

ORIGINAL

**OFFICIAL TRANSCRIPT OF PROCEEDINGS
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**Title: SCOPING MEETINGS FOR THE
PRIVATE FUEL STORAGE
FACILITY ENVIRONMENTAL
IMPACT STATEMENT**

Case No.:

Work Order No.: ASB-300-761

LOCATION: Tooele, Utah

DATE: Thursday, April 29, 1999

PAGES: 1 - 35

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 SCOPING MEETINGS
5 FOR THE PRIVATE FUEL STORAGE FACILITY
6 ENVIRONMENTAL IMPACT STATEMENT

7 ***

8
9 Tooele High School
10 240 West Second Street
11 Tooele, Utah
12

13 Thursday, April 29, 1999
14

15 The above-entitled meeting commenced, pursuant to
16 notice, at 6:30 p.m.
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P R O C E E D I N G S

[6:30 p.m.]

MR. BRACH: Sorry for the few-minute delay. Good evening. I want to welcome you to this public meeting. My name is Bill Brach. I'm the director of the Special Project Office of the U.S. Regulatory Commission.

The purpose of this evening's meeting is to solicit input on environmental issues that you believe should be considered on actions to be taken by the Bureau of Land Management and the Bureau of Indian Affairs with regard to the Private Fuel Storage proposal to construct and operate a temporary storage facility commercial spent nuclear fuel on the reservation of the Skull Valley Band of Goshute Indians.

Private Fuel Storage has applied for a license to operate a special storage facility on the reservation of the Skull Valley Band of Goshute Indians.

This evening's meeting focuses very specifically on concerns associated with the Bureau of Indian Affairs' approval of a lease between Private Fuel Storage and the Skull Valley Band; and with the Bureau of Land Management's consideration of an amendment to explain the land use plan to allow for a rail line to be built on Bureau of Land Management Land from Loa, Utah to the reservation of the Skull Valley Band of Goshute Indians.

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1 The National Environmental Policy Act rules allow
2 for federal agencies to cooperate in the development of an
3 environmental impact statement, or an EIS. NRC's role is to
4 review the license application. The Bureau of Indian
5 Affairs' role is to approve the lease. The Bureau of Land
6 Management's role is to approve the amendment to the land
7 use plan.

8 The NRC is serving as the lead agency for the
9 development of the Environmental Impact Statement. A great
10 deal of efficiency is gained for the federal government by
11 the three agencies cooperating in developing one EIS, one
12 Environmental Impact Statement. This provides efficiencies
13 for you as well. In one meeting you can express your
14 comments to all three federal agencies at one time.

15 The NRC held a scoping meeting last year in June
16 in Salt Lake City. That meeting, that scoping meeting
17 addressed a broad range of general environmental concerns
18 and issues. Mr. Scott Flanders of the NRC will provide
19 another view with his comments. A limited number of copies
20 of the scoping report of the first meeting are provided
21 along with some other information on the table in the back.

22 Let me emphasize the scoping meeting this evening
23 is not a meeting in which any of the three federal agencies
24 will be making any regulatory decisions. We are here to
25 listen to you. This meeting is being transcribed and copies

1 of our scoping report on this meeting will be provided to
2 any participant who's provided a mailing address to us.

3 We realize that many of you may have strong-held
4 views on this matter and many of these views may be
5 divergent or quite different among the participants, among
6 the commentators. We value your input, we respect your
7 opinion, and I'm sure that all participants in this meeting
8 will treat all speakers with courtesy.

9 If you wish to speak, please sign up at the table
10 in the back. When your name is called, please step up to
11 one of the microphones set in the two aisles. So that all
12 speakers have an opportunity to provide their comments and
13 views, we ask that you please limit your remarks to no more
14 than five minutes.

15 Let me now ask each of the representatives at the
16 table to introduce themselves, starting on my right.

17 MR. CARPENTER: My name is Glen Carpenter. I'm
18 the field office manager for the Bureau of Land Management
19 in Salt Lake.

20 MR. BERGGREN: I'm Leon Berggren. I'm a resource
21 advisor with the Salt Lake field office for the Bureau of
22 Land Management. I'm also the team leader for the PFS
23 project.

24 MR. ALLISON: My name is David Allison. I'm
25 superintendent of the Skull Valley Reservation. To my

1 right, who is presently absent and also with us this
2 evening, is Dale Hamberg. He's the agency's environmental
3 coordinator.

4 MR. DELLIGATTI: My name is Mark Delligatti. I'm
5 the senior project manager assigned to the Private Fuel
6 Storage license application review for the United States
7 Nuclear Regulatory Commission.

8 MR. FLANDERS: My name is Scott Flanders. I'm the
9 environmental project manager for the Nuclear Regulatory
10 Commission.

11 MR. BRACH: The meeting this evening is scheduled
12 to run from 6:30 to 9:30 this evening. At 9:30 we'll have
13 to vacate the facilities.

