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NUCLEAR REGULATORY COMMISSION

Title: Private Fuel Storage, LLC
Limited Appearance Session

Docket Number: 72-22-ISFSI; ASLBP No. 97-732-02-ISFSI

Location: Tooele, Utah

Date: Friday, April 26, 2002

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:)
PRIVATE FUEL STORAGE, LLC,) Docket No. 72-22
(Independent Spent Fuel) ASLBP No.
Storage Installation) 97-732-02-ISFSI
)

U. S. Nuclear Regulatory Commission
Tooele High School Auditorium
Tooele, Utah

On April 26, 2002 the above-entitled matter came
on for hearing, pursuant to notice, before:

MICHAEL C. FARRAR, CHAIRMAN
Administrative Judge
U. S. Nuclear Regulatory Commission

G. PAUL GOLLWERK, II
Administrative Judge
U. S. Nuclear Regulatory Commission

DR. JERRY R. KLINE
Administrative Judge
Atomic Safety & Licensing Board Panel

DR. PETER S. LAM
Administrative Judge
Atomic Safety & Licensing Board Panel

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Friday, April 26, 2002

4:10 p.m.

P R O C E E D I N G S

JUDGE FARRAR: Good afternoon, everyone.

We're here at Tooele High School auditorium. We want to thank assistant principal Kendall Topham for arranging our use of this facility. We are now 40 minutes late getting started. We want to thank those people who were here at 3:30 and waiting here today. There was a press conference with U.S. Senator Bennett and some other figures. It was supposed to start at three and it started later. So we didn't get started until 3:30, and we didn't want them to have repeat what they had to say out there.

Some of you may know that we are the Atomic Safety and Licensing Board appointed by the Nuclear Regulatory Commission. We've been holding hearings in Salt Lake City on the application of a company called Private Fuel Storage for Nuclear Regulatory Commission approval of their proposal to build on the reservation of the Skull Valley Band of Goshute Indians a facility for the temporary storage of spent fuel from nuclear power plants.

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1 The judges are administrative judges
2 appointed by commissioners who sit in this case.
3 Recognizing that these are complex proceedings,
4 long ago Congress provided in the Atomic Energy Act
5 that we would have three-person boards preside.
6 Those boards consist of two technical members: my
7 colleagues, Dr. Jerry Kline, an environmental
8 scientist; and Dr. Peter Lam, a nuclear engineer;
9 and there's a lawyer chairman, that's me, Mike
10 Farrar.

11 Paul Bollwerk is also with us. Those of
12 you who were here a couple years ago will remember
13 at that time he was chair of the board. He has
14 done a lot of work in this case. He now shares the
15 board for some issues; my colleagues and I share
16 the issues that are again in Salt Lake City.

17 We will be continuing in Salt Lake City
18 for three more weeks. We've heard part of an issue
19 involving a potential threat to the facility from
20 military aircraft operations in Skull Valley. We
21 will start on Monday two or more weeks of hearing
22 on threats from earthquakes at this site, the
23 concerns. We completed earlier this week the
24 hearing of an issue brought by the Southern Utah
25 Wilderness Alliance about the line, the rail line

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1 facility, and we are hearing to go along with what
2 was said an issue on -- another issue, the
3 hydrology issue that was brought by the State of
4 Utah.

5 Those proceeding are formal
6 adjudications that follow procedural rules similar
7 to those applicable in a civil lawsuit in Federal
8 District Court. Under those rules only parties to
9 the proceeding, that is, people who take the time
10 and effort to participate formally, they've hired
11 lawyers to represent them and have testimony of
12 expert witnesses in the areas, those -- they are
13 the people entitled to participate formally in our
14 hearings with cross-examination of other parties'
15 witnesses in order to create an evidentiary record
16 on which the board's decision on these issues we
17 will be required to make.

18 Our rules recognize others like
19 yourselves who, while they were unable to
20 participate in the proceeding as a formal party,
21 nonetheless we'd like to hear your views on the
22 issues, and these proceedings will be recorded. So
23 it's been a longstanding agency practice to conduct
24 these limited appearance sessions, hearing
25 sessions. Those who are not a party, they come

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1 before us and present a brief statement about his
2 or her position regarding the topic. These limited
3 appearance statements also presented in writing are
4 a made part of the official document in the
5 proceeding.

6 You may make oral limited appearance
7 statements today. We have set this afternoon to go
8 from 3:30 to 5:30. Given the late start, we will
9 push that beginning from now until six. We'll go a
10 little after four until six. Then we'll be back
11 here at seven and conclude at 9:30.

12 There will be a three-minute time limit
13 because we want to hear more from you, but if you
14 do, if there are 30 people with a message, that's
15 an hour and a half and that's about what we have.

16 One way to testify is that if you have a
17 lengthy comment, rather than read it, you might
18 wish to summarize it, summarize it and give a copy
19 to the lady down -- the court reporter, and we will
20 ensure that the entire statement gets into the
21 document.

22 In addition to the judges here listening
23 to what you say, the parties in the proceeding are
24 here. Some of them are here, or their
25 representatives can hear what you say.

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1 In terms of the proponents of the
2 project, Mr. Silberg, would you introduce yourself?

3 MR. SILBERG: Thank you, Judge Farrar.
4 My name is Jay Silberg. I'm an attorney
5 representing Private Fuel Storage. We're happy to
6 be here today. We welcome the members of the
7 public who wish to address the board and provide
8 their views on this project. With me here today is
9 Mr. John Donnell, the project director of Private
10 Fuel Storage.

11 JUDGE FARRAR: The Private Fuel Storage
12 project is being done in cooperation with the Skull
13 Valley Band, and I don't think their counsel is
14 here, but I saw Chairman Bear.

15 The State of Utah has been present in a
16 number of issues. Is anyone from the state here?

17 And the Southern Utah Wilderness
18 Alliance had one issue that was finished earlier
19 this week. And also opposing the project is an
20 organization called Ohngo Gaudadeh Devia. Is there
21 anyone here from that organization?

22 All right, then we'll go ahead.

23 The first name I have on the list is
24 Michael Packard. What we'll do is give you a
25 little hand signal when you've got ten or fifteen

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1 seconds left, and that gives you an opportunity to
2 wrap up your remarks. We've got over 20 people
3 signed up, and we want to give everyone a chance to
4 be heard.

5 MR. PACKARD: I was hoping to have a
6 half an hour or two. Anyway, there has been so
7 much fearmongering about this, about nuclear power
8 in general. People have been scared literally to
9 death. You've seen it, you've heard it. In fact,
10 nuclear power is the safest enterprise in the
11 country.

12 You might visit the state capitol. The
13 rotunda in the state capitol has a volume of about
14 half a million cubic feet. That would be just
15 right to hold the entire nation's 1,500 daily
16 newspapers for the last 30 years, about 16 million
17 editions, and you would not find among those a
18 single death announcement of someone killed by
19 America's nuclear power. No deaths by radiation,
20 et cetera.

