

## **SUMMARY OF FOUR COUNTIES' CONTENTIONS** **ADMITTED IN LICENSING PROCEEDINGS**

4NC-SAFETY-001 DOE has failed to make an accurate estimate of the type and number of canisters to be used to ship SNF to the repository. In stating that 90% of the SNF will be shipped to the repository in TADs, DOE has *overestimated* the number of TADs and *underestimated* the number of DPC's that will be utilized for such shipments. These erroneous estimates are the consequence of DOE's arbitrary assumption that the commercial generators will purchase TADs and repackage significant quantities of fuel held in DPCs into the TADs at the *generator* sites. Because the higher-than-estimated-quantities of SNF shipped in the DPCs will have to be re-packaged into TADs *at the Yucca Mountain Site* before the material can be placed in the repository, there is an increased risk to worker safety caused by the additional handling requirement. Furthermore, the repackaging is a process which is required to be addressed in the SAR with respect to design of the operations area, and these additional volumes were not factored into the design.

4NC-NEPA-001 DOE failed to carry out a sufficient analysis in the EIS documents of the significant and substantial environmental impacts of overweight truck transportation of SNF and HLW through the four counties upon the roads, highways, physical and human environment as required by NEPA. Further, the volume of truck traffic is underestimated, which compounds the impacts. Our affidavits estimate the mitigation necessitated by the impacts within the four counties, in today's dollars, will be approximately \$185 million in highway improvements, with \$18 million in recurring annual maintenance costs.

**4NC-NEPA-002** DOE failed to conduct a sufficient analysis of the significant and substantial environmental impacts to the human environment with respect to emergency response capacity and the related consequences within the four counties arising from the truck shipment of SNF/HLW through the counties. Further, there was an absence of adequate consideration of mitigation of the unavoidable adverse impacts. As set forth in the affidavits submitted by the four counties, we project the mitigation which will be required will include approximately \$16 million in upfront capital costs for facilities, and over \$15 million in recurring annual costs for operation and maintenance of first responder capability. In addition, the costs of establishing a voice and data system to enable critically needed communication interoperability among the first responders is estimated to require approximately \$7 million in upfront costs and \$3 million in operational costs. Each of these estimates is rendered in the context of today's dollars.

**4NC-NEPA-003** DOE's EIS process is inadequate because it fails to consider the differing impacts of alternative types of transportation canisters used upon worker safety estimates at the repository. Because the type of shipping canisters selected by the commercial generators affects whether fuel must be repackaged at the repository site before emplacement, and because repackaging can increase exposure to radiation, the varying effects of the alternative containers on the human environment must be considered. NEPA requires that DOE provide an analysis of this variable, as well as the means to mitigate resulting harmful impacts.