

23 STEVE FRISHMAN: I'm Steve Frishman. I'm
24 Technical Policy Coordinator for the Nevada Agency for
25 Nuclear Projects. I'll be presenting today just a short
1 statement for Bob Lux, who is the Executive Director of the
2 Nevada Agency for Nuclear Projects.

3 I want to talk quickly about the purpose of
4 the Draft Yucca Mountain SEIS. This Draft Supplemental
5 EIS indicates that its purpose is twofold. First, it is
6 to assist the Nuclear Regulatory Commission in meeting
7 its mandate under the Nuclear Waste Policy Act to adopt
8 to the extent practicable DOE's Environmental Impact
9 Statement for Yucca Mountain Repository.

10 Adopting the DOE's EIS as supplemented would
11 assist the NRC in meeting its requirements under the
12 National Environmental Policy Act to prepare an EIS for
13 its decision to issue a license for Yucca Mountain, if
14 it decides to make that decision.

15 [The Draft SEIS contains a significant 1
16 insufficiency that we note and commented on in our
17 review of the Draft Yucca Mountain EIS in 1999 and 2000.
18 This Draft SEIS incorporates via reference the No Action
19 Alternative of the 2002 Final EIS. Neither of the
20 scenarios for No Action meet the requirements of the
21 National Environmental Policy Act, that alternatives
22 considered must be reasonable.

23 One scenario is that the spent fuel will be
24 maintained at the reactor sites for 100 years, and all
25 care would be terminated for the remainder of 10,000

1 years. The other is that the spent fuel will be
2 maintained at the reactor sites for a 10,000-year
3 period.

4 It's inconceivable that either of these
5 scenarios will materialize, which means that neither is
6 reasonable. Our challenge of this violation in the U.S.
7 Circuit Court of Appeals in the District of Columbia was
8 mooted by congressional action at the time -- after the
9 Yucca Mountain site recommendation. But if the NRC
10 adopts this DOE No Action alternative, its EIS will be
11 vulnerable to challenge, and it likely will be
12 challenged.]

13 [The second stated purpose of the Draft SEIS is 2
14 to provide the analysis and decision basis for DOE to
15 proceed with its plan for infrastructure improvements
16 prior to receipt of a construction authorization from
17 NRC at and near Yucca Mountain.

18 The work would be done under the jurisdiction
19 of DOE's self-regulation rather than under NRS
20 regulations. On August 8, 2006, we commented on the
21 DOE's Environmental Assessment for Infrastructure
22 Improvements, and these comments remain relevant and are
23 incorporated here.

24 None of the work is necessary for DOE's safe
25 occupation of the site. It is planned to be done by DOE
1 in anticipation of the receipt of its construction
2 authorization from NRC. And, finally, DOE's been denied
3 water rights by the State Engineer for use of water that
4 would be required to accomplish the proposed

5 infrastructure construction and for the whole
6 Yucca Mountain project as well.

7 The denial is in litigation and has been
8 stayed at this time. Taking no action would be the
9 preferred alternative for the infrastructure
10 improvements. It's just not necessary.] Now, I will be
11 providing written comments as [we urge the DOE to extend
12 the comment period as numerous entities have requested.]
13 Thank you.

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