21 That's somewhat compelling. You might
22 visit the Kennecott waste pile here. Maybe you've
23 seen it from the air. Four billion tons of waste
24 rock from a century's worth of mining ore there.
25 That is twice that amount. Eight billion tons is

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1 the amount of carbon dioxide that is going into the
2 atmosphere by America's 20 percent, novel 20
3 percent nuclear power share at this time.

4 If America decides to become energy
5 independent and increase our nuclear to 50 percent,
6 we would be preventing from going into the
7 atmosphere from burning of fossil fuels every four
8 years another four billion tons, another Kennecott
9 waste pile of waste -- if we go forward. There's
10 no going backward. So many proposals that I've
11 heard are people that they wish they could change
12 the space-time continuum and go to another space
13 and time. We can't do that. We have to move
14 forward.

15 Since the Nevada repository, despite
16 billions of dollars, it's still chancy. It is the
17 worst case in history of putting all your eggs in
18 one basket, because it was taken out of the
19 scientific and engineering realm back in the 80's,
20 70's and 80's, and put into the political realm.

21 There is only one solution, and that is
22 to develop the nuclear reactor technologies that
23 can actually burn nuclear waste, so-called IFR,
24 Integral Fast Reactor, or immediately resume the
25 construction of plants to -- or modification of

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1 plants for greater reactor and reprocessing.

2 These procedures would move up to 15
3 times as much energy from the fuel. It is both
4 physically cooler and less radioactive and did so
5 for much less a period of time. Storage then
6 becomes easy, a cake walk. We would be able to
7 qualify the Nevada repository on such basis
8 immediately.

9 It is time that you folks need to be
10 proactive and you need to find a solution that
11 works. And of course safety -- to finish with
12 safety. That billions of dollars have been wasted
13 trying to make nuclear power safer than safe, zero
14 in 30 years. That's it. And instead, hundreds of
15 thousands of -- hundreds of thousands of lives have
16 been saved by nuclear power, and more thousands
17 would be if that money hadn't been wasted in trying
18 to make it safer.

19 So we need to do the rational and
20 scientific, the intelligent, and not the fear of
21 fear itself, which is being peddled by those
22 opposed it. And that of course was the hallmark of
23 the Roosevelt Administration as they led the nation
24 through war, World War II. Thank you.

25 JUDGE FARRAR: Thanks. We appreciate

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1 your comments. The next person is Lou Russell.
2 Terri Peacock. Margene Bullcreek. And after that
3 will be Lisa Bullcreek.

4 MS. BULLCREEK: Good afternoon.

5 JUDGE FARRAR: Good afternoon.

6 MS. MARGENE BULLCREEK: It's good to
7 come before you again. First of all, I want to say
8 that all these public statements that you're
9 hearing from these people, I hope that you can be
10 able to consider what we are saying, and we're
11 saying no to nuclear waste, not only because we
12 feel that we're feeding on our fears, but there is
13 a lot of facts out there about what power, the
14 nuclear powers have done wherever they're stationed
15 at. And that is this poison that's inside the
16 storage casks has done a lot of damage, and I have
17 said this before time and time again. I don't
18 think that the storage itself can be as safe as PFS
19 makes it sound, because there's no guarantee of
20 what man can do. Man can be as safe as they want
21 to be, but there's always an accident that can
22 happen.

23 When we spoke before you, we have been
24 criticized as saying that we're creating our own
25 fear, that there's no such thing as a terrorist.

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1 But terrorists did strike, and they can strike on
2 our reservation. Not only because that they want
3 to -- well, who can say what terrorists do? It
4 happened, and it's done its damage. And no one can
5 tell me that this can't happen again on our
6 reservation.

7 So with those issues that I'm talking
8 about, it just makes me more concerned that this is
9 coming to our reservation, because there's no other
10 place where you can store this nuclear waste.
11 Nobody wants it. Yucca Mountain out there, it's
12 not going to be there for another ten years. And
13 this is a temporary storage. It won't be a
14 temporary storage, it will be a permanent storage.

15 Our council that had been going for this
16 at that time, Mr. Leon Bear, Lawrence Bear, Mary
17 Jane Allen, Rex Allen, they wanted this. And they
18 tell you, they tell you that they have the support
19 of their people for this PFS, but they don't really
20 have it. And so now we have two councils. There's
21 a conflict. This should be null and void because
22 of that. Our sovereignty is at stake.

23 We are a reservation. Our sovereignty
24 is made up of traditional Indians, and that's
25 Native Americans, an indigenous people, and that's

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1 why I speak to you the way I am. And I hope you do
2 consider this. Because I am not a scientist, but
3 you have scientists saying how safe this is, but I
4 am just a Native American who has been -- we've
5 been almost destroyed because they wanted our
6 lands, and they want our lands again. We consider
7 our lands as being our Mother Earth, and we hold
8 that sacred to us. We have or else we wouldn't
9 have survived up to today in the things that we
10 believe in.

11 And people that -- they're hoping this
12 nuclear waste will be safe, in their terms, to our
13 reservation, so that would create this housing and
14 jobs and all the things that we lack today but
15 we've lived without for over 20 years. So all of a
16 sudden this is going to change. And me and my
17 family and other people that didn't approve this
18 are going to be sacrificed for the sake of other
19 people that want monetary gains.

20 If they get the money, how is this going
21 to benefit all of us? Up till today PFS has
22 already given them millions of dollars, thousands
23 of dollars. They've already been distributing them
24 to their supporters. But those of us who are in
25 opposition, we don't receive one cent. \$7.67 is

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1 what each member got for our land. That's not
2 rich. To me it's not worth it. And so if
3 everybody received it, the waste on the reservation
4 would not benefit. But people don't understand,
5 especially those that are saying that let the
6 Goshutes get what they want; you know, why can't
7 they have what they want, why is the state
8 interfering.

9 But not all Goshutes benefit from this.
10 Up to today we have two councils, and they're not
11 recognizing them. You're only dealing with Leon
12 Bear, and he's not the chairman. He is not the
13 chairman.

14 JUDGE FARRAR: It's time for you to wrap
15 up. What we'll do is if you want to state your
16 position in this case and we have time left at the
17 end of the session, we'll let you come back.

18 MS. BULLCREEK: Okay, but let me just
19 read what I have here, because I'm not coming back.

20 Okay. The NRC doesn't want to hear
21 environmental issues. They blend this with public
22 domination. You have this corporation living on
23 our Indian land. We will -- in your scope of
24 proposal you don't consider tradition. You say
25 Leon has spoken for tradition. He hasn't, or we

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1 wouldn't be before you today. He said we don't
2 live in the past. But this is the position that he
3 put himself in. He has to stay here so he can
4 oversee and not -- we do have a traditional
5 council, and we should conduct the way we haven't
6 been. There's a lot of corruption out there,
7 there's a lot of bribery out there, and you're
8 still going to consider this waste. And we are
9 saying no to this because we have to say no to
10 protect our future generations. Thank you.

11 JUDGE FARRAR: We appreciate your
12 sincerity in your statement.

13 Before I go on, I want to apologize to
14 the Nuclear Regulatory Commission Staff for not
15 recognizing them before. These are the people at
16 the NRC. They're not on our staff; they work
17 separately from the commissioners. They review the
18 application over a several-year period, and after
19 it gets their approval, then they appear in
20 hearings in front of us and take a position
21 consistent with whether a scientific review shows
22 that we . . . Ms. Marco?

