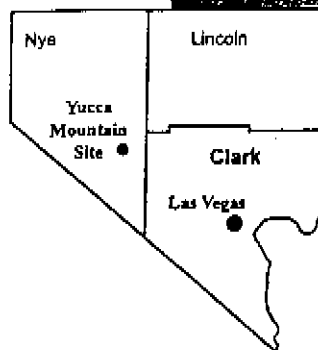
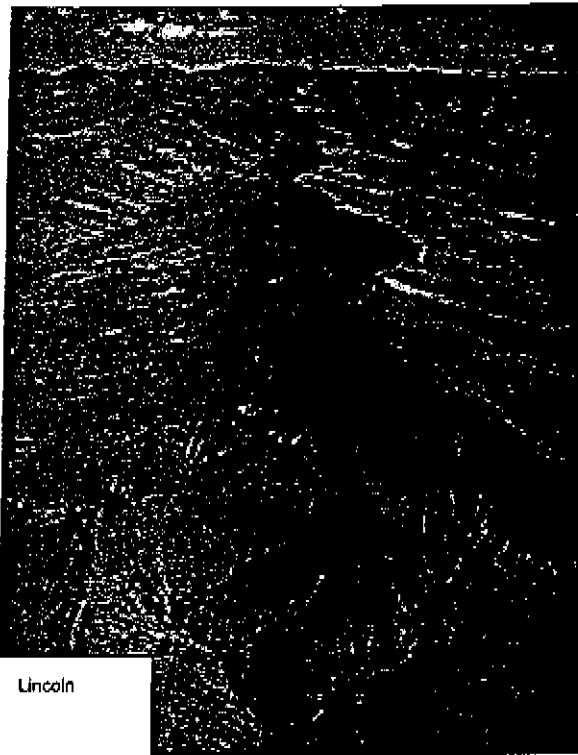


Clark County Comments

U.S. Department of Energy's Draft 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



Executive Summary

Department of Comprehensive Planning
Nuclear Waste Division







BRUCE L. WOODBURY
Chairman

Board of County Commissioners

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February 25, 2000

Wendy R. Dixon, EIS Project Manager
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P.O. Box 30307, Mail Stop 010
North Las Vegas, Nevada 89036-0307

**Clark County, Nevada Comments on the Draft 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**

Dear Ms. Dixon:

Attached are comments by Clark County, Nevada to the *Draft 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 (DEIS)*. The comments are the culmination of an extensive review of the DEIS by staff from the Department of Comprehensive Planning, Nuclear Waste Division, supported by outside expertise from other County departments and organizations, and consultants. Clark County also received considerable input from citizens, from nineteen Clark County Town Advisory Boards and Citizen Councils, as well as the incorporated cities, other citizens and advisory committees, and private organizations.

Clark County has, of course, been an active participant since 1983 in monitoring the high-level nuclear waste program. In 1988, Clark County was designated as an "affected unit of local government," under provisions of the Nuclear Waste Policy Act of 1987, in full recognition by DOE that impacts could occur to our citizens and community from activities associated with the Yucca Mountain Program. The concern about potential impacts was manifested in the Board approval of resolutions opposing the siting of a repository in Southern Nevada on January 8, 1985 and April 5, 1988.

As the attached comments will fully attest, the Board of Commissioners of Clark County has considerable substantive concerns with the Yucca Mountain DEIS. The deficiencies range from a lack of adherence to the spirit and principles of the National Environmental Policy Act (NEPA) to, specifically, an insufficiency in analysis of potentially significant Clark County impact areas including adverse affects on public health and safety and tourism, among others.

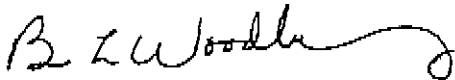
The avoidance of these important Clark County issues in the DEIS is especially perplexing. For almost two decades Clark County has interacted closely with DOE to ensure that the agency was aware of the many issues and concerns that Clark County has had with a project of this scope and controversy. Clark County staff has provided substantial evidence over the years that certain aspects of the project, notably associated with the transportation of the nuclear waste, could have, among other potential impacts, substantial negative consequences to Clark County's tourist-based economy. It is difficult, therefore, to understand why these issues were virtually ignored in the DEIS.

