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Congress of the United States
House of Representatives

Committees:
Government Reform
Education
and the
Workforce

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Ms. Wendy R. Dixon
EIS Program Manager
Yucca Mountain Site Characterization Office
Office Of Civilian Radioactive Waste Management, DOE
P.O. Box 30307, M/S 010
North Las Vegas, Nevada 89036-0307

Dear Ms. Dixon:

The following are my comments for the Draft Environmental Impact Statement (DEIS) for Yucca Mountain, NV.

General Comments

This DEIS represents the continued short-sighted thinking of our nation's nuclear power and nuclear waste policy. The federal government has made many promises in the past, including the absurd belief that nuclear power would be too cheap to meter. However, northern Ohio has been saddled with high cost nuclear power for decades. The short-sighted thinking continues with Ohio's unfair burden of nuclear waste transportation. Ohio receives approximately 8% of its power from nuclear power plants. However, Ohio and the Greater Cleveland area will be subjected to thousands of high-level nuclear waste shipments from the nuclear reactors in the New England and Mid Atlantic regions. The assurances from the Department of Energy (DOE) and the nuclear industry that transporting nuclear waste is safe would be more convincing if so many promises had not already been broken.

The federal government may regain its citizen's confidence and restore some fairness in this issue by showing a good faith effort that American citizens will not continue to bear the brunt of nuclear power failings. One such step is to ensure that a reactor has ceased operations before the federal government transports any high level nuclear waste from the reactor. Such an action allows Ohioans to be confident that their roads and rails will not be forever subjected to the dangers expressed below and that the misguided federal commercial nuclear policies are coming to a close.

I. Transportation of High Level Radioactive Waste

Full release of all information to the public

On December 6th 1999, I and several of my colleagues in the House of Representatives sent a letter to the Secretary of Energy asking for important information regarding the routes of nuclear waste transport. From our reading of the DEIS, DOE had produced routes of transport to evaluate the impacts of nuclear waste transport, but had failed to

release the routing. The DOE's response to date has been mediocre. I am aware that you have released data files on your website that explain the routes. These files are not advertised and not readily understood by the general public, thus they do nothing to inform the general public. I also understand that you have released maps of likely nuclear waste transport for each state at www.ymp.gov/timeline/eis/routes/routemaps.htm. I applaud you for this. However, in the previous letter I and several colleagues also requested a 180 day extension and a second hearing opportunity for those communities that did not have the information necessary to be fully aware of DOE actions. The release of the maps occurred on January 21, 2000, only 19 days before the original end of the comment period on February 9, 2000. The extension to February 28, 2000, increased the time to comment on these routes to only 38 days. Thus, the ability for the American public to understand where the waste may travel and comment on these routes was severely curtailed. To correct this problem, the DOE must publish a Supplemental DEIS that focuses on the nuclear waste transportation routes. A 180-day review period should be required for the supplemental DEIS. It will not be sufficient to include the routes in the FEIS without the 180-day comment period.

What roads and rails will the waste be traveling on?

A technical analysis of the files and maps requested reveal some interesting information that should have been public from the date DOE released the DEIS. According to these files and maps, the routes used in the DEIS make Ohio the gateway to Yucca Mountain for all of the commercial nuclear power reactors in the Northeastern and Middle Atlantic states, but the DEIS makes no specific reference to transportation impacts in Ohio. The DEIS fails to identify the specific transportation routes for high-level nuclear waste shipments from specific reactor and generator locations to Yucca Mountain despite the fact that these routes were identified as part of the analyses contained in the transportation appendix. DOE, in effect, has chosen to hide these routes and simply report the analyses in a generic fashion.

The highway routes used in the DEIS make Ohio a major corridor state for truck shipments to Yucca Mountain. Three of the principal truck routes from Eastern reactors enter Ohio from Pennsylvania on I-90, I-80, and I-76; converge on the Ohio Turnpike (I-80/I-90) at Elyria; and then continue west through Indiana, Illinois, and Iowa on I-80. These routes traverse the Cleveland and Toledo metropolitan areas, and more than 300 miles on rural Ohio interstate highways. Under the mostly truck scenario, proposed action, about 11,200 truck shipments of high-level nuclear waste (about 22% of the total) traverse Ohio over 24 years. Under the mostly truck scenario, modules 1 & 2, about 18,900 truckloads of high-level nuclear waste (about 20% of the total) traverse Ohio over 39 years. Under either scenario, an average of 1.3 trucks per day would travel through Ohio every day for decades.