23 MS. MARCO: Thank you. My name is
24 Catherine Marco and I am an attorney for the
25 Nuclear Regulatory Commission. And with me is

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1 Mr. Chester Poslusny, and he is our environmental
2 project manager for this project.

3 JUDGE FARRAR: Next is Lisa Bullcreek,
4 Marjorie Thomas, Stephen Barrowes.

5 MR. BARROWES: I'm a Ph.D. physicist and
6 I'm interested in this subject because I think the
7 country needs a good, reliable source of energy
8 that does not pollute the air, does not pollute the
9 water, does not kill people with coal smoke and
10 such as that.

11 Yesterday the Energy and Commerce
12 Committee of the U.S. House voted in favor of Yucca
13 Mountain by 41 to 6, showing that Yucca Mountain
14 will very likely be approved. This means that the
15 storage on the Goshute Reservation will not be
16 permanent, but temporary.

17 Most likely this country also will begin
18 reprocessing spent nuclear fuel again, a second
19 reason why spent nuclear fuel will not be
20 permanently stored at Private Fuel Storage.

21 Having Private Fuel Storage for
22 temporary storage will make Yucca Mountain more
23 efficient. They would require -- they could
24 require spent nuclear fuel to be 50 years out of
25 the reactor before going to Yucca Mountain, and

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1 that would eliminate the need for 10,000-horsepower
2 fans, saving \$250 million in electricity alone over
3 a 50-year period. It would also avoid the need for
4 possibly doubling the drift tons to get a low
5 temperature option.

6 Nuclear energy has a very good safety
7 record. Not one person has been killed by a
8 radiation accident from the U.S. nuclear power
9 industry. The coal-powered industry has a
10 different kind of record. They kill 30,000 people
11 yearly from coal smoke, which is not just a danger,
12 it's a deadly fact every year. Nuclear energy is
13 the most economic, environmentally friendly option
14 we have to keep our economy going and our homes
15 powered.

16 And I think that furthermore, this
17 material can be stored safely. It is not nearly
18 the problem that some people imagine. Of course,
19 it helps if you understand the science a little
20 bit. A couple of feet of concrete, a mile or two
21 of distance, or letting the material have time to
22 decay its radioactive materials. These are all
23 ways in which you can be safe from the radiation.
24 And I thank you.

25 JUDGE FARRAR: Thank you, Mr. Barrowes.

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1 We appreciate you expressing your views here today.

2 Next is Bill Peterson.

3 MR. PETERSON: My name is Bill Peterson.
4 I'm an engineer working on doing spent nuclear fuel
5 storage in Box Elder County, a project similar to
6 the Goshute Reservation. I prepared this in
7 writing and am giving it to your record person.

8 Today people in Utah are speaking.
9 They're using power in their homes, they're using
10 gas in their cars as they travel. Utahns want
11 energy. They also want clean air. Nuclear power
12 is the only answer today's science can provide for
13 a new source. For this needed new source over the
14 next five years our nation needs 500 new nuclear
15 power plants for energy, for electrolysis of water
16 to make hydrogen for fuel-celled cars that are
17 coming.

18 To jump-start the building of 500 new
19 nuclear power plants, the spent nuclear fuel
20 requirement must be resolved. Yucca Mountain,
21 Private Fuel Storage, and the Pigeon Spur Fuel Bank
22 in Box Elder County must be licensed.

23 Spent nuclear fuel should be reprocessed
24 for the 95 percent of U-238 uranium which it
25 contains. The 5 percent residue from reprocessing

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1 can go to Yucca Mountain for 300 years of temporary
2 geological storage, then put into simple landfill.
3 For staging for reprocessing of spent nuclear fuel
4 after the plant fuel storage, spent nuclear fuel
5 needs to be stored for 50 years in temporary,
6 intermediate, near-surface storage. This
7 near-surface storage is required to enable
8 convection air cooling, and this eliminates 10,000
9 horsepower requirement at Yucca Mountain.

10 Yucca Mountain will thus become a
11 permanent facility for temporary geological storage
12 for residual from reprocessing, a technology the
13 rest of the world is waiting to see. Private Fuel
14 Storage and Pigeon Spur will become permanent,
15 convection, air cooled, intermediate storage for
16 spent nuclear fuel for its holding and staging
17 prior to reprocessing. In this way the entire
18 solution for spent nuclear fuel is permanently
19 made.

20 Improvements for associated lifting
21 issues, railroad issues, hardened storage, slightly
22 underground convection air cooled, safe from
23 terrorist attack are offered by us, P & A
24 Engineers, in association with Pigeon Spur. These
25 proposed studies should proceed.

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1 Spent nuclear fuel is a national issue
2 determining the nation's future for energy, clean
3 air, independence, and safety. A solution to spent
4 nuclear fuel is required now. "No" and "not in
5 someone's back yard" are not solutions. Our
6 nation's congress has and is now acting as best
7 possible for our options and requirements. I urge
8 that today we please support our nation's elected
9 leaders, this panel, and get the spent nuclear fuel
10 issue resolved. Thank you.

11 JUDGE FARRAR: Thank you very much, sir,
12 for your views.

13 Gary Sandquist.

14 MR. BARROWES: I met with Gary Sandquist
15 at about noon. He's unable to be here. He's
16 prepared a written statement. I've given the
17 written statement to her. I've asked Dr. Bureaus
18 to read Gary's written statement.

19 JUDGE FARRAR: All right.

20 MR. BARROWES: This is the statement of
21 Gary Sandquist, professor at the University of Utah
22 who supervises their research reactor there.

23 The U.S. must address and safely resolve
24 the storage and disposal of spent nuclear fuel if
25 the nuclear power is to remain viable in this

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1 country. To ignore or dismiss an energy sector
2 which provides 20 percent of the nation's power
3 with no greenhouse gas emissions and a safety
4 record superior to all other means of producing
5 electrical power is technically and environmentally
6 wrong.

7 It appears that the U.S. Congress will
8 override the veto by the State of Nevada for
9 licensing and developing Yucca Mountain as the
10 first repository for the U.S. This action is
11 appropriate and necessary to eliminate the future
12 problems that will result from temporary storage of
13 spent fuel in present reactor sites.

14 Furthermore, the licensing and
15 development of temporary storage sites in areas
16 near Yucca Mountain to function as secure holding
17 sites pending delivery to Yucca Mountain is sound
18 both from a technical and safety perspective. The
19 claim that these temporary sites would become
20 permanent is not valid with approval of Yucca
21 Mountain by the U.S. Congress. Furthermore, claims
22 of terrorist acts against and releases from spent
23 fuel canisters are far less credible for Skull
24 Valley than present locations at nuclear plants.

25 Nuclear plants were never intended or

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1 designed to serve as a de facto long-term storage
2 facilities for spent fuel. Skull Valley and other
3 storage sites, if licensed and built, would be
4 expressly designed, built, and operated to provide
5 safe, secure, temporary storage pending disposal at
6 Yucca Mountain.

