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Beyond Nuclear's comments to DOE re: the Draft Repository SEIS, Draft Nevada Rail Corridor SEIS, and Draft Rail Alignment EIS

1. DOE should extend the public comment period by 60 additional days, given that these environmental impact documents are a foot thick altogether. The public needs additional time to digest the proposals, analyses, and references, and to compare and contrast them with the three foot thick "Final" (guess it wasn't final, actually!) EIS published by DOE in 2002, in order to give meaningful comments.

2. Shipping tens of thousands of high-level radioactive waste trucks, trains, and barges through 45 states and the District of Columbia risks severe accidents and terrorist attacks. This could release catastrophic amounts of deadly radioactivity in major population centers. These waste transports would represent potential Mobile Chernobyls and dirty bombs on wheels rolling past the homes of millions of Americans. Each truck cask of irradiated nuclear fuel would contain 350,000 curies of radioactive cesium and strontium, or about 20 to 30 times the amount of these harmful fission products released by the Hiroshima atomic bomb. Every dedicated train hauling three or four rail casks would contain more radioactive cesium-137 than the total amount released during the Chernobyl nuclear catastrophe. DOE must integrate into its Yucca Mountain transport analysis its own proposals, under the Bush administration's "Global Nuclear Energy Partnership" (GNEP), for waste imports from overseas, and waste shipments to reprocessing (plutonium extraction) centers in the U.S. before waste shipments to Yucca for final disposal. DOE must also analyze the increased transport risks from its proposal to nearly double the amount of waste to be buried at Yucca to 130,000 metric tons – which on its face violates the Nuclear Waste Policy Act, as amended, which limits the amount of waste that could be buried at the first repository to 70,000 metric tons, at least until a second repository is opened in another state.

3. DOE proposed the equivalent of the TAD (Transport, Aging, and Disposal) canisters in the early to mid-1990s, only back then it was called MPC (multi-purpose canisters). DOE needs to completely explain why it is attempting to revive an idea it had dismissed as unworkable over a decade ago. DOE needs to fully explain the increased risks to workers and the public at and near the nuclear reactors across the U.S. where TADs would be loaded and permanently sealed forevermore. Those risks have now been shifted largely to the reactor sites, away from Yucca where they were previously proposed to take place. How will waste handling errors at reactors, especially involving defective TADs and damaged irradiated nuclear fuel, worsen transport risks, as well as radioactivity releases at Yucca over time? DOE must also explain the disconnect between its GNEP proposal to reprocess wastes, and its current Yucca proposal to permanently seal shut wastes at reactors in TAD containers.

4. How can DOE propose "aging pads" at Yucca Mountain, when the Nuclear Waste Policy Act, as amended, prohibits an interim monitored retrievable storage site co-located in the same state

as the repository? DOE's proposal is actually illegal, in that it attempts to place all of the burdens (both interim storage and permanent disposal) on one state. DOE needs to fully analyze the earthquake risks at its proposed interim storage site at Yucca, especially considering the earthquake fault line recently discovered directly under DOE's original "aging" pad location.

5. DOE has selected four companies to design the TAD canisters, including Holtec International. But a whistleblower from the largest U.S. nuclear utility has alleged and extensively documented since 2000 that Holtec's waste storage/transport containers seriously violate federal quality assurance (QA) regulations. This calls into question the containers' structural integrity, especially under transport accident conditions. This industry whistleblower is entirely backed up by a retired U.S. Nuclear Regulatory Commission safety engineer and dry cask storage expert. How can DOE give such a contract to a company that so violates QA, especially after DOE's own extensive QA violations at the Yucca Mountain Project?

6. All of the land at the Yucca Mountain dump project is within the treaty lands of the Western Shoshone Indian Nation, as affirmed by the "Peace and Friendship" Treaty of Ruby Valley, signed by the U.S. government in 1863. Treaties are declared by the U.S. Constitution to be the supreme law of the land, equal in stature to the Constitution itself. As the Western Shoshone Nation opposes radioactive waste dumping at its sacred Yucca Mountain, where traditional ceremonies have continued to be conducted right up to recent years, DOE should terminate the Yucca Mountain Project for this reason alone. The United Nations Committee on the Elimination of Racial Discrimination ruled in recent years that the Yucca Mountain Project represents a human rights violation against the indigenous Western Shoshone Nation, and has urged the U.S. government to cease and desist its activities there. The Yucca Mountain dump proposal represents blatant environmental racism, as stated by Ian Zabarte of the Western Shoshone National Council at DOE's recent Las Vegas and Washington, D.C. hearings.

