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Comment Text :
--> Comments from Sisters of St. Joseph of Carondelet, St. Louis Province, to
Department of Energy (DOE)
re: the Draft Repository SEIS, Draft Nevada Rail Corridor SEIS, and Draft Rail
Alignment EIS

1] 1. First of all, we believe that DOE should extend the public comment period
by 60 additional days, given the extensive volume of environmental impact
documents. In order to give meaningful comments, the public needs the added
time for proper understanding of the proposals, analyses and references, and
to compare and contrast them with the even more extensive volume EIS published
by DOE in 2002.]

2] 2. Shipping tens of thousands of high-level radioactive waste trucks, trains,
and barges through 45 states (including ours!) and the District of Columbia
risks severe accidents and terrorist attacks. This opens the possibility of a
release of catastrophic amounts of deadly radioactivity in major population
centers. The proposed waste transports are potential Mobile Chernobyls and
dirty bombs on wheels rolling past the homes of millions of U.S. residents.
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 [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. Those risks now have been shifted largely to the reactor sites, away from Yucca where they previously were proposed to be. How will waste handling errors at reactors, especially involving defective TADs and damaged irradiated nuclear fuel, worsen transport risks and radioactivity releases at Yucca over time? DOE also must 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. 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 violate federal quality assurance (QA) regulations. This calls into question the containers' structural integrity, especially under transport accident conditions. This industry whistleblower's testimony is reinforced 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 violates QA, especially after DOE's own extensive QA violations at the Yucca Mountain Project?

The Sisters of St. Joseph of Carondelet, St. Louis Province, in particular, are investors in these kinds of corporations. We know from past experience, dating back to 1980, that DOE contracts are not written with the environmental impact or community impact in the forefront. Corporations, often, are not paid to do anything more than public relations on these issues. We are witnessing the same sort of lax oversight by the DOD and other federal agencies on the private military corporations. We urge strong attention to the contract language and specific staff, division accountability and sufficient budget to do the proper oversight.]

A [5. 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. 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.

For this reason alone, DOE should terminate the Yucca Mountain Project. 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 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.]

5 [6. 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.]

6 [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 engaged in "busy work" at the site (wasting water and Nuclear Waste Fund monies), or DOE 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, over five years later, DOE still has 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 did away with its own Site Suitability Guidelines that would have disqualified the site from any further consideration, specifically for this reason, just before declaring the site suitable. DOE should admit to Congress and the President that the site, in fact, is 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 halt the rush to submit its incomplete licensing application by its self-imposed June 30, 2008 deadline. This is an obvious politically based decision to initiate the Yucca licensing proceeding before the pro-Yucca dump Bush administration leaves office.]

7 [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, 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 secret meetings, to hide the information from the public. All agencies, including DOE, must stop statistical manipulations which hide actual levels of radiation dose exposure and consequent health impacts that populations downstream and downwind of the proposed Yucca Mountain dump will suffer. DOE must 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, subsistence farmers and persons consuming foodstuffs (such as dairy products) grown nearby Yucca but shipped elsewhere.]

8 [9. DOE should thoroughly analyze 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

find 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 impacted.]

9{10. Nearly 1,000 environmental, public interest, consumer, and taxpayer organizations, as well as many cities, counties and even states -- representing many millions of U.S. residents -- 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 amended Nuclear Waste Policy Act. 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 redirected immediately 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. 8, 2008 by Diana Oleskevich CSJA, Justice Coordinator of the Sisters of St. Joseph of Carondelet, St. Louis Province - 314-678-0317; justice@csjssl.org - 6400 Minnesota Ave, St. Louis, MO 63111