7 As a nuclear engineer with 40 years
8 experience with siting and operating a nuclear
9 research reactor at the University of Utah and
10 managing of radioactive waste, I testify that spent
11 nuclear fuel can and should be managed and disposed
12 of as proposed by the Department of Energy. Gary
13 Sandquist.

14 Thank you.

15 JUDGE FARRAR: Thank you for sharing his
16 statement. Steven Stepanik.

17 MR. STEPANIK: Members of the Nuclear
18 Regulatory Commission Atomic Safety and Licensing
19 Board, thank you for the opportunity to comment
20 today about the proposed Private Fuel Storage
21 company plan to store high-level nuclear waste in
22 Skull Valley Utah. I appreciate your being here in
23 Utah and allowing for comments on this project.

24 My name is Steve Stepanik. I'm a
25 registered professional engineer in the state of

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1 Utah, and I have worked in the energy industry for
2 20 years.

3 I believe that the NRC should not
4 approve the PFS plan to store high-level nuclear
5 waste for at least the following reasons.

6 Number one, transporting high-level
7 nuclear waste across the country to a temporary
8 nuclear facility exposes millions of U.S. citizens
9 along the transport road to double danger, as the
10 toxic waste must be moved one more time to get to
11 the permanent location. It is well known that the
12 storage casks have not been tested in real life
13 train crash situations.

14 It is also well known that over 70
15 accidents have occurred within the U.S. while
16 transporting nuclear wastes in the last 50 years.
17 An accidental disaster is not a possibility, it is
18 virtually a statistical certainty. The very real
19 possibility of a terrorist-related transportation
20 accident adds to this danger in a way not
21 imaginable even one year ago.

22 Number two. The three billion dollar
23 cost of the PFS temporary storage plan is
24 approximately double the cost estimated by the NRC
25 itself as the cost of expanded -- excuse me,

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1 expanding the on-site storage capability where the
2 waste is now being stored. Enhancing on-site
3 storage would minimize the transport risks
4 associated with moving this toxic waste and allow
5 for a permanent plant to be put in place to
6 reprocess or permanently store this waste.

7 Number three. The plans to use
8 temporary above-ground storage were formulated in a
9 world that was drastically different than the world
10 that we live in today. This plan exposes the
11 national area east of the Goshute Reservation to a
12 toxic plume of nuclear fallout following a probable
13 seismic event or a terrorist strike. A terrorist
14 strike on the proposed PFS site can easily be
15 imagined with a major airport located minutes away
16 from what is potentially the largest concentration
17 of toxic high-level nuclear waste in the world.

18 The terrorist activities of September 11
19 illustrate the use of a fully fueled jumbo aircraft
20 as a weapon of mass destruction. The PFS site is
21 literally a few air minutes south of the existing
22 east-west flight corridor. There would not be
23 adequate time to scramble military intervention or
24 support from Hill Air Force Base in the event a
25 regularly scheduled flight is hijacked and flown

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1 into the proposed PFS site.

2 If there's any doubt that the world is a
3 different place, the headlines from the Salt Lake
4 Tribune on Saturday, April 20th provide a slight
5 illustration. Number one, "Firefight Erupts in
6 Gaza, and Hamas threatens deadlier attacks and more
7 of them." Number two --

8 JUDGE FARRAR: Are you ready to wrap up?

9 MR. STEPANIK: Yup. I say to you
10 finally, do not allow this proposed site to be
11 permitted for construction simply because a permit
12 has been requested. As the Atomic Safety and
13 Licensing Board, you have the responsibility to
14 look at the feasibility, safety, and economics of
15 this proposal. I submit to you that the project
16 fails the safety and economic tests. Deny the
17 permit because it is not safe in the U.S. and it is
18 not the most economical choice.

19 I emphasize, do not paint a big red
20 bull's eye in Utah. Deny it because the proposed
21 PFS plan does not address the very real and
22 immediate threat from terrorist acts that will
23 injure people during transit and all of those
24 people from the eastern two-thirds of the U.S.,
25 which includes men, women and children, and/or

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1 families.

2 Thank you for the opportunity to address
3 you.

4 JUDGE FARRAR: Thank you. We appreciate
5 having you talk.

6 MR. ENSIGN: Good afternoon, Utah. My
7 name is Clint Ensign. I'm vice president of
8 Sinclair Oil Corporation. Sinclair owns Snow Basin
9 ski resort in Utah, home of the 2002 Winter
10 Olympics speed events. We also own two hotels in
11 downtown Salt Lake City, one of those where the
12 Olympic venues was during the games. And so as
13 such, I'll comment we have a major investment of
14 literally hundreds and hundreds of millions of
15 dollars in the state of Utah in the tourism
16 industry. And so I advise today in opposition to
17 the idea of putting this stored nuclear waste here
18 in the state of Utah.

19 While the federal government I believe
20 is well received in Utah, we still have memories of
21 things like nerve gas and dead sheep and the
22 downwind problems in southern Utah. And I haven't
23 been in St. George for a while. And so in this
24 particular area there's a level of distrust, and I
25 think you can understand that. And so despite

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1 whatever assurances or guarantees or promises are
2 made against that backdrop, there's a great deal of
3 fear about what will go on here.

4 I agree with the last presenter dealing
5 with their part of the safety concerns, especially
6 with casks that are standing out in the open.
7 Contrast that with the Yucca Mountains where those
8 cask are placed deep in the mountain and within
9 Mother Earth. Those are two completely different
10 situations, and it raises some serious safety
11 concerns.

12 I agree with the thought that those
13 sites that have created this waste that on a
14 temporary basis it cannot be expanded and -- the
15 storage capacity there, but of course it will be
16 shipped to Yucca.

17 Last of all, again, let me touch on the
18 tourism aspect. The positive image of the state
19 and the perception that people have is critical to
20 tourism. And I have heard arguments about safety
21 and all, but one incident, even a minor incident,
22 would be known nationally and the impacts to the
23 tourism industry here could be quite severe. And
24 the amount of waste that we're bringing here would
25 be known nationally, and again, that perception,

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1 right or wrong, could have a devastating impact
2 here on the state.

3 I thank you for the chance to present
4 these views to you.

5 JUDGE FARRAR: Thank you. David
6 Gladden.

7 MR. GLADDEN: My name is David Gladden
8 and I'm a resident of Tooele County, have been for
9 almost all my life. I am a registered professional
10 engineer in the state of Utah, and for about 15
11 years before I retired I was very active with a
12 program having to do with the handling of nuclear
13 wastes and air cleaning problems. So I think I
14 have a little bit of knowledge about what's going
15 on.

16 The problems that I see is that yes, I
17 recognize that the nuclear industry is a very
18 beneficial operation program for the United States
19 and we do need more. However, the Nuclear
20 Regulatory Commission has the legislative
21 responsibility to manage those programs, and by
22 passing this off to the PFS, they've abrogated
23 their responsibilities.

24 I think that we need to look at the
25 location that they're trying to push down our

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1 throat. Recognizing that Skull Valley is directly
2 downwind of one of the largest polluters in the
3 country for chlorine. Chlorine is a natural
4 antagonist, if you will, to stainless steels.
5 These cylinders that they're talking about building
6 are basically stainless steel, and they're going to
7 corrode like crazy. All it takes is wind in the
8 right direction.