7. A federal judge, ruling against DOE and in favor of the State of Nevada over DOE's illegal use of water at the Yucca Mountain Project, recently concluded that DOE either is engaging in "busy work" at the site (wasting not only water, but also Nuclear Waste Fund monies), or else it misled Congress and the President in 2002 that site characterization had concluded at the site when DOE announced the site suitable for a high-level radioactive waste dump. The Nuclear Waste Policy Act, as amended, required DOE to apply for its license application on Oct. 23, 2002, assuming that DOE's site suitability determination would mean that DOE must be extremely close to ready to submit a complete license application. Yet, incredibly, over five years later, DOE has still not submitted its license application. DOE has known for over a decade that rainwater percolates relatively quickly through the proposed burial site, and risks fast corrosion of the waste containers that would be buried there. In fact, DOE scandalously did away with its own Site Suitability Guidelines that would have disqualified the site for this reason from any further consideration, just before declaring the site suitable. DOE should admit to Congress and the President that the site is in fact not suitable, and begin to conduct a sound scientific search for suitable geology that can isolate radioactive waste from the living environment for a million years. DOE must stop its attempt to rush the submission of its still half-baked licensing application by its arbitrary, capricious, self-imposed June 30, 2008 deadline. This is an obvious attempt to initiate the Yucca licensing proceeding before the pro-Yucca dump Bush administration leaves office, to make Yucca a "done deal" before the next (and possibly anti-Yucca dump) President enters the White House.

8. The National Academy of Science reported recently, in its Seventh Biological Effects of Ionizing Radiation (BEIR) report, that any dose of radiation, no matter how small, carries a health risk, and that in fact those risks at low doses are disproportionately high, significantly higher than previously reported. DOE has engaged with the U.S. Environmental Protection Agency and the Nuclear Regulatory Commission, in secretive behind closed door meetings, to play a game of "hide the ball" from the public. All agencies, including DOE, must stop using statistical manipulations to hide the actual levels of radiation dose exposure and consequent health impacts that vulnerable individuals and populations downstream and downwind of the proposed Yucca Mountain dump would suffer over the next million years. DOE should stop using "Standard or Reference Man" (analyzing radiation dose health impacts on a young, healthy adult white male) and instead use "Standard or Reference Pregnant Woman." DOE should analyze the health impacts of Yucca's radioactive waste leakage into the drinking water supply below on the most vulnerable individuals and populations downstream, including pregnant women, fetuses, infants, children, the elderly, others with compromised immune systems, as well as Western Shoshone Indians living traditional lifestyles and subsistence farmers living downstream in the future, and persons consuming foodstuffs (such as dairy products) grown nearby Yucca but exported elsewhere.

9. DOE should much more thoroughly analyze the negative impact on property values along all road, rail, and waterway routes across the continental United States that would be used to ship wastes to Yucca. Courts, juries, and socio-economic studies have found that property values decrease significantly near declared radioactive waste transport routes. DOE must identify in detail all routes it plans to use for shipping wastes to Yucca before proceeding any further with its attempt to obtain a license to build and operate the dump, and should hold hearings in every state thus impacted.

10. Nearly 1,000 environmental, public interest, consumer, and taxpayer organizations, as well as many cities, counties and even states -- representing many millions of Americans -- have expressed opposition to various aspects of the Yucca Mountain dump proposal over the past twenty years. DOE should declare the Yucca Mountain site unsuitable, terminate the project, return the land to its prior condition, and seek guidance from Congress and the President on next steps for addressing the nuclear waste dilemma, as provided for in the Nuclear Waste Policy Act, as amended. DOE should heed the call by 150+ groups across the U.S., that high-level radioactive wastes stored on-site at reactors be safeguarded and secured against accidents, attacks, and leakage until a scientifically sound and socially acceptable long term waste management plan is arrived at through democratic and just means. The one to two million dollars per day being wasted at the dead end Yucca Mountain Project should be immediately re-directed to securing and safeguarding on-site waste storage at reactors, that will inevitably remain in place for decades to come.

Submitted to DOE on Jan. 10, 2008 by

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