Public hearing, Embassy Suites, 3600 Paradise, Las Vegas, NV

Held by the Nuclear Regulatory Commission


The Sierra Club provided comments to the earlier 2002 EIS and the 2008 SEIS.

**Under the NWPA, a separate repository for only defense waste is required**

The existing DOE EIS and License Application are for a combined defense and commercial waste repository, which is now found to not be required. The NRC’s Draft SEIS does not recognize that the President, on March 24, 2015, reversed the 1985 decision that commercial and defense high-level radioactive waste would be disposed together in a repository. His Executive Memorandum, which has the effect of law states, “In accordance with the Act [Nuclear Waste Policy Act, the NWPA], I find the development of a repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only is required.”


This finding means that a repository for only military/defense waste is required by the NWPA, and commercial nuclear power plant irradiated fuel (spent nuclear fuel SNF) must be disposed of in a separate repository. The President’s finding was based on a Jan 2015 memo from the Secretary of Energy to the President, saying that “… a strong basis exists to find a separate repository is required pursuant to section 8 of the Act,” and urging him to formally make that finding. (Also cited in the Presidential memo,
The impact analysis assumes an incorrect inventory of waste. Since SEIS addresses releases from an unlawful waste inventory in the repository, the draft SEIS impact analysis is meaningless.

In particular, the regulatory compliance location and TSPA analysis are in question.

The impact analysis uses the concentration of contaminants in the groundwater at the regulatory compliance location as a starting point. The regulatory compliance location, for the incorrectly assumed inventory of combined defense and commercial waste, is 11 miles south of Yucca Mountain repository. The compliance analysis uses the Total System Performance Assessment (TSPA) tool, which accounts for all factors, both natural and engineered, including the waste inventory, that affect the waste concentration and individual dose at the regulatory compliance location. Until the waste inventory itself is established and assessed, with a properly affixed starting point for compliance, the TSPA analysis cannot be correctly performed.

The assumed disposal packaging for commercial waste is obsolete

A key element of any TSPA calculation is the packaging that contains the waste. The 2008 SEIS specified a waste canister known as a Transportation, Aging, and Disposal (TAD) canister. The TAD design and performance requirements in the 2008 SEIA have never been met in any actual TAD canister or other waste container. Commercial reactor owners have very different dry cask storage containers in use. The concept of the TAD has become obsolete, and DOE has terminated the TAD design and regulatory certification program. TAD canisters do not exist; dry cask storage containers do not meet the TAD requirements of the 2008 SEIS. This consideration renders the TSPA analysis in the draft SEIS meaningless.

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