Rail shipments to Yucca Mountain would also heavily impact Ohio. The DEIS evaluated four rail routing scenarios using the INTERLINE model. Under the DEIS routing scenarios, two major streams of rail shipments to Yucca Mountain converge in Cleveland, at the interchange of Conrail mainlines from Buffalo and Harrisburg. A smaller number of shipments travel the Norfolk Southern from Cleveland to Chicago, the

Norfolk Southern from West Virginia to Kansas City via Portsmouth, and the CSXT from Pennsylvania to Chicago via Youngstown and Akron. Rail shipments along these routes total almost 1,000 route miles in Ohio. Under the mostly rail scenario, proposed action, about 2,700 rail shipments (about 25% of the total) traverse Ohio over 24 years. Under the mostly rail scenario, modules 1 & 2, about 4,200 rail shipments (about 21% of the total) traverse Ohio over 39 years. Additionally, I-76, I-80, and I-90 through Ohio would be traversed by between 1,600 to 2,300 truck shipments of high-level nuclear waste from reactors in New England and New York which cannot economically ship by rail. Under either scenario, an average of 1 shipment every two days would travel through Ohio for three or four decades.

What are the health impacts?

I am concerned that the 10th District of Ohio is being asked to accept a massive increase in transportation and radiological risks to transport this waste in an expedited manner to the satisfaction of the nuclear industry. The DEIS fails to fully inform my constituents of the risks of this waste. According to testimony from the State of Nevada, the typical characteristics of waste to be transported contains 31,000 curies of cesium-137 and 21,000 curies of strontium-90, and is a powerful source of penetrating gamma and neutron radiation. The surface dose rate is estimated to be at least 10,000 rem per hour, or about 166 rem per minute. A person standing or sitting next to an unshielded PWR assembly would receive at least 100 rem per minute.

What are the health impacts if Ohioans are exposed to this waste? According to the State of Nevada:

After one minute, mild symptoms of radiation sickness might appear, including vomiting and blood chemistry changes. After two minutes, vomiting and blood changes would definitely be expected, and cancer risk would approximately double. After six minutes, one could expect vomiting within three hours, followed by hair loss, and 50 percent probability of death within two months from hemorrhage or infection. After 10 minutes or more, vomiting would be expected within one hour, followed by severe blood changes, hemorrhage, infection, loss of hair, damage to bone marrow, and 80 to 90 percent probability of death within two months. The lucky few survivors would look forward to many months or even years of convalescence.

Ensuring emergency responders can deal with a significant accident that releases radioactivity.

DOE should ensure that the following commitments are agreed to in the DEIS before shipments begin to ensure emergency responders are adequately prepared.

1. DOE should engage in pre-shipment discussions with emergency response planners concerning the routes chosen.
2. DOE should make available to local emergency response planners and departments a seven day advanced notice of the time and route for each shipment.

3. DOE must provide adequate funding for training and equipment to each impacted emergency response department.
4. DOE must provide advanced training for all hazardous material emergency response teams. Cuyahoga County, which I represent, alone has four such departments.
5. DOE must provide adequate funding for training for police in each impacted community.
6. A list of every impacted municipality should be included in the Supplemental DEIS with the routing so that state and local officials can be on notice that DOE dialogue, training, equipment, and funding are forthcoming.

II. Lack of Credibility in the Decision Making Process

Beyond transportation concerns within Ohio, I have several other concerns with the DEIS. The DEIS does not meet its legal obligations to present reasonable alternatives. I commend the DOE for analyzing the impacts of taking no further actions in the long-term isolation of this waste. However, I do not understand the DOE's reason for putting forward a "no action alternative" if the proposed alternatives are inconceivable. The No-Action Alternative section states (page 1-21), "DOE recognizes that neither scenario would be likely if there were a decision not to develop a repository at Yucca Mountain; however, they are part of the EIS analysis to provide a baseline for comparison to the Proposed Action."

I am concerned that because neither of the No-Action Alternative Scenarios would be permitted indicates that these are not reasonable alternatives. NEPA Regulations require that alternatives to the Proposed Action be reasonable (Sec. 1502.14). Therefore, the No-Action Alternative of this DEIS is not in compliance with NEPA Regulations, and the DEIS is insufficient in this selection of No-Action Alternative Scenarios.

In addition, the DEIS, on page 2-1 states, "DOE does not intend to represent the No-Action Alternative as a viable long-term solution but rather to use it as a baseline against which the Proposed Action can be compared." Comparing the impacts of unreasonable alternatives to impacts of the Proposed Action is meaningless and serves no purpose in the DEIS analysis of impacts of the Proposed Action. I request that the DOE develop reasonable no action alternatives for any comparison to their preferred action.