14 Before we move to comments we do have a few
15 opening agenda comments. Mark Delligatti, our senior
16 project manager for the NRC reviewing the Private Fuel
17 Storage facility, will provide an overview of the NRC view.

18 MR. DELLIGATTI: As we mentioned, the Nuclear
19 Regulatory Commission reviews the license application that
20 was submitted by Private Fuel Storage.

21 That process involves a site safety review in
22 which we review the information provided by Private Fuel
23 Storage to determine whether or not Private Fuel Storage has
24 demonstrated in compliance with our regulations for the
25 signing of the independent spent fuel storage insulation, or

1 ISFSI, which is what the formal name is for the kind of
2 facility that is being proposed to be built on the
3 reservation of the Skull Valley Band.

4 In addition, the NRC staff is in the process of
5 reviewing two applications for dual-purpose casks to
6 transport the spent fuel and to store the spent fuel. At
7 least one of these applications must be completed.

8 The NRC's staff review must be completed before
9 the license application review can be completed because we
10 must have a method of transporting the spent fuel from the
11 reactors to Skull Valley, and then from Skull Valley to an
12 eventual repository for final disposal of the spent fuel.

13 And then we must have the cask that is compatible
14 with the transportation cask to store the spent fuel
15 temporarily on the reservation of the Skull Valley Band.

16 The other part of the NRC process is the
17 Environmental Impact Statement which Scott Flanders will be
18 discussing. And, in addition, we have an adjudicatory
19 process which involves the Atomic Safety and Licensing
20 Board, which is a quasi-judicial requirement with the
21 regulatory commission.

22 Several organizations have requested to be parties
23 to the review of the Private Fuel Storage application.
24 These include the State of Utah, the Skull Valley Band,
25 Ohngo Gaudadeh Devia which represents some members of the

1 Skull Valley Band, the Southern Utah Wilderness Alliance.

2 These groups have presented to the Atomic Safety
3 and Licensing Board contentions which must be resolved as
4 part of the licensing process. These contentions will be
5 resolved in a series of three hearings which will be held
6 over the next couple of years.

7 The first two hearings will be on the safety
8 contentions associated with the site safety review. The
9 third hearing will be associated with the environmental
10 contentions. The first hearing will be held the beginning
11 of November of this year and going through December if
12 necessary. The second hearing is currently proposed for
13 next August. And the environmental hearings are the fall of
14 2001. As the process continues, we'll see if those dates
15 remain, but all of these things have to take place.

16 The Nuclear Regulatory Commission will not make a
17 final determination on the license. The license could not
18 be issued if the staff determined that compliance has been
19 demonstrated until the final Environmental Impact Statement
20 has been completed.

21 So the process has several steps and we're about
22 midway through the process now. I thank you.

23 MR. FLANDERS: Good evening. Mark just provided
24 an overview of the NRC licensing process, and I would like
25 to take a few minutes to elaborate on the environmental

1 review part of that licensing process.

2 Can I have the first slide, please. The
3 underlying purpose of the National Environmental Policy Act
4 of 1969 is to provide decision-makers and the public with
5 information that they make an informed decision. The goal
6 is to ensure that potential environmental impacts are
7 considered when evaluating proposed action.

8 The National Environmental Act also formed the
9 Council on Environmental Quality, also known as CEQ. CEQ
10 prepared regulations implementing NEPA, regulations that the
11 federal government must follow. The regulations can be
12 found in Title 40 to the Code of Federal Regulation Parts
13 1500 through 1508.

14 And the NRC has also established environmental
15 regulations which they must follow, and that can be found in
16 Title Ten to the Code of Federal Regulations Part 51.

17 These regulations require agencies to prepare an
18 Environmental Impact Statement when a major federal action
19 is to be taken. In this case there are three major federal
20 actions to be taken: one by the NRC, one by BLM, and one by
21 BIA. In a moment we'll have representatives from BLM and
22 BIA discussing federal actions that they'll be taking.

23 If I could have the next slide, please. The
24 slides you see here is a summary of a scoping meeting that
25 we had last June as I believe Bill referred to earlier. As

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1 you can see there's quite a broad range of topics that were
2 discussed in the previous scoping meeting and this gives you
3 a good overview of the issues that were discussed.

4 At that time, the proposed rail line, which is the
5 focus of this meeting, was not submitted to the NRC at that
6 time and it was not discussed in that scope meeting.

7 If I can have the next slide, please. This slide
8 shows an overview of the EIS table of contents. The actual
9 table of contents is more detailed, but this will give you a
10 good feel for where many of the environmental topics that
11 were discussed at the previous scoping meeting will be
12 addressed in the Environmental Impact Statement.

13 As Mark said earlier, if there's a need -- can I
14 have the next slide, please -- if there's a need to contact
15 the NRC regarding any questions related to the Environmental
16 Impact Statement or the NRC safety review, you can contact
17 either Mark or myself at the address shown on the slide.
18 I'll turn it over to Glen Carpenter.