9 The other thing I'd like to say is that
10 if you've never spent time out there in Skull
11 Valley, you've missed some of nature's wonders.
12 That is one of the toughest, roughest environments
13 that you'll run into. The wind and the sand and
14 the rain and everything else that blows around out
15 there is very corrosive. I don't know how you can
16 build a concrete bunker and have it fall to pieces
17 on you in 20 years without recognizing some impact
18 on the storage facility.

19 Finally, I'd like to just acknowledge
20 the fact that Utah does not have any of these
21 nuclear power plants within the state, and so why
22 should we be the dumping ground for the other
23 facilities? They need to manage their own wastes,
24 and then when the government finally gets their act
25 together and starts reprocessing it, they won't be

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1 shipping and double handling the materials over and
2 over again. Thank you.

3 JUDGE FARRAR: Thank you. James
4 Webster.

5 MR. WEBSTER: I'm James Webster. I have
6 some landholding interests out in the Tooele area,
7 but I'm a resident of Salt Lake City. I'm also a
8 ten-year veteran train worker with the Southern
9 Pacific Railroad, and my brother currently is an
10 engineer with the Union Pacific. He has been
11 denied the opportunity to speak to this Board
12 because of the relationship of the employees with
13 the Union Pacific Railroad. They cannot speak out
14 on this issue, but on his behalf I'm familiar with
15 his concerns, and having worked on the railroad for
16 a number of years and having just looked at the
17 train accident in Los Angeles, and they seem to be
18 recurring on a very frequent level, none of those
19 are predicted. All of those would have been stated
20 by a safety board to be very unlikely, but they
21 nevertheless happened.

22 I myself have been involved in a number
23 of train derailments out on the West Desert. I
24 worked for the Southern Pacific for a number of
25 years. The mail train and some of the high

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1 priority trains that are supposed to be so
2 bulletproof end up being derailed just as the
3 lowest of all trains. There's no way to predict
4 that, and the casks have not been tested in that
5 regard.

6 I've spoken to you before and I will be
7 with you some information. However, there are some
8 new things that have come up. The Davis Bessey
9 reactor near Toledo, Ohio nearly melted down.
10 There was an interview on "Talk of the Nation" by
11 Ira Flato with Daniel Ford, who certainly has
12 credentials to speak on these issues. He said we
13 were within a heartbeat or so of that meltdown.
14 The inspections by the NRC are inadequate, and they
15 always have been. They have a very poor track
16 record, and I think in terms of safety we have some
17 very considerable concerns to be dealt with as
18 recent as last week.

19 The issue of sabotage is not a current
20 issue. It was brought out -- I'd like to read a
21 statement from the paper written by Thomas Holliker
22 in 1974. He said, "The final repository does not
23 now exist and its final form is uncertain." That's
24 still the case in 2002, by the way. "In the
25 meanwhile billions . . . commercial power

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1 production will join in accumulating several
2 billion . . . weapons waste, all on the earth's
3 surface and vulnerable to accident, air and
4 sabotage." 1974 was when he said that.

5 There are so many problems with respect
6 to toxicity of the plant life out there that I
7 tried to explicate in my last report. The Goshute
8 Indians have the unique capacity of solving
9 medicinal problems through ethnobotany, and yet the
10 NRC says it doesn't matter if we destroy those
11 plant materials out there because they can be found
12 elsewhere. We're not talking about an endangered
13 species of plant, we're talking about a lifestyle
14 that would be threatened and potential
15 pharmaceutical cures for millions and millions of
16 people, and we're also talking about an alternative
17 economy for the Goshute people.

18 One of the commissioners stood up in a
19 meeting, a Tooele commissioner stood up in a
20 meeting that was on television a number of months
21 ago and said that housing starts in Tooele County
22 have maintained a strong level. I have a document
23 here as recent as today prepared by the Tooele City
24 Planning Department which indicates that housing
25 starts went in 1999 from a level well in excess of

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1 700 a year to a projected amount this year of less
2 than 50. And that happened in July. That
3 turnaround happened in July of 2000 when the
4 general public became aware of the Goshute
5 proposal, or the proposal at the Goshute
6 reservation which is very close to this area.

7 So I think there's a lot of concerns
8 that have not yet been spoken to. The corrosive
9 soils are certainly something that's not addressed
10 in the EIS. The EIS's response to sabotage is
11 totally inadequate.

12 I would like to conclude with a
13 statement by Alvin Weinberg, who headed up the
14 AEC's lab in Oak Ridge, and I think he says it as
15 well as anyone. If I can just find it. He says
16 that we have entered into a Faustian compact,
17 nuclear industry has entered into a Faustian
18 compact with society where we're betting on the
19 fact that we'll get cheap energy for nothing.
20 We're not getting it for nothing. There's a
21 tremendous risk.

22 I think that this board in ratifying the
23 PFS proposal is betting our safety as a society on
24 the Faustian agreement that Alvin Weinberg states
25 in 1972 that the nuclear industry has made

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1 essentially with the devil. And this is not a safe
2 situation. It is a situation where we are
3 vulnerable to sabotage. We are vulnerable to a lot
4 of things that may not have been understood at that
5 time and certainly are not understood today.

6 JUDGE FARRAR: Thank you. Janet Cook.

7 MS. COOK: Hello, good afternoon. My
8 name is Janet Cook. I'm a citizen of Tooele
9 County, and I didn't get here to hear your opening
10 statement, so I don't know, do you entertain
11 questions or do you just like statements?

12 JUDGE FARRAR: No, this is a public
13 opportunity to --

14 MS. COOK: This is just when you speak
15 your part?

16 Okay, I guess the thing that troubles me
17 about this here in Tooele County is that we already
18 have so many hazards here in the air, in our water,
19 and just threats of chemical incinerators, so on.
20 It goes on and on.

21 I agree with the gentleman here that
22 spoke about a hostile climate out in Skull Valley.
23 We're -- the reservation is somewhat adjacent to
24 the Great Salt Lake, and at my house I get a lot of
25 that salt water coming up onto my cars or the salt

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1 blowing off the lake during storms onto, you know,
2 our windows, our cars, and so on. I agree
3 wholeheartedly that it's a hostile environment, and
4 I don't know if the Nuclear Regulatory Agency has
5 been there to take a look at that environment or
6 not.

7 I'm concerned with the agreement that
8 Tooele County has entered into with the PFC folks,
9 inasmuch as there was no local input into that
10 agreement. As I just thumbed through the
11 agreement, I do not see that the fire departments,
12 the emergency preparedness people, nor the police
13 have entered into the agreement and have signed
14 their names to a document that they would agree to
15 respond. I am noticing this year is an election
16 year, and at least one candidate that I've heard
17 that is running for county commissioner is not in
18 support of this, and I'm wondering how permanent
19 that agreement would be and how important that
20 agreement would be to the Nuclear Regulatory
21 Agency.