The Board strongly recommends that the substantial deficiencies in the DEIS be corrected. Of particular concern is the need to perform more substantive analyses of the important transportation issues that could affect a large segment of Clark County's citizenry. Comparative analyses between mode and routing alternatives should be provided to determine potential impacts. There is also the need to consider a host of other community issues, including potential impacts to Clark County's competitive tourism industry.

To further emphasize the magnitude of our concerns, I have attached a resolution, approved unanimously by the Board on February 15, 2000, urging the Department of Energy (DOE) to either prepare a new DEIS or a supplemental one correcting the deficiencies noted in our comments.

The Board greatly appreciates DOE's consideration of Clark County's comments and concerns. The Board is also requesting that DOE provide a response to the public's comments prior to the release of the Final Yucca Mountain EIS. If you have further questions on Clark County's comments please contact Dennis Bechtel or Staff of the Comprehensive Planning, Nuclear Waste Division.

Sincerely,



BRUCE L. WOODBURY
Chairman
Clark County Commission

DEIS Attachments

cc: The Honorable Richard Bryan
The Honorable Harry Reid
The Honorable Shelley Berkeley
The Honorable Jim Gibbons
Kenny Guinn, Governor of the State of Nevada
Dale Askew, County Manager
Richard B. Holmes, Assistant County Manager
John Schlegel, Director of Comprehensive Planning
Affected Units of Local Government

Central DEIS comments/DEIS ltr Feb 00

RESOLUTION OF THE
CLARK COUNTY, NEVADA BOARD OF COMMISSIONERS
REGARDING THE DRAFT DEPARTMENT OF ENERGY
ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGIC REPOSITORY
AT YUCCA MOUNTAIN, NYE COUNTY, NEVADA

WITNESSETH:

WHEREAS, the Department of Energy (DOE) in August 1999 released a Draft Environmental Impact Statement (DEIS) intended to provide information on potential environmental impacts that could result from the proposed action to construct, operate and monitor, and close a geologic repository at Yucca Mountain, Nevada, and

WHEREAS, Clark County is specified in the DEIS as being in the *Region of Influence*, defined as the specific area of study for each of the resource areas that DOE assessed for the EIS analyses, and

WHEREAS, DOE in 1988 designated Clark County as an "affected unit of local government," under provisions of the Nuclear Waste Policy Act, as amended, in further recognition of the potential impacts to Clark County, its citizens and economy, and

WHEREAS, Clark County, which includes the incorporated cities of Las Vegas, Boulder City, Henderson, North Las Vegas and Mesquite, is one of the fastest growing counties in the nation with 1.3 million residents, and 32 million visitors, is experiencing severe traffic congestion, and extensive construction activities, and

WHEREAS, the DEIS lists potential options in Clark County for the transportation of commercial spent nuclear fuel and high-level radioactive waste including Interstate 15, the Las Vegas Valley Beltway transportation alignment, currently under construction, rail lines connecting to the Union Pacific Railroad at Valley modified and Jean, and sidings at Apex/Dry Lake and Sloan/Jean, and

WHEREAS, the DEIS fails to consider potential public health and safety effects from the transportation of nuclear waste through Clark County, in particular the Las Vegas Valley, and

WHEREAS, despite the dependence of Clark County on the volatile economic sector of tourism, the DEIS fails to evaluate impacts to Clark County's economy due to repository operation and transportation, and

WHEREAS, notwithstanding the potential impacts that could occur from the transportation of the nuclear waste, other socioeconomic issues such as impact on quality of life and stigma affects are also not evaluated in the DEIS, and

WHEREAS, DOE failed to interact appropriately with Clark County government to receive accurate and complete local information during the preparation of the DEIS, and

WHEREAS, DOE effectively excluded members of minority and low-income groups from the public information process, and

WHEREAS, The failure of the DEIS to adequately consider the potential impacts to Clark County's economy, public health and safety and quality of life to its citizens is not in the spirit and intent of national environmental policy and requirements.

