs be tested for structural integrity before use and by whom?
- Will TADs be licensed by the DOT or NRC, and what regulations will apply?
- How are the allegations of 9 major violations affecting the structural integrity of Holtec HLW containers (long held up as the industry standard) being applied to ensure worker and public health and safety in proposed TAD production and use?
- DOE's proposal to repackage spent fuel in TADs at reactor and DOE sites is a massive unprecedented undertaking that will require worker training, special equipment, and security measures that do not currently exist. EIS analysis must include the necessary training and equipment that its proposal will require.
- How does the DOE intend to guarantee uniform quality assurance in the fuel blending, loading, closing, welding and documentation of thousands of these TADS at the 77 different reactor sites around the U.S.? (During the much smaller shipping campaign of transuranic nuclear waste to the WIPP site in New Mexico, a notable number of containers were found to be contaminated at the site of origin, and therefore, were potentially an environmental health hazard during the entire shipping route.)
- The impacts of incomplete or inaccurate spent fuel records at reactors must also be analyzed in the EIS. What is DOE's plan for addressing poor or incomplete records? What is DOE's plan for handling spent fuel in dry storage at reactors if it is to be transferred to a TAD?

- What security measures will ensure public and environmental safety from human error, mechanical failure and terrorism at all loading sites, during transportation, and at Yucca Mountain?

Addition of Surface Cask Storage and Fuel Blending Pool Facilities

- What are the design details of these proposed new types of facilities? Complete facility design must be provided in the EIS before the environmental impacts of such facilities can be assessed, even in a rudimentary manner.
- In 2001, I understood that an MRS or fuel-pool facility at Yucca Mt. could not possibly meet licensing criteria if applied for as stand-alone facilities due to seismic or volcanic activity, and military over-flights from several nearby bases. What has changed to make them more licensable now?
- What kind of barriers will be used to prevent acts of terrorism or over-flight air accidents at surface facilities? What will they be built out of? What will the environmental impacts be on areas where building material is gathered from?
- What containment system will be used to prevent sloshing and spillage of fuel blending pool water, in the third most active seismic zone in the U.S.?
- Where will the water for pools and other systems come from? Where will it go?
- What engineering and containment systems will be used to prevent damage to waste packages and environmental contamination from earthquakes, major flash floods or volcanic activity?
- DOE staff continues to assure the public that “no major Nevada cities will be impacted” and that potential leaks are inconsequential because the Yucca Mt. area is a closed drainage system. Are those of us who do live within that system considered expendable? Potential impacts of all proposed facilities much include all impacts on the entire Death Valley Regional Water System, which includes California, only 17 miles away, the production of Amargosa Valley milk (by many thousands of dairy cows for California and Nevada cities), Death Valley National Park, visited by hundreds of thousands of people each year, and the complete Amargosa River drainage. Airborne particulate matter from evaporated surface water, particularly at Badwater, could also be a major hazard. One sixth of airborne particulate circulating the globe is known to come from nearby Owens Lake, causing respiratory problems as far away as China.

Proposed Changes to the Underground Tunnel Facility

- What materials will the proposed bulkheads, used to separate the ongoing construction from waste loading areas in the tunnels, be made of?
- If the new ventilation system in the entire tunnel complex is now to be completely man-made and externally powered, what back-up systems will be in place to prevent catastrophic failure during the lifetime of the need for ventilation?
- How thoroughly does known geology and hydrology support the new design of one expanded level of tunnels, rather than two levels of tunnels? How much closer to known and potential fracture zones and flash flood areas does that place the waste packages?

Proposed Mina Rail Corridor

Since no map was available with the Notice of Intent, it was impossible to evaluate this proposed new route prior to the meeting. In reviewing maps available at the meeting, it became clear that this route could have enormous impacts on vast new areas, particularly in California and Native Reservations, whose residents have not previously addressed the Yucca Mt. issues, thinking themselves far removed from impact. Adequate opportunity must be made available for these communities to review and address the proposed routes before making scoping comments. I was personally involved in scoping meetings in Crescent Valley and Austin, Nevada, in 1999, and found that local residents were aware of hundreds of important hydrology, geology, cultural site and other key issues that DOE scientists had no prior knowledge of.

The Current Scoping Process Undermines NEPA and US Democracy

The DOE is changing to a process for scoping meetings that undermines the intent of NEPA, participatory public involvement, and democracy itself. While the poster session can be very helpful, with its opportunity for individual discussion with staff, it should in no way preclude a public hearing format in which all participants can hear all data and perspectives presented.

Previously, both formats were included, a poster session followed by an open public testimony session. Under the current process, the DOE limits the public's access to information, ensuring that only its own version is told. The affected community does not have an opportunity to interact together, or exchange views and information. Ultimately, this restrictive tactic will backfire, and have a negative impact on the scoping process, the proposed facility, and public safety itself. In a time when the federal government is militarily forcing its concept of participatory democracy on nations abroad, it sets an extremely poor example to be restricting application of the same process at home.

Thank you for taking the time to consider my comments.

Sincerely,

Jennifer Olaranna Viereck
Executive Director