19 MR. CARPENTER: Thank you, and good evening from
20 the Bureau of Land Management. It's a pleasure to be with
21 you this evening. As was previously mentioned, we are here
22 to listen. And although we won't be reading dialogue, we're
23 certainly most happy to hear what you have to say about this
24 proposed action.

25 It's also been stated that the Bureau of Land

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1 Management's role is one of considering the land use plan
2 amendment to the Pony Express Resource Management Plan. And
3 the reason for that consideration is the fact that the
4 existent land use plan has no specific provision for a
5 proposed railroad in that existent land use plan outside of
6 the previously designated right of way order.

7 The preparation of the land use plan amendment is
8 a twofold and closely interrelated process involved in the
9 preparation of an environmental document -- in this case,
10 the Environmental Impact Statement -- and the subsequent,
11 almost concurrent, preparation of the land use plan.

12 As has been stated, the Bureau of Land Management
13 is a cooperating agency in the preparation of the
14 Environmental Impact Statement, and that fulfills the
15 obligation through the National Environmental Policy Act for
16 the analysis for land use plan.

17 A need for the consideration of the final
18 amendment is predicated on the fact that the Salt Lake field
19 office of the Bureau of Land Management received an
20 application from Private Fuel Storage for a railroad line on
21 the west side of Skull Valley. I hope that you can see the
22 map. The vertical dark line is the proposed railroad
23 location. The slightly peaked line running parallel to the
24 stage is Highway I-80 on the north.

25 The proposed Bureau of Land Management -- I guess

1 I need to make this clear. The proposal has been made by
2 Private Fuel Storage, it's not a Bureau of Land Management
3 proposal, but we are indeed considering the application.

4 The amendment would consider an exception to that
5 transportation and utility corridor of decisions to allow
6 the rights of way for a railroad and related facilities to
7 be issued to Private Fuel Storage outside of that designated
8 corridor.

9 The issues that have been identified for a
10 consideration for the land use plan amendment include fire,
11 range land health, noxious weeds, cultural resources,
12 wildlife, wild horses, wetlands, historic trails, wilderness
13 study areas, recreation, visual values, access, minerals,
14 geology and threatened endangered species.

15 Public participation is being sought at this
16 initial stage in the planning process to ensure the resource
17 management plan amendment addresses all issues, problems and
18 concerns of those interested in management plans under the
19 jurisdiction of the Salt Lake field office. That concludes
20 my comments.

21 MR. ALLISON: Again, I'm David Allison,
22 Superintendent of Bureau of Indian affairs. Our action to
23 be taken on this has already been taken. It is the
24 conditional approval of the lease for the facilities.

25 That approval is conditioned upon the successful

1 completion of an Environmental Impact Statement and the
2 nuclear regulatory licensing and permits that Mr. Delligatti
3 elaborated on a little bit earlier.

4 Since the beginning of this process we've been
5 working with the NRC as a cooperator on the EIS, the
6 preparation of the documents that will be prepared as this
7 project goes along. That was done in the name of economy
8 and coordination; that we all go together and produce this
9 one document rather than all of us going out and taking off
10 on our own document.

11 At the end of this process, the Bureau will review
12 the document, the EIS, and write a record of decision based
13 on the findings of that document. As I said, the lease is
14 approved conditionally upon these things being met.

15 The reason that we're here tonight is that --
16 we've had other scoping meetings. We hope that a lot of the
17 issues were addressed in those meetings. We're here tonight
18 to ensure that the issues surrounding the approval of the
19 lease and associated with the approval of that lease are
20 properly scoped.

21 And if people have some concerns about the impact
22 on that process, the impact from this lease on the resources
23 in the area, they'll have another opportunity to provide
24 these, get them into the record so they can be duly
25 considered. Thank you.

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1 MR. BRACH: At this point the meeting will be
2 opened up for commentors.

3 MR. DELLIGATTI: Beverly White, would you like to
4 speak?

5 BEVERLY WHITE: Well, I wanted to listen first and
6 see what you all were going to say before I said anything,
7 but since I'm the only one on that list that wanted to say
8 anything I'll go ahead.

9 I'm sorry that this room isn't jammed full of
10 people here to oppose this, even the thought of moving
11 nuclear rods to Skull Valley. I spent 20 years in the
12 legislature representing Tooele County, and most of that
13 time I served on low-level waste, high-level waste,
14 hazardous waste committees.

15 I opposed the moving of the vitro-tailings first
16 back in 1972 or '3, and said then to the people in this
17 county that if we let them move the vitro-tailings here then
18 we're going to get everything they want to dump. We'll be
19 the dumping grounds of the west, maybe even the United
20 States, and that's happened.

21 As soon as we moved the vitro-tailings, then we
22 got all of the other waste facilities moving in here.
23 Somebody wanted to move in every day.

