

Monday, March 20, 2000

Dr. William J. Boyle and Dr. Jane Summerson
U.S. Department of Energy,
Office of Civilian Radioactive Waste Management,
Yucca Mountain Site Characterization Office,
P.O. Box 30307,
North Las Vegas, Nevada 89036-0307

Dear Dr. Boyle and Dr. Summerson,

We respectfully request that the Department of Energy withdraw the proposed rule change to 10 CFR 960 "General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories; Final Siting Guidelines," as well as the proposed new rule, 10 CFR Part 963, specific to the proposed Yucca Mountain repository.

The Department argues that a total system performance assessment will suffice to meet the requirements of the law on how a proposed repository site, already subject to site characterization, is to be recommended to the President as "suitable" for repository development. This is not the case. The Nuclear Waste Policy Act states:

Section 113 [Site Characterization](1) (A)...the plan shall include...
(iv) criteria to be used to determine the suitability of such candidate site for the location of a repository, developed pursuant to section 112(a) [42 USC 10132(a)]

Section 112 (a) ...Such guidelines shall specify factors that qualify or *disqualify any site from development* as a repository, including factors pertaining to the location of valuable natural resources, hydrology, geophysics, seismic activity, and atomic energy defense activities, proximity to water supplies, proximity to populations, effects upon the rights of users of water... (emphasis added)

Thus, this proposed rule change contravenes the Nuclear Waste Policy Act. Use of a projection of system performance is no doubt valuable for determining whether the site can meet any parameter, but it is not and cannot be a substitute for specified, defined parameters which "qualify or disqualify any site."

Any attempt to site a permanent repository must adhere to strict standards of scientific integrity. As commented upon in the January 14, 2000 issue of Science Magazine, newly published findings that plutonium is much more soluble in water than previously thought "...have great consequences for the underground disposal of plutonium wastes...". Such new discoveries, coupled with the fast flow of water at Yucca Mountain, demand that the strictest scientific standards be applied to siting the proposed repository in Nevada. These proposed rule changes are a step in the wrong direction.

We urge you to withdraw these proposed rules.

Sincerely,

Anna Aurilio, Staff Scientist, U.S. Public Interest Research Group, Washington, D.C.

Courtney Cuff, Legislative Director, Friends of the Earth, Washington, D.C.

Ann Mesnikoff, Washington, D.C. Representative,
Global Warming and Energy Program, Sierra Club