22 We've heard from our Senator Bennett at
23 a little meeting out in the foyer before we came in
24 here, and he was speaking about the casks, the dry
25 casking, and how every scientist that he's spoken

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1 with said that those would be good for a hundred
2 years. I'm wondering, however, if anything
3 happened to those casks and the nuclear oil stored
4 within them out in the open air, if a plane flew
5 into them as it did into the Trade Center, could
6 they not be destroyed.

7 I understand they're made of cement
8 and steel, and upon impact, I'm sure, especially if
9 there's a lot of fuel as there was in the planes
10 that ran into the Trade Center, that there
11 certainly would be cause for concern.

12 Another thing that is troubling to me as
13 a member of the community and certainly one that I
14 hope you take into consideration as you make your
15 decision is that the Goshute disagreement that
16 should -- I hope you will take into consideration
17 as well as I do not think that Tooele County
18 commissioners have the support of Tooele County
19 with the agreement that they have made, and I think
20 there will be more come forth in this election
21 year. So I wouldn't be too keen on the agreement
22 that has been made with the Tooele County
23 Commission. Thank you.

24 JUDGE FARRAR: Thank you. Karie
25 Molchan.

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1 MS. MOLCHAN: Gentlemen, my name is
2 Karie Molchan, and I stand before you today as a
3 concerned and disturbed citizen in Utah. I feel a
4 grave injustice happening to a place I call my
5 home. I feel vulnerable and I feel helpless in
6 this issue. Did you know that PFS is so confident
7 that this is a done deal that they are advertising
8 jobs in the want ads of our papers? Mostly I
9 cannot conceive of the possibility that our state,
10 my home, is being considered as the holding place
11 for nuclear waste. If it were generated here for
12 our purpose, our consumption, I could more easily
13 understand it, but why of all places in America are
14 we the next place to be considered as a storage
15 site? It seems very unfair.

16 Of the 103 operating power plants, 99 of
17 them are east of Dallas, Texas. We are hundreds,
18 we are thousands of miles from the nearest plant.
19 Bottom line, we don't use nuclear energy and we
20 don't want someone else's radioactive trash in our
21 backyard. Having nuclear waste in Utah is
22 dangerous, it's undesirable, it's unsightly, and it
23 leaves us with a bad association. Who wants to be
24 known as the nuclear waste state?

25 Transporting nuclear waste is risky,

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1 putting all the animals, people, and vegetation
2 along thousands of miles of tracks at potential
3 risk. Yesterday the news reported an increase of
4 train wrecks and derailments in the U.S., partly
5 because of poor rail conditions and fewer railway
6 employees. What if the next accident should occur
7 and nuclear cargo spills? Who's prepared or
8 experienced in dealing with this? Please don't let
9 the decision of one or two people determine the
10 rest of our fate. A decision of this magnitude
11 negatively affects all of us in Utah. It is a huge
12 price to pay for the economic gain of a few.

13 Please, I urge you to plan and construct
14 a nuclear waste storage facility central to the
15 cluster of the operating plants. You are the
16 decision makers. Please put yourself in our shoes.
17 Would you want this in your town with your children
18 and your families? Thank you.

19 JUDGE FARRAR: Thank you. Steve
20 Erickson.

21 MR. ERICKSON: Steve Erickson, Citizens
22 Education Project. I have here a four and a half
23 minute videotape that was released by
24 Representative Shelly Berkeley, Las Vegas, Nevada.
25 I presume that the Board has already seen this

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1 tape. For the benefit of the audience, what this
2 tape is is a demonstration done by a private
3 corporation in the Aberdeen Proving Grounds in
4 1988 -- or '98, pardon me. What it shows is a
5 super canister, on-site dry storage cask penetrated
6 by a shoulder-fired missile. The missile blows an
7 eight-inch hole in the eight-inch thick cask. The
8 cask did not get crushed at the time.

9 We've heard of the importance of this
10 demonstration. In essence, this is not the cask
11 that will be used for transportation, it's not a
12 licensed transport cask. It is a cask that is used
13 for on-site storage that -- the transport casks,
14 because of a need for lighter materials, some of
15 them can have the cask on the rails or on trucks.
16 Those are much less robust and therefore less able
17 to withstand a shoulder-fired missile attack by
18 presumably a terrorist.

19 The casks that the NRC has considered
20 for the purposes of both storage and transport have
21 not been subjected to these sorts of tests, to my
22 knowledge. I presume that the staff will verify
23 that. The question arises, why can't we test those
24 casks as a government agency when an independent
25 contractor can make arrangements for use of

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1 military bases in order to conduct a test on its
2 own product?

3 A second question arises. If such an
4 attack were to occur either at an on-site storage
5 location such as Private Fuel Storage facility or
6 at the existing on-site cask storage areas around
7 nuclear plants, or limited transport casks, who
8 would be responders in each incident across the
9 entire spectrum from point A transport to its final
10 destination?

11 And the other question arises, who then
12 pays the tab above the liability limitations when
13 we're dealing with a limited liability corporation
14 with no assets of its own? I think the answer is
15 clear that it's the taxpayers. If the NRC is to do
16 its job, it needs to finish testing of the casks,
17 and not only test under real conditions with not
18 computer models but full-scale model casks and with
19 missiles. Thank you.

20 JUDGE FARRAR: Thank you, Mr. Erickson.
21 Jason Groenewold.

22 MR. GROENEWOLD: My name is Jason
23 Groenewold, and I'm a director of Families Against
24 Incinerator Risk. And I'm not going to stand up
25 here as a white guy and pretend that I know what

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1 it's like as a Native American to experience the
2 impression of racism that we have in our society.
3 But it's events like today that I sort of see that
4 play out. I know there's well intentions in these
5 hearings, but when we have someone who is dealing
6 with the future of their entire tribe and trying to
7 express their concerns, I think we have to allow
8 those concerns to be raised and aired in a complete
9 manner.

10 And I think I get to disown my concerns
11 about this entire proposal, which is, when you
12 compare the decision making process with Yucca
13 Mountain versus that of Private Fuel Storage, one
14 at least allows for open public dialogue. And I
15 appreciate an opportunity like this to even express
16 something to this Commission, but it worries me
17 when in one situation you have a decision that's
18 left up to Congress, the governor of the state, and
19 then the President of the United States. And in
20 this situation we're allowing the fate of our
21 nation's nuclear waste policy to lie in the hands
22 of a few bureaucrats, a few members of a small
23 Native American tribe, and then a few nuclear
24 utility companies. It doesn't seem like that is
25 the process that we should use to decide -- make a

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1 decision on a program that's going to impact
2 millions and millions of people.

3 One thing that I can sympathize with is
4 seeing your home turned into a sacrifice zone. Our
5 organization has a grave concern about the pattern
6 of turning Utah's West Desert into the nation's
7 dumping ground for all the nuclear and toxic waste.
8 And this seems to further put an exclamation point
9 behind that at a time when we're trying to
10 desperately change that pattern.