NOW, THEREFORE, BE IT RESOLVED THAT

1. Since Clark County and other issues, appropriately required by the National Environmental Policy Act, are not adequately addressed in the DEIS, a new DEIS or a supplemental EIS for Yucca Mountain must be prepared by DOE to address failures in the current draft DEIS.
2. Clark County's written comments and concerns regarding the DEIS shall be transmitted to the President, Nevada's Congressional delegation, the Council on Environmental Quality, and the leadership of the Senate and House of Representatives.

PASSED, ADOPTED AND APPROVED this 15th Day of FEBRUARY 2000

CLARK COUNTY BOARD OF COMMISSIONERS

By: Bruce L. Woodbury
BRUCE L. WOODBURY
Chairman

ATTEST:

Shirley B. Parraguirre
SHIRLEY B. PARRAGUIRRE, County Clerk

EXECUTIVE SUMMARY

Introduction

In its capacity as an affected unit of local government under the Nuclear Waste Policy Act, As Amended, Clark County, Nevada, has completed an extensive review of the *Draft EIS*. This document was published in August 1999 and is available for public comment until February 28, 2000. After all comments are reviewed, DOE staff will prepare a final EIS that should reflect consideration of all relevant issues.

The Final EIS will be a key document in the federal approval and licensing process for the proposed repository at Yucca Mountain. Therefore it is of utmost importance that *all* potential impacts of the repository on Clark County are identified and analyzed in the EIS since it will be used by DOE, Congress, DOE and other federal entities to recommend, plan and implement mitigation strategies and programs.

As a result of this review and other interactions with the U.S. Department of Energy [the "DOE"], the Clark County Board of County Commissioners recently passed a resolution requesting that the DOE prepare a new *Draft 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 [the Draft EIS]*. This action was taken because of a number of major insufficiencies that were identified during the county's review of the Draft EIS.

In preparing the Draft EIS, DOE has virtually ignored the standing of Clark County and other affected units of local government. Not only did they fail to acknowledge the comments provided by Clark County, the State of Nevada and other AULGs in 1995 during the scoping phase of DEIS development, they have also disregarded more accurate local information (e.g., demographics, development and strategic plans, transportation system) that was readily available for use in the DEIS.

In addition, DOE did not make a diligent effort to involve the public and implement NEPA procedures. In particular, no substantial effort was made by DOE to involve groups that would be affected by the Yucca Mountain Program, especially low-income and minority populations. DOE failed to comply with Executive Order 12898 that directs the agency to consult with states, Native American tribes and local governments to assist in identifying minority and low-income groups so that they may have significant input.

Because of the lack of compliance with NEPA requirements, consideration of important individual and cumulative impacts, and inclusion of affected groups in the process, the DEIS is inadequate and incomplete. Therefore, the DEIS does not provide enough scope and detail to allow for meaningful mitigation planning.

The rationale for this statement takes into account the following points. The Draft EIS:

- does not comply with the letter and intent of NEPA since it did not provide a realistic alternative that allows for consideration of a No Action Alternative,
- provided insufficient scope and detail to allow for impact determination that could result in the planning and implementation of mitigation and management plans,
- narrowly defined the scope and nature of impacts, thus assuring that few impacts of significance would be identified. For example, the DEIS ignored potential impact categories important to Clark County's economy and (e.g., stigma effects on tourism, land use conflicts, property diminution and unfunded mandates on local government) although there is credible evidence that shows that these may occur, and,
- failed to include minorities and low-income groups in the scoping, interactive and hearing processes related to the EIS.

Insufficiency and Incompleteness of the Draft EIS

There are a number of reasons why Clark County considers the Draft EIS insufficient or incomplete. For purposes of brevity, we have categorized them into general and specific areas. Within the specific areas, we have identified major impacts not considered in the Draft EIS. In the body of the comments, we have cited NEPA regulations, DOE guidelines, Executive Orders to support our comments.

General Issues

- The DEIS does not comply with the letter and intent of NEPA since the DEIS did not provide a realistic alternative that allows for consideration of a No Action Alternative.
- DOE did not make a diligent effort to involve the public and implement NEPA procedures. In particular, no substantial effort was made by DOE to involve groups that would be affected by the Yucca Mountain Program, especially low-income and minority populations. DOE failed to comply with Executive Order 12898 that directs the agency to consult with states, Native American tribes and local governments to assist in identifying minority and low-income groups.
- DOE did not address rapid and significant changes in population and demography within Clark County, the fastest growing County in the nation. DOE did not consider future growth patterns and attributes of the Clark County population during the project life.
- The discussion of cumulative impacts, particularly regarding transportation through Clark County, is inadequate since there is no recognition of upcoming projects at the Nevada Test Site or other activities that would occur at or near the Yucca Mountain site.

