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EIS Office, US Dept. of Energy
Office of Civilian Radioactive Waste Mgmt
1551 Hillshire Drive, Las Vegas NV 89134

Gentlemen:

To sum up my point of view: As a pastor I am concerned about issues of human dignity and the proper stewardship of the environment in which the human race lives now and into the future. At this point in time, I consider that making Yucca Mountain a nuclear waste repository would be an irresponsible and arrogant use of governmental power, that should be used instead to protect the rights of the people and the environment.

1 [Let us consider a few reasons why. Amargosa Valley, at the base of the mountain is home to the State's largest dairy, providing milk all the way to Los Angeles. **Amargosa Valley shares the aquifer with Yucca Mountain.** 2 [It is on land controlled by the Federal Government. Some of the land is controlled by the U.S. Air Force and **all of it is within the treaty lands of the Western Shoshone nation, ratified by Congress in 1863 and recently upheld by the UN Committee to End Racial Discrimination, naming the Yucca Mt. Project as part of ongoing human rights violation against the Western Shoshone.**

All tribal governments of the region oppose the Yucca Mountain Project. Of particular importance is the Treaty of Ruby Valley, still in force between the Western Shoshone Nation and the United States. The treaty outlines Western Shoshone land, "Newe Sogobia," which includes Yucca Mountain. Newe Sogobia has been declared "nuclear free" by the Western Shoshone National Council. **Thus, the Yucca Mountain Project violates Shoshone sovereignty and law.**]

3 [Over 25 years of analysis of Yucca Mountain has revealed significant problems with the site. For example, **the region is seismically active, and the rock is highly fractured, which allows a "fast" pathway for water to escape.** According to the DOE's own analysis, radioactive water could reach drinking wells in 200 to 400 years. Consider also that the combination of **readily available water inside the mountain and an oxidizing geochemical environment makes Yucca Mountain quite corrosive, leaving great uncertainty as to whether the waste could be contained for the millennia that it will be toxic.**]

4 [Groundwater beneath Yucca Mountain flows into a "closed" hydrogeologic basin that covers thousands of square miles, and is inhabited by many communities, the Timbisha Shoshone Tribe, and Death Valley National Park, visited by nearly 1 million visitors a year, all of whom rely on groundwater for survival. The Amargosa River, which is fed by all pathways on both sides of Yucca Mt., is considered the third largest in the western U.S. and parts of it run year round above ground. **Research conducted by Inyo County, CA, defines fast pathways from Yucca Mt. to area springs used for drinking water by many.**]

5 [The draft repository **Supplemental Environmental Impact Statements (SEIS)** deals primarily with DOE's decision to alter the design of repository surface facilities to incorporate the concept of Transportation,

Aging and Disposal (TAD) canisters. TADs are intended to simplify handling of spent fuel at the repository by having waste loaded into welded canister at the reactor sites. While in theory, TADs would simplify repository surface facility design and operations (by reducing the need for extensive SNF handling facilities), **the reality is that the effect is to transfer risks and impacts from the repository to the reactor locations where the handling operations would take place. The final SEIS needs to comprehensively assess risks and impacts to workers, facilities, communities and the environment at all of the reactor locations where TADs would have to be used.**

TADs also complicate waste transportation. Many reactor sites already have (or are in the process of implementing) on site dry storage facilities using **multipurpose (storage/transport) container systems that are not compatible with TADs and would require either repackaging of the SNF into TADs prior to transport or the use of non-standard transport vehicles.**

TADs can only be shipped via rail or by very large, oversized/heavy-haul trucks. **Because rail access is NOT available at Yucca Mountain, and there is not guarantee it ever will be, the SEIS should have assessed the impacts of a TAD based transportation system that can not use rail as the primary mode of transportation to Yucca.**

There are no final TAD designs in the draft SEIS, so it is difficult to assess how TADs will impact the repository system, including the transportation components. Costs and financial arrangements for the use of TADs are unknown. **The proposed TAD system is not compatible with dry storage systems currently in use at civilian nuclear power plants.** Many utilities have specific problems with use of the proposed TAD system at specific reactor sites. DOE offers no meaningful alternative to the proposed TAD canister system.]

6 [The draft Rail EIS includes the Mina Rail Corridor as a "non-preferred alternative." However, NEPA requires that alternative evaluated in an EIS be capable of being selected -i.e., they must be viable alternatives. **BECAUSE THE WALKER RIVER PAIUTE TRIBE HAS REFUSED PERMISSION FOR DOE TO USE ANY PORTION OF ITS RESERVATION FOR THE PROPOSED RAIL SPUR (AND WITHOUT SUCH PERMISSION THE MINA ROUTE CANNOT BE USED),** it is inappropriate for DOE to have included Mina as an alternative for comparing rail corridors in the draft EIS. **The Mina route is not viable and should have been excluded from the EIS.**]

7 [The Rail DEIS No Action Alternative is also inappropriate and perhaps unlawful. If DOE does not select the Caliente or Mina rail alignment, the DEIS states that the future course "is uncertain."]

Gentlemen, these are some of the reasons that touch my heart and mind and soul concerning why Yucca Mountain must not become a nuclear waste repository. For more, go to my trusted source:
<http://www.h-o-m-e.org/>

To sum up: now is the time to focus our energies on serious development of renewable energy sources and move away from the true dangers involved in mining, transporting, using, disposing and storing radioactive materials.

Sincerely,



Rev. Larry Bernard, O.F.M.

Pastor