11 And so looking at the very details of
12 this proposal, I wonder if, as I sit here -- and I
13 feel as if the rubber stamp is about to hit the
14 paper, but I was talking to a colleague that was
15 testifying before you regarding just some of the
16 issues related to the rail spur and whether or not
17 the BLM had actually obtained a proper amendment to
18 their management plan in order to build that rail
19 spur in the military overflight area. And he was
20 rather open. He thought that the Commission
21 actually did ask -- the Board and the judges
22 actually did ask some very good questions, and it
23 made me think that in fact you do have before you
24 grounds for overturning or disagreeing with the
25 recommendation of the Nuclear Regulatory

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1 Commission.

2 It's more a matter of whether or not you
3 feel empowered to do that. I mean, whether it's
4 apparent missile attacks, earthquakes, terrorist
5 attacks, or even just the more practical reasons of
6 what happens if a leak does occur on site, how are
7 they going to clean it up, and we see that there is
8 no plan in place. It would remind me of buying a
9 car and saying this is going to get from you point
10 A to point B, but then not having a way to stop it,
11 you know, not having any brakes. Or the simple
12 issue of if this is a temporary storage site, we
13 should be able to see and fully evaluate the
14 closure plan. Yet that's not included in the Final
15 Environmental Impact Statement, and we're told that
16 those plans will be submitted at a later date.

17 It seems that at this point in the
18 process is when we need to come up with that;
19 otherwise, what we end up with is a situation that
20 the nuclear industry is currently facing, where our
21 country went full speed ahead to develop nuclear
22 energy, yet we didn't figure out what we were going
23 to do with the waste, and thus our current
24 predicament. So I ask that we not repeat the
25 mistakes that have been made in the past.

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1 I think also the issues about has PFS
2 properly trained and coordinated with the emergency
3 responders across the United States. Final
4 Environmental Impact Statement does not seem
5 confident that they have.

6 As was mentioned, what does start to
7 happen if agreements between Tooele County and PFS
8 starts to fail? What if agreements between Skull
9 Valley Band of Goshutes and PFS is overturned by
10 members of its tribe? Is this Commission going to
11 continue to go forward in the approval process and
12 try to let PFS through the door?

13 I actually would hope that the
14 Commission supports the no-action alternative. The
15 NRC Staff in its Environmental Impact Statement
16 said, "Based on its analysis of the no-action
17 alternative, the NRC Staff concluded that spent
18 nuclear fuel could continue to be stored at reactor
19 sites without significant environmental impact."
20 And further went on to say that "The NRC's Staff
21 agrees that spent nuclear fuel can be safely stored
22 at facilities on or near the site of production."

23 So it doesn't make sense that we should
24 just go full speed ahead as per the proposal
25 without these critical questions being answered as

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1 to where this material's going to go once it's
2 here, how is it going to be cleaned up if an
3 accident does occur on site. And without those
4 answers in place, I think it's the responsibility
5 of this Commission to use exactly those cases
6 before you to say that this license application
7 does not make sense and it should be overturned.

8 I certainly hope you do that, so that
9 way we all don't have to change our license plates
10 and the slogan that says "the greatest snow on
11 earth" to "the greatest glow on earth." Thanks.

12 JUDGE FARRAR: Thank you,
13 Mr. Groenewold. If I could follow up about the
14 comments that make up our hearing and allowing
15 people that are here in the room, we will resume at
16 the Sheraton City Center on Monday morning at nine
17 o'clock where we will begin these two weeks of
18 dealing with the issues about seismic concerns, and
19 I would encourage that if you can take some time
20 off work to come and observe that.

21 Is it Mary Cecil Johnson?

22 MS. JOHNSON: I don't have anything to
23 say except that we have heard these -- the
24 government has lied to us for 16 years. I'm an old
25 woman, and I've seen it and watched it. And we

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1 don't need any more of it. We've been a dumping
2 ground for the whole country, and we're tired of
3 it. That's all.

4 JUDGE FARRAR: Thank you, ma'am. Rex
5 Allen.

6 MR. ALLEN: Hello. I'm Rex Allen,
7 tribal executive secretary. Well, during the years
8 I've been executive secretary of the Skull Valley
9 Band of Goshute Indians, I was also appointed
10 Acting Environmental Manager in our Tribal
11 Environmental Protection Agency, TEPA. In relation
12 to that, it's related to the United States
13 Environmental Protection Agency, and I also worked
14 with the federal agency on many issues.

15 In that regard, since last year and the
16 disputes and problems that have arisen between
17 tribal leadership in our tribe. There have been a
18 lot of issues. The tribe during my process of
19 tribal leadership passed an environmental code
20 within the tribe that requires TEPA, the Tribal EPA
21 agency, the manager review and report on all
22 Environmental Impact Statements on tribal property
23 or jurisdictions. To date I haven't had an
24 opportunity, despite reported requests to the
25 chairman on these matters concerning environmental

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1 issues in its reservation.

2 First, there are environmental issues
3 concerning the U.S. Environmental Protection Agency
4 Indian policy and trust responsibility, and also
5 the process of consultation and cooperation. In
6 the National Environmental Policy Act, NEPA, and
7 the Safe Drinking Water Act, 42 U.S.C., and the
8 Clean Water Act and its implementing regulations.
9 Concerns are the quality of the entire groundwater
10 aquifer supply on the reservation.

11 There is potential subsurface
12 contamination. The issue of the water is becoming
13 more critical in light of the lease with Private
14 Fuel Storage, which diminishes the aquifer which
15 is -- the aquifer, as you know from the EIS, comes
16 across the water pool from the mountain down. And
17 there are issues within that area concerning the
18 pool of water. The tribal obligation to supply
19 water pursuant to the Private Fuel Storage lease
20 contract was never, to my knowledge, fully
21 investigated by the tribe, and as a person signing
22 on the PFS lease, I am concerned about liability in
23 this area.

24 Secondly, a potential problem concerning
25 undisclosed open dumps on the reservation. One of

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1 the open dumps is still being used, and the other
2 dump has been covered. I am unaware of many
3 municipal and some industrial wastes that have been
4 buried and opened up under Title 25, Chapter 41 of
5 the United States Code, the Indian Land Open Dump
6 Cleanup Act. However, I do not believe the open
7 dump was properly registered on the inventory of
8 open dumps. The open dump is near the primary
9 source of drinking water and poses a potential
10 source of groundwater contamination, and there have
11 been no environmental assessment, geological
12 investigation or monitoring on or around the closed
13 and open dumps.

14 The third and most are the underground
15 storage tanks. The tribe has not inspected,
16 repaired, maintained or removed any underground
17 gasoline or diesel tanks. An EPA RCRA inspection
18 identified environmental assessment should have
19 occurred. Also a risk analysis study has to be
20 done.

21 Furthermore, I believe the tribe is in
22 violation and non-compliance. The tribal
23 government and the people of Skull Valley, the
24 Skull Valley Goshute tribe don't have a bachelors
25 degree or associate degree, nor have education and

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1 experience in a nuclear facility, and they cannot
2 handle this type of waste. Thank you.