24 The vitro-tailings are supposed to be buried in
25 concrete and all kinds of things, but they still contain

1 radon gas. Nobody really knows how dangerous that is, but
2 for many, many years we had people -- we still do have
3 people working at Dugway with dangerous chemicals and
4 biological things.

5 I represent about 300 ex-workers of Dugway who are
6 sick and dying that the government doesn't care a damn
7 about, and they've all been injured by chemicals that
8 everybody said, We think they're perfectly safe.

9 These people worked knowingly among dangerous
10 chemicals because they were paid five cents more an hour
11 than the other employees, and believe you me, they're paying
12 it back now.

13 We have no idea how dangerous the nuclear rods
14 are. We know what information we have up to this time, but
15 how quickly things change from safe to dangerous, especially
16 in this county, all around the world. I mean things have
17 changed so fast in 20 years. I'm afraid of the nuclear rods
18 and I don't want them buried a hundred miles from my house.

19 I think there's a perfectly good site in Carlsbad.
20 I've been there, I've been down into the ground. I think
21 that's a great place to put them. Why should we move them
22 around and put them in temporary storages when that big salt
23 mine down there has been proved so far to be the safest
24 place to put those.

25 And so I just want the people in Tooele County to

1 know that if you let these rods come in, you're one step
2 closer to having more and more and more. And our children
3 are going to move away from here, and this will be nothing
4 but a garbage dump, a great big garbage dump. Thank you.

5 MR. DELLIGATTI: Thank you. Dr. Nielson, did you
6 want to speak?

7 DIANE NIELSON: Thank you very much. I'm here
8 also tonight particularly because I wanted to have an
9 opportunity to hear others who were speaking or might be
10 speaking as part of this public comment period.

11 As the panel's aware, I made comments this morning
12 in Salt Lake along with a number of other representatives of
13 State agencies addressing concerns which will be included in
14 the State's written comments regarding the scoping hearing.
15 I won't repeat those this evening, though I'd be happy to
16 talk to anyone during the breaks who might have questions
17 about those.

18 But there are a couple of issues that I'd like to
19 raise that came out of the discussions this morning and that
20 have been prompted by reviews that we've looked at that I
21 did not raise this morning. So if you might indulge me with
22 a couple of comments this evening.

23 When the first scoping session was conducted and
24 the report released, there were a couple of statements that
25 particularly caught our eyes. We reviewed it, and I'd like

1 to go back to those right now and ask that the committee
2 reconsider them in light of where we are right now and, in
3 fact, recognize the part you have.

4 On that report, which copies are available I think
5 on the table outside this evening, is a statement, In the
6 issues outside the scoping of the EIS, that other issues
7 will not be evaluated in the APIS include requests to extend
8 the scoping period in response to revised license-related
9 submittance by the applicant and conducting separate
10 scopings by the BIA and BLM.

11 Well, I want to congratulate the NRC, as well as
12 the BLM and BIA, for revising that position, obviously,
13 because we are having an additional scoping meeting on a
14 very important issue, the extension of a rail spur on the
15 west side of Skull Valley.

16 I commend you for that. I think these are
17 important comments and considerations, and I hope that as
18 new issues arise, as you continue through this process, that
19 you will likewise rethink whether that's an important
20 opportunity to provide information to the public and to
21 receive comment.

22 In that same paragraph the report also summarizes
23 by saying that an analysis of DOE's statutory
24 responsibilities regarding spent nuclear fuel as found,
25 particularly as the legislative Nuclear Waste Policy Act

1 will be outside the scope of the EIS.

2 Well, I can appreciate that there may be some
3 specific issues with respect to the Nuclear Waste Policy Act
4 that would not be appropriate or that you might deem not
5 being before you in terms of the scoping.

6 I would again reemphasize, as I stated this
7 morning, that I think the proposal that Secretary Richardson
8 of the administration has put forward with the Department of
9 Energy -- in other words, the proposal to leave waste fuel,
10 spent fuel rods at the locations, at the plants where
11 they're being generated until such time as there's a
12 permanent storage facility for these wastes -- is an
13 appropriate recommendation from the administration and one
14 that ought to be and, in fact, needs to be considered in the
15 scope of the evaluation that's being done for the
16 environmental capacity for this facility.

17 It is a viable option. It is a reasonable option,
18 safe option. Certainly one that is to be considered as a
19 consideration as an additional alternative under this
20 proposal.

21 Finally, I would like to ask that you particularly
22 pay attention as you conduct your scoping review to a
23 statement within the current resource management plan for
24 the Pony Express resource area managed by the Bureau of Land
25 Management.

1 In the section that is in the land use decision in
2 that resource management plan is the statement, Public land
3 will not be made available for inappropriate uses such as
4 storage or use of hazardous materials, the emission of fuel,
5 chemicals, et cetera, and live artillery.

6 Under that scenario, I would contend that a right
7 of way, a rail spur to transport high-level nuclear waste is
8 also an inappropriate use under the resource management
9 plan, and a tenant that would be established by the BLM, I
10 believe, to prohibit the use of those federal lands for
11 military operations.