Specific Issues

Impacts Related the Yucca Mountain Site

- The disposal canister design evaluated in the DEIS is no longer being considered for license application. It is Clark County's contention that the difference in design is significant enough to invalidate the long-term (10,000 year) performance assessment given in the DEIS. The final EIS should be based on a design that is the same as the one DOE plans to use for license application.
- The spent fuel inventory and characteristics given in the DEIS do not accurately represent the spent fuel that the DOE will receive. The final EIS should include an up to date inventory and analysis of the spent fuel that is generated, with due consideration being given to the effect of higher burnup ratios.
- In view of the disposal of chemically toxic materials considered for the repository, RCRA regulations should apply.
- Saturated Zone data, away from the immediate vicinity of Yucca Mountain, is inadequate. Expert elicitation is not a substitute for data collection. The final EIS should include adequate data for the Saturated Zone, not only in the vicinity of Yucca Mountain, but out to the compliance boundary being considered by the EPA. If this boundary is not fixed by the time the final EIS is issued then the DOE should, as a minimum, have adequate saturated zone data to defend any assumptions that are made regarding the saturated zone.

Impacts Related to Transportation

- Assumptions and methodologies are inadequate or inappropriate for identification and analyses of impacts on the transportation system of Clark County.
- The DEIS did not establish a basis for mitigation negotiations since it did not assign specific roles and responsibilities for actions that cause impacts or ameliorate impacts.

- There were no estimates of the costs necessary to mitigate the impacts of emergency planning, response, evacuation and cleanup. This approach does not conform to best practice in the field of impact assessment.
- The DEIS used outdated databases, geographic data files, and inaccurate or misleading maps to support the conclusions of the transportation, health effects and public safety analyses.

▪ *Impacts of Importance to Clark County Not Considered in the DEIS*

— This section addresses a number of impact areas of importance to Clark County not considered by DOE. If these areas are not addressed in sufficient detail and scope, a meaningful understanding of potential impacts may not take place, and effective mitigation planning and negotiation strategies could not occur. A number of examples are provided to illustrate potential impacts from Yucca Mountain activities.

- There are a number of potential impacts that could be adverse to Clark County residents, visitors, and businesses, harm the quality of life of residents and adversely affect the economic well-being of the County and State.
- In view of Clark County government's objective to sustain the vibrancy of our area, we must take steps to maintain the economic base for its residents, managing its rapid growth, assuring healthy communities and opportunities for its residents, and preserving the natural environment.
- The DEIS does not consider "stigma induced" impacts. As an example, there exists substantial evidence that demonstrates the real potential for serious property value declines and disinvestment from similar programs. Data indicate that stigma induced changes can occur even under incident-free transportation conditions. At a minimum, stigma-induced impacts if present can result in diminution of property values and business performance, development and investment along routes, and decreases in tourism. The importance of this is underscored by the fact that a number of organizations whose constituencies may be adversely affected have expressed their deep concerns. These organizations include the Southern Nevada Home Builders Association, the Greater Las Vegas Association of Realtors®, the Howard Hughes Corporation, and others.

Public Participation in the Draft EIS Review Process

Clark County staff met with 19 Town Advisory Boards / Citizens' Advisory Councils, representatives from local jurisdictions and other groups to exchange information and receive comments on the Draft EIS. It is clear from the comments recorded that not only county officials, but also citizens, are very concerned about the negative impacts that the Yucca Mountain Program may have on Southern Nevada.

- Specific issues raised in the comments include the need to acknowledge and assess the impacts on Native Americans, and more fully consider public safety, environmental impacts, environmental justice, funding to local governments, effects on land use, perception-based impacts of DOE activities, performance assessment, interaction of the repository program of local and regional plans, public participation, regulatory standards, schedule & licensing, socio-economic impacts, storage, and transportation issues.

