

Eureka County  
Yucca Mountain Information Office

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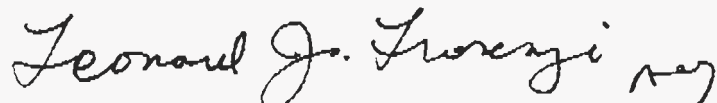
May 15, 1997

April Gill  
U.S. Department of Energy  
Yucca Mountain Site Characterization Office  
P.O. Box 98608  
Las Vegas, NV 89193-8608

Dear Ms. Gill:

Eureka County participated in the January, 1997 hearing regarding the proposed guideline changes. Attached is a copy of our statement for the record. Thank you for incorporating the comments of Eureka County into the record.

Sincerely,



Leonard Fiorenzi  
Public Works Director  
Eureka County

**Testimony of Eureka County, Nevada  
on Notice of Proposed Rulemaking and Public Hearing  
General Guidelines for the Recommendation of  
Sites for Nuclear Waste Repositories  
10 CFR PART 960  
January 23,1997 Las Vegas, Nevada**

My name is Abby Johnson, and I represent Eureka County, Nevada, one of the affected units of local government under the Nuclear Waste Policy Act of 1952 as amended. Our interest in the Yucca Mountain project continues despite a **lack** of funding from the Department of Energy for us to provide funded oversight on the project. With potential socioeconomic, environmental and transportation impacts, **we** continue to participate in the process to the extent possible.

We have the following comments concerning the guidelines changes.

**Process**

The rules of the game as outlined in the *Federal Register* for participating in this hearing **are** designed to discourage participation. It is bad enough for a federal agency to go through the motions of public involvement without doing a good job, but for this agency, which continues to agonize about public trust and confidence, it is inexcusable. Eight copies; on a disk; call ahead; holiday surprise review period; can't talk about the existing guidelines - what intimidation! Changing the rules in the middle of the game, and then only holding one public hearing, no hearings in northern and rural Nevada or anywhere else - this is inexcusable and unacceptable.

Eureka County, Nevada Guideline Comments - January 23, 1997

## **The Guidelines Changes**

### ***Transportation***

Fourteen years ago, I participated in the guidelines hearing in **Salt** Lake City, the closest hearing for residents of Nevada. I remember commenting on the pre and post closure guidelines. My concern was that potential transportation problems were being minimized because **the** guidelines emphasized post closure over pre closure. The proposed change eliminates transportation as a factor **all** together - which is illogical. No matter what the definitions say, total system performance means getting the waste from the point of generation to the repository. When the repository **is** 3,000 miles away, with 43 states impacted, transportation should be an element of evaluating the adequacy of the site.

### ***Subpart E***

The proposed changes to the guidelines are better suited for today's high school senior than for a facility that must isolate deadly waste for thousands of years. As we understand it, the new approach is that the factors in subparts C and D of the guidelines are like subjects on a report card. Whereas before, if the site flunked earthquakes, theoretically the site would be expelled; now we combine earthquake performance with the other factors to get the equivalent of **a** grade point average. Although the site may flunk in one or two areas, overall it still can get a passing grade point average. This is the latest attempt by the DOE and the nuclear industry to write the rules to **fit** the site and to make sure that no matter what, the site gets a passing grade and can graduate. This is wrong.

### ***The Result of Guidelines Changes***

When trying to **track** down the date of this meeting, posted *incorrectly* on the DOE's Event/Contact Information calendar on the Internet, I read a disclaimer at the bottom of the **page**, "Information listed here is obtained from internal and external sources that are considered reliable, but accuracy is not guaranteed."

Eureka County, Nevada Guideline Comments - January 23, 1997

Those of you who have been around this program for awhile will remember the periodic conversations about erecting markers so that future generations of local residents will know to stay away from this supertoxic area. If a Yucca Mountain repository ever becomes a reality, next to the hieroglyphics should also be the DOE's disclaimer, "accuracy is not guaranteed." The proposed changes in **these** guidelines ensure the truth of the disclaimer.

### **Conclusion**

The guidelines do not contain criteria on socioeconomic, environmental and transportation factors, all of which are considered important to Eureka County. Moreover, the guidelines do not meet statutory requirements of the Nuclear Waste Policy Act which states that factors will qualify and disqualify the site. Based alone on the fact that they do not conform to the statute, they should be withdrawn.

*Thank* you for the opportunity to **speak**.