12 But I would contend it's also an inappropriate
13 consideration for storage of high-level nuclear waste.
14 Thank you very much.

15 MR. BRACH: Thank you, Dr. Diane Nielson, from the
16 Utah DEQ.

17 MR. DELLIGATTI: Next is Margene Bullcreek.

18 MARGENE BULLCREEK: Thank you. I was hoping that
19 I could listen in on other people before I came up to talk.

20 I would like to express my concerns once again,
21 like I had this morning, about the storage of the high-level
22 nuclear test fuel rods -- nuclear bomb site. I'm not really
23 prepared as you can see right now.

24 My big concern, and I want Tooele County people to
25 know also, is that we are in opposition against this

1 facility mainly because of how it will affect us as human
2 beings, as people. We've already been -- we've already had
3 cancer in our systems in Tooele County; do we need some
4 more?

5 I do not have that much faith in the guarantees
6 that our Skull Valley executive committees are given as far
7 as the information about how safe these fuel rods are. I am
8 very concerned that there would be some type of an accident,
9 especially a man-made accident that can affect our health.

10 And I am a chairman to opposing the nuclear waste
11 mainly because I'm a Native American. I've already
12 expressed to you the couple of times that we have met how
13 important it is to hold on to who we are as Native
14 Americans. We do not have as many members as we had.
15 There's very few of us. We had 65 adult members but now
16 we're down to 64 because we just lost one this last weekend
17 -- this last week.

18 And knowing that and not knowing how all this is
19 going to affect our future generations and what they have to
20 deal with -- a comment was made to me at our last general
21 council meeting, Why do I keep hitting my head up against
22 the wall? Why do I put myself through -- you know, I
23 wouldn't call it a hidden litigation.

24 But I told this person, I'm doing this for the
25 sake of our future generation; that some day they're going

1 to look back on this day and wonder why things are the way
2 they are when there is contamination on our reservation.

3 Someone needs to speak up to these unborn children
4 that are still coming. Someone needs to bring up the word
5 of wisdom. Being a Native American, we need to preserve our
6 sacred grounds, our sacred beliefs, our tradition, our
7 culture.

8 Because executive committee is hiding behind a
9 word "sovereignty" instead of protecting their people the
10 way they should, they're bringing in this devastation that
11 may happen.

12 And I feel that since no one is speaking up for
13 who we are as Native Americans and no one is considering why
14 we are opposed to this nuclear waste, I feel that now that
15 it's at a stage where -- it's gone from one route of travel
16 onto the BLM lands.

17 The BLM lands, I thought, was sort of a reserve
18 lands for the state. But if they're going to reserve a way
19 such as the railway to transport this nuclear waste, they're
20 not reserving this land, they're not considering the people
21 that had given up their aboriginal rights.

22 We had those aboriginal rights. We gave it up.
23 Did we give it up to store nuclear waste on the reservation?
24 The BIA is supposed to be -- we are the voice of the BIA and
25 it's their duty to be able to protect us, to be able to make

1 sure that we do have a strong government.

2 But this isn't happening. What's happening is
3 that we have one strong minority family that's going for
4 this nuclear waste. It doesn't matter what the other
5 families think. It doesn't matter that they have raised
6 their children on the reservation.

7 What's going to matter is there's going to be
8 employment for our people. Employment, up to today, hasn't
9 been employing the people that has gone against the nuclear
10 waste, the employment for people that hasn't been considered
11 or been notified of any job openings. So that idea doesn't
12 sound like it's going to be happening to everybody.
13 Everybody's not going to have employment at that test site.

14 And they're talking about our economic growth, our
15 economic development. Monies have already been paid to us,
16 but it hasn't been divided evenly among everybody. I feel
17 that that's wrong. I feel that the executive committees are
18 abusing their powers and they're going to people and they're
19 saying that we want your signatures only.

20 But I've already discussed this before this
21 morning, but I just wanted to say my concerns about since
22 we're at a point where we are going to be trading on BLM
23 land, that there are -- I know that this is one of the
24 procedures that they have to follow.

25 I feel that the BLM and the BIA has their own

1 Environmental Impact Statement. I would like to have BLM
2 consider what I'm saying because I think that we need to
3 reserve lands, not destroy them, just because the PFS comes
4 to them and says we want this railroad on your land because
5 it's a federal land.

6 And, from the beginning, the MRS monitoring the
7 nuclear storage was a federal project. But now since it's a
8 private project, who's going to be able to make sure that
9 all the proceedings of the PFS is supposed to make as far as
10 the transportation, who's going to be looking after them to
11 make sure all the transportation should be followed as it
12 should?

13 And the other concern is that if this is going to
14 happen to our reservation, then I know for sure that it's
15 not going to be temporary, it's going to be permanent,
16 because we're going to be going in with the -- PFS is going
17 to have other contracts with other utility companies because
18 it's going to bring more money to us.