The timeliness of data and the decision making process precludes real public participation.

On page 2-58 the DOE should have described and analyzed its preferred design concept in the DEIS rather than planning to "evaluate the environmental impacts associated with the updated design in the Final EIS." This is an undue limitation on my ability to review and comment on this NEPA document that results only from DOE's self-imposed repository program schedule.

The DEIS does not conform with legal obligations established by the Nuclear Waste Policy Act (NWPA).

On page 2-86 of this section, and in particular the statement: "In addition, DOE might not complete some of the studies and design development for the repository until after it has issued the Final EIS" is not consistent with the requirements of the Nuclear Waste Policy Act (NWPA). The Final EIS is to accompany the Secretary's Site Recommendation Report, upon completion of site characterization (Sec. 114(a)(1)), and that report is, among other things to include "a description of the proposed repository, including preliminary engineering specifications for the facility" (Sec. 114(a)(1)(A)). Based on this information from the DEIS, it is not only insufficient pursuant to NEPA, but it is not in compliance with the NWPA.

DOE must reduce its scientific uncertainty if it is to bury high-level nuclear waste that remains dangerous for the next million years.

The uncertainties from all sources both in repository performance and system design, and thus environmental impacts, as presented in this DEIS, are of such a range and magnitude that a decision to select the preferred alternative can not be supported by this document.

Environmental justice concerns are grossly ignored.

The official administration policy of environmental justice is to eliminate any form of racial and economic injustice in its environmental policies. The DOE states in the DEIS that it believes there would be no disproportionately high and adverse impacts to minority or low-income populations as a result of the Proposed Action, including national transportation. Analyses along specific transportation routes were not carried out; therefore, there is no data to support the DOE's finding. The DEIS also lacks a response to the differing perspectives of Native Americans in Nevada. The generic nature of the national transportation analysis and the lack of response to Native Americans in Nevada suggests that the Draft EIS finding regarding environmental justice is without basis.

The public record at DEIS hearings is likely a misrepresentation.

I am concerned that the public record is inaccurate because the true nature of citizen input may have been seriously misrepresented by the format employed in the DEIS hearings.

At the hearing, an opening presentation was made by a DOE official followed by a substantial question and answer period. These actions were kept off the record, which is not a normal procedure for a DEIS hearing. Citizens who had legitimate concerns with the DEIS were likely to, and indeed did, ask questions about their concerns. Then the DOE panel would respond by always suggesting that the DEIS is adequate in its analysis. This opportunity for DOE to defend its work off the record is the issue at hand.

My concern arises in that the presentation and accompanying question and answer period permitted DOE to placate concerns before any comments were made on the record. A DEIS hearing is not to be used by the federal government to educate citizens as they see fit. The purpose of a DEIS hearing is to solicit comments from citizens. These comments should not be effectively screened with an off the record presentation and accompanying question and answer period. This format calls into question the integrity of the hearing process and the effectiveness of the hearings in general.

III Recommendations

1. The DOE must publish a Supplemental DEIS that focuses on the nuclear waste transportation routes.
2. The DOE must permit a 180-day review period for the supplemental DEIS.
3. The DOE must identify the specific transportation routes for each high-level nuclear waste shipment from specific reactor and generator locations to Yucca Mountain.
4. The DOE must fully inform my constituents and the rest of the nation about the risks of transporting this waste.
5. The DOE must fully inform my constituents and the rest of the nation about the health impacts if exposed to this waste.
6. The DOE must ensure that the emergency responder commitments listed above are implemented before shipments begin.
7. The DOE must amend its decision-making process to ensure real public participation always exists.
8. The DOE must publish a list of all communities in which the waste will be transported so that state and local officials can be on notice that DOE dialogue, training, equipment, and funding are forthcoming.
9. The DOE must be in compliance with both the NWPA and NEPA.
10. The DOE must reduce its scientific uncertainty if it is to bury high-level nuclear waste that remains dangerous for the next million years.
11. The DOE must provide a response to the Nevada Native Americans' differing position.
12. The DOE must provide a basis for disregarding environmental justice as an issue with respect to the analyses along specific transportation routes.
13. The DOE must redo the DEIS hearings with all information exchanges on the record to ensure the public input is not effectively screened by the DOE.

Thank you for your time. I hope you find my comments useful.

Sincerely,

Dennis J. Kucinich

Member of Congress

DJK:ap