19 And I feel that the lives of my family and the
20 lives of our future generation is not worth all the money
21 that's going to come to our reservation. We have been
22 offered a lot of money because we are a deprived
23 reservation, and we are no different from the other Indian
24 reservations throughout the country.

25 But what we're going to be different about is that

1 we won't consider who we are as Native Americans, we won't
2 consideration ourselves as far as traditions and cultures,
3 and this is where our culture issue comes in.

4 And I don't want to see that because when I left
5 my home -- I could have been living somewhere else other
6 than come back to the reservation. This is where I want to
7 raise my children. And out there there's a lot of
8 peacefulness and tranquility, there's animals out there.

9 I've heard our chairman going out making
10 statements that there's no wildlife out there. Our children
11 go up there and they hunt deer. This is part of our diet.
12 We have rabbits, we have birds, we have water, we have
13 natural water coming down from the mountains and it's just
14 not desert out there. There's foxes, there's wolves,
15 there's coyotes.

16 There's a lot of animal life out there. There's a
17 lot of native plants out there. All this needs to be
18 preserved. We have a place that we need to protect as far
19 as the things that the people have out there, our homes.

20 When Governor Leavitt came on the reservation,
21 they gave us a weird definition. He said we need to put a
22 mote around our castle with a drawbridge. And I think you
23 can understand when I say our home is our castle.
24 Sovereignty is a European word and mote is another European
25 word. Well, then we are -- we do have sovereignty and we do

1 want to have our castles and we need to protect it.

2 And if the council, PFS, needs to come on to BLM
3 and federal people and say, This is what we want, well, what
4 about the wants of the people that live on the reservation?
5 And it's not only us. The transportation's going to travel
6 throughout the state. It's going to affect other states and
7 other people, other communities.

8 We have hazardous areas around us, but do we need
9 high-level nuclear radiation rods? Thank you.

10 MR. DELLIGATTI: Thank you.

11 MR. BRACH: At this time we don't have any other
12 members of the public who have indicated an interest to
13 offer or present views. I would ask those in the audience
14 if there's anyone that as they entered indicated they were
15 not interested at that point, that if there's any of you who
16 have any views you would like to offer, if you could, please
17 come to one of the microphones and introduce yourself first.

18 LAWRENCE BEAR: I don't see too many people here
19 but I guess I can speak. My name's Lawrence Bear and I'm
20 also a member of the Skull Valley Goshute Band. And I used
21 to be the chairman prior to my nephew, Leon, there.

22 Back in the old days when I was chairman, that's
23 when the MRS came into view. DOA came with the MRS to the
24 tribe. And they didn't just come to us, they also went to
25 some other tribes to see if there was a viable storage for

1 spent nuclear fuel.

2 I can't remember what other tribes, if they were
3 in New Mexico or in Nevada or wherever they were, but we
4 decided to take them on. So they gave us a grant of some
5 money, and with that money we went abroad to see actually
6 what was going on in these nuclear power plants.

7 So I've been to Japan, I've been to England, I've
8 been to France, Sweden, all these countries -- just not
9 these countries alone, Germany has their own nuclear power
10 stations. But they all come down to one thing, and that's
11 their waste.

12 The countries that we went to, they were taking
13 care of their waste. I've been inside a nuclear power plant
14 and I stood three meters away from a bundle of spent fuel,
15 but they were in water.

16 They never leave the water. They're always stored
17 in water. It's controlled to a temperature because those
18 nuclear rods are hot even though they've been taken out of
19 the core of the plant.

20 Japan was one country that I was surprised that
21 they would even consider a nuclear power station, but they
22 have them there. Being that Harry S. Truman gave them two
23 atomic bombs, you'd think the Japanese would say, No, we
24 don't want that. But I viewed Japanese people living right
25 around the nuclear power stations.

1 And also in England. The one in England really
2 impressed me because theirs was just a beautiful site. The
3 same with France.

4 Also the same in Sweden. We took a trip to a
5 repository that they were building in Sweden and it was
6 under the Baltic Sea. We went down in a big tunnel that was
7 almost as big as this room here where they could drive a
8 ten-wheel dump truck in there because they were blasting the
9 rock out of there and they were hauling it right out of the
10 tunnel.

11 The water was just dripping off the ceilings, you
12 know. It was really pretty impressive. But the way I view
13 spent fuel, I think it's pretty safe. I think it's pretty
14 safe. I mean anything that's dangerous has to be kept away
15 from people.

16 That's why we have prisons down there. That's why
17 we have the point of the mountain prison, to keep dangerous
18 criminals locked up. It's the same thing. Whenever you
19 have anything that's dangerous, it's supposed to be locked
20 up and put away. That's the way I view this.

21 And as far as our land is concerned, I am for this
22 nuclear waste because I've seen it firsthand. You know,
23 right now there was a load of -- I wouldn't say it's really
24 nuclear waste that went through Utah and down to Whip in New
25 Mexico from NAL. I've also been to NAL and visited their

1 plant in Idaho.

2 But their spent fuel comes from nuclear
3 submarines, and I was asking one of the guys there that was
4 taking us through, I says, What about all these nuclear
5 submarines that have gone down in the ocean? He says,
6 There's no problem with that. The spent fuel that they have
7 in those submarines, they're in their home, they're in
8 water, they're not going to hurt anything, they're just down
9 there.

10 And that's the way it is. And the stories that
11 PFS has planned out for here, there's going to be state of
12 the art casks which is going to be lined with lead,
13 concrete, whatever safety measures they have to take where
14 the gamma ray can't penetrate.

15 Gamma rays can't penetrate lead, concrete or
16 water, so if there is going to be an accident I would say it
17 would be just local. There will be no -- the spent fuel is
18 not liquid, it's not -- it can't be blown off into the air.

19 It's a ceramic is what it is, and if there should
20 be any cracks come to the cask it would just be local. And
21 with the monitoring situation system that they're going to
22 use, it would be found out right away and dealt with and
23 repaired.

24 And as far as the railroad is concerned, I think
25 that's a great idea. The Skull Valley Railroad that's out

1 there right now could not handle all the NAL traffic. It's
2 not handling the traffic right now.

3 I used to work for UDOT. I worked for UDOT for 40
4 years. I was on projects where they built interstate
5 highways. I know how highways are built. And the Skull
6 Valley Road, you might as well go up to Lagoon than ride
7 that Skull Valley Road because it's just like a roller
8 coaster. The undergrading of the road is just all eroded.

9 But when they were going to use that road,
10 somewhere along the route I heard that PFS was going to
11 bring that road up to standards if they were going to haul
12 their spent fuel over it. But when the railroad situation
13 come up, that's even better.

14 As far as the contamination on the reservation, I
15 don't think that's a too big a deal because all the homes
16 that I see out there are far enough away that they're not
17 going to be affected by anything.

18 We've got enough waste out on the west desert as
19 it is. We also have the incinerator out here. I'd rather
20 live right next to spent fuel than I would this incinerator,
21 that's my thinking on that. And as far as Utah being the
22 dumping ground of the world, as I heard so far from a couple
23 of speakers here, I don't think that's the case.

24 As far as us Goshutes are concerned, we're just
25 trying to help out the country in their time of need, and I

1 think it's time for us to become Indians of the 90s and be
2 up with all this stuff.

3 And I think Tooele County I think is a unique
4 county. I've lived here all my life. I've lived in Salt
5 Lake County, I've lived in Grand County down in Southeastern
6 Utah.

7 That's where all this uranium -- when I first went
8 down to Moab in '57 they were hauling, day and night,
9 uranium from all those uranium plants south of Moab to that
10 Atlas refinery just right along the edge of the Colorado
11 River where they're having some kind of a controversy right
12 now about those tailings.

13 But they were hauling it day and night, and the
14 trucks weren't covered either. The uranium was just blowing
15 right out of the trucks. Right down Main Street of Moab
16 they were hauling that stuff day and night.

17 One of the Tooele companies -- one of the Tooele
18 trucking companies, they had a big contract with one of the
19 outfits down there and they were hauling that stuff day in
20 and day out, you know. I was down there for two and a half
21 years. Out at those open uranium mines -- Charlie Steel was
22 big when I was down there.

23 But as far as this is concerned, as far as the
24 waste is concerned I am for it. I think it would be a great
25 economical boom for the tribe. If we do get it, it will

1 mean quite a bit to us. A lot of people say we're
2 impoverished out there -- impoverished, no employment --
3 which is true.

4 I myself live in Grantsville, but that was my
5 choice there. Because there's no work out there I had to
6 seek employment outside of the reservation. Whereas if this
7 thing could come through, there might be some employment for
8 people. There ought to be a lot of people move back on the
9 reservation. I hope that happens.

10 That's just all I'd like to say to you folks up
11 there. I'm glad to see all of you up there. Thank you.

12 MR. DELLIGATTI: Thank you, Mr. Bear.

13 MR. BRACH: Does anyone else have any comments
14 they would like to, at this time, come forward on? It's
15 been mentioned -- I didn't mention it in my opening comments
16 and in retrospect I should have.

17 We had a public scoping meeting this morning in
18 Salt Lake City. We had approximately 20 commentators provide
19 input, views, considerations for the NRC, BLM, BIA to
20 consider as we move forward developing the Environmental
21 Impact Statement.

22 That meeting, same as this meeting, all the
23 comments, proceedings are transcribed and the information
24 from this morning's meeting and this evening's meeting
25 collectively will be viewed by the three agencies.

1 Does anyone else at this time have additional
2 comments or views they'd like to offer? We are scheduled
3 this evening for the meeting to go from 6:30 to 9:30 so we
4 will need to be here up until 9:30 in case some folks were
5 not able to come earlier and were planning on coming later
6 in the evening. If there are no other comments at this time
7 -- I don't want to close yet if anyone has additional
8 comments.

9 If not, what we'll do is take a recess, a short
10 recess. And if during the recess anyone here does decide
11 they do have some comments they'd like to offer, let any one
12 of the folks on the stage here be aware of that. Or if
13 individuals come later to the meeting and request to speak,
14 we will reconvene the meeting.

15 So at this point we'll take a short recess, and
16 thank you very much.

17 [Recess.]

18 MR. BRACH: If I could have your attention for
19 just a minute, please. We realize we're in a recess. I
20 wanted to ask if anyone has additional comments or concerns
21 at this point that they'd like to offer. We'd be receptive
22 to hear your views or comments.

23 THOMAS SEE: When are we going to be able to ask
24 questions?

25 MR. BRACH: The purpose of this meeting is to

1 receive comments and views for us to consider for the --

2 THOMAS SEE: I'd like to ask some questions.

3 MR. BRACH: Are they questions with regard to the
4 approach or the content or the agency's interactions for the
5 Environmental Impact Statement?

6 THOMAS SEE: Well, I understand this morning at
7 the scoping meeting that somebody said that Dugway Proving
8 Grounds would extend the railroad. I would like to know
9 where that came from from Dugway Proving Grounds.

10 MR. DELLIGATTI: That statement was made by one of
11 the commentators this morning. That wasn't made by a member
12 of the panel. I don't know where that information came
13 from. PFS has not told NRC that, and that would be the only
14 source we would have of that information.

15 MR. BRACH: The application to the NRC for the
16 rail spur is from Loa, Utah -- the junction of Loa, Utah
17 coming down to the Private Fuel Storage proposed spent fuel
18 facility. That's the extent of the rail spur that has been
19 defined in the application.

20 THOMAS SEE: Okay. My name is Thomas See. I live
21 out in Skull Valley. The other question I'd like to ask is
22 is most of the land that the railroad would be on, is it BLM
23 or is it private land?

24 MR. DELLIGATTI: Our understanding is that all of
25 the land that the rail spur would be on would be BLM land.

1 THOMAS SEE: Would a fence be built on both sides
2 of the rail line?

3 MR. DELLIGATTI: That you would have to ask
4 Private Fuel Storage or the Bureau of Land Management that
5 question. The transportation of the spent fuel is not part
6 of the licensing of the facility, so that would be beyond
7 the scope of our knowledge. But I'm sure if you check with
8 the BLM or Private Fuel Storage they could probably discuss
9 that with you.

10 THOMAS SEE: I understand a court case will take
11 place trying to find out who is the majority of the tribe in
12 Skull Valley that want or do not want fuel storage. And I
13 am not opposed to the fuel storage as such, and it should be
14 conducted -- the research should be conducted
15 scientifically. And if you believe it should be put there,
16 fine.

17 But I believe it is up to the tribe, the majority
18 of the tribe to decide that. I'm very confused about who is
19 the majority of that statement. So if the majority is not
20 conducting the business, then it shouldn't be done. If they
21 are, then I think it should be known how that majority
22 decided.

23 MR. DELLIGATTI: Thank you.

24 THOMAS SEE: Thank you.

25 MR. BRACH: Are there any other comments or views

1 from individuals here you would like to offer? If not, as I
2 mentioned, we are staying here until 9:30 just in case
3 individuals are coming later to the meeting. So at this
4 point we'll be back in recess. Again, if you have questions
5 --

6 WILLIAM PETERSON: Since you asked, I'd just like
7 to go on the record for support.

8 MR. BRACH: If you could, come to the microphone
9 and identify yourself.

10 WILLIAM PETERSON: Bill Peterson, and I would just
11 like to go on the record for support.

12 MR. BRACH: Thank you. If there are no other
13 comments at this point we'll still go back into recess
14 again. Again, if you have comments, I'd appreciate it if
15 you'd let me or any one of the other representatives of NRC
16 or BLM know and we'll go back into session. Thank you.

17 [Recess.]

18 MR. BRACH: If anyone has any additional comments,
19 please let one of us know and we'll reconvene the meeting.
20 Thank you.

21 [Recess.]

22 MR. BRACH: Can I have your attention for just a
23 minute. For a matter of record, the meeting is now going to
24 close and I'd like to thank everyone. I appreciate your
25 support from Tooele City. Thank you.

1 [Whereupon at 9:30 p.m., the meeting was
2 concluded.]
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C E R T I F I C A T E

STATE OF UTAH)
COUNTY OF SALT LAKE)

THIS IS TO CERTIFY that the preceding hearing was taken before me, Wade J. Van Tassell, Registered Professional Reporter and Notary Public in and for the State of Utah.

That the testimony was reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 3rd day of May, 1999.


Wade J. Van Tassell, RPR

My commission expires:
25 June 2000