3 JUDGE FARRAR: Thank you, Mr. Allen. As
4 information for you, the hearing we just included
5 at one o'clock today did deal with issues of
6 hydrology, and during the course of that hearing
7 the Board did ask a question of the company
8 witnesses concerning the points you brought to our
9 attention in a previous limited appearance where
10 you asked a question about whether in your opinion
11 the tribe was not handling certain environmental
12 matters properly and now how this project could go
13 forward if they didn't. Had some discussion and
14 testimony on that point, so we appreciate you
15 having brought to our attention.

16 MR. ALLEN: I am addressing letters, I'm
17 sending a copy --

18 JUDGE FARRAR: That is just -- I just
19 wanted to respond to those concerns you had
20 expressed about our being addressed in the course
21 of the hearing. We appreciate you bringing those
22 to our attention.

23 MR. ALLEN: Yeah. The reason why I
24 bring up this question is because I hope the NRC
25 really looks into this, because it is an

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1 environmental problem concerning NEPA. If that is
2 a problem, why it wasn't addressed to tribal
3 jurisdiction.

4 JUDGE FARRAR: Arlene, and I'm not sure
5 of the last name. Wash? Can't quite read it.

6 MS. WASH: Good afternoon. My name is
7 Arlene Wash. I'm a resident of Skull Valley. A
8 long time ago I stand here before you when you were
9 down in Grantsville, and I asked you people to go
10 ahead and give us a license, and now we're here
11 right now and I changed my mind. I think it's not
12 for people to let us have that license, because
13 from that time they lied to us. We had a chairman,
14 we had a vice chairman went along with them.
15 Everybody was lying to us tribe.

16 So I don't think it's right for us to
17 have that here on the reservation. And then I
18 think it's best that you leave our reservation.
19 Our kids are going that way and the white people
20 are mean to our kids, calling them names about how
21 they look and they glow and all those things. I
22 don't think that's right. But a long time ago I
23 thought it was good, but right now I don't think
24 it's a good thing. We'll just have to go how we
25 were a long time, and we're still here. And give

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1 it to somebody else that really needs it.

2 So . . .

3 And besides, on the contract, I was for
4 it and I signed my name on the paper saying that I
5 want it here, and now I changed my mind and I want
6 my name off that contract. First contract, then
7 second contract. And I don't want nothing to do
8 with PFS and nothing to do with the people that's
9 doing it.

10 And I want to say one thing, too. We
11 only have one chairman, one vice chairman, one
12 secretary. There is not any other secretary. We
13 just elected our new chairman, secretary and vice
14 chairman. And I don't know why these people don't
15 see that. They don't see that. And I thank you.

16 JUDGE FARRAR: Thank you, ma'am. Mary
17 Draper.

18 MS. DRAPER: Thank you. I spoke before
19 you April 8th in Salt Lake City, and I appreciate
20 the chance to rise briefly here again today.
21 Yesterday a reporter asked me if I thought that the
22 activism that I have been engaged in recently
23 around this project has made any difference, and I
24 responded that I did believe that it does make a
25 difference and that you are listening to the voices

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1 that you are hearing. I have to believe that.

2 I think it is so important that you hear
3 the citizen voices, particularly when a
4 trillion-dollar corporation consortium is
5 attempting to further its own economic agenda.

6 Yesterday on the capitol steps at Utah,
7 organizations that represent 14,000 Utahns
8 collectively came together. They were the
9 Association of Realtors, the Industrial and Office
10 Property Brokers, the Utah Medical Association, the
11 North and South Davis County Chamber of Commerce,
12 the Utah Defense Alliance, the Council of Draper
13 City, Utah, a large suburb of Salt Lake City. The
14 representative of the Salt Lake Chamber of Commerce
15 was stuck in traffic, unfortunately, and could not
16 come. Frank Suitter, representing the No!
17 Coalition, which is 70 individuals and business
18 leaders in Utah, including Native Americans and
19 Governor Leavitt met there.

20 These voices that you're hearing are not
21 glib. They are not on anybody's payroll, but they
22 come from the heart. And I will repeat what I said
23 on April 8th. I know none of you personally, but I
24 know that you hold the power in this situation as
25 you make your recommendation, and I respect your

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1 position. I truly believe that you must adopt the
2 no-action alternative. It is the responsible
3 decision in this case. Do not proceed with this
4 idiotic proposal. Let us simply say no and look at
5 this intelligently as a nation. Thank you.

6 JUDGE FARRAR: Thank you very much,
7 Ms. Draper. Let me go back to the list. There
8 were names we called earlier who were not here.
9 Lou Russell? Terri Peacock? Lisa Bullcreek?
10 Marjorie Thomas? That concludes our list, but I
11 promised Margene Bullcreek that if we had time
12 again that she could continue. And while she's
13 coming forward, if there is anyone else in the
14 audience who decided not to sign the sheet, we
15 would now like call on those people. Go ahead.

16 MS. BULLCREEK: Thank you. I am the
17 chairperson at LOGD opposing this. And we have
18 contentions before you that's going to be heard in
19 another month or so, but my main motive is to be
20 able to be the voice on the reservation as far as
21 this.

22 It is really important that you
23 understand that there is environmental injustice
24 here if PFS comes on, because as I have stated
25 before, we believe in protecting our air and water

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1 and the land that we walk in. There is a big
2 concern, because even though they say that this is
3 really safe, scientifically safe, and as I've
4 stated before, can you guarantee a man-made
5 accident? This is going to affect us. And then
6 PFS will have all our reservation, and where will
7 we go?

8 The other thing that I want to say is
9 that, what Ms. Wash stated, that we only have one
10 chairman, one secretary and one vice chairman, and
11 right now that is the lead council. But before you
12 we have Mr. Bear speaking as a chairperson, and I
13 really feel that there is a change in how it first
14 started. Before there was a third of the
15 reservation, a third of the people that was against
16 it, and now I really believe there's more than our
17 half people that are not for it.

18 And so where is -- why should this
19 continue on? Why can't we be heard? And we should
20 be heard. You should be able to give us that
21 opportunity to be able to say that we are against
22 this and have to sign our names before you. I know
23 that we are further down the road with you, but we
24 have people that have changed their minds. Are you
25 going to be able to listen to Mr. Bear, who is no

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1 longer in that capacity to say that 80 percent of
2 us are for it? Thank you.

3 JUDGE FARRAR: Thank you, ma'am. Is
4 Lisa Bullcreek back up? That concludes the list of
5 people who have signed up. If anyone who has not
6 signed up and wants to may speak.

7 UNIDENTIFIED SPEAKER: I was hoping if
8 you could clarify, when you talked about holding
9 the hearings in Sheraton next week, does that mean
10 that the remainder of the proceedings and the
11 contentions will also be held here in Salt Lake
12 City for those aspects that we may have interest
13 in?

14 JUDGE FARRAR: We had scheduled six
15 weeks to appear here. We are holding those
16 hearings here as promised. The next three weeks
17 will be in the Sheraton, mostly on seismic issues
18 but perhaps going back to the aircraft so that was
19 as promised.

20 UNIDENTIFIED SPEAKER: Okay. Are you
21 planning to move any of them to Washington, D.C.?

22 JUDGE FARRAR: We're probably going to
23 be -- the parties yesterday thought they were going
24 to finish on time. There should be at first --
25 we're talking to them now about how to conclude in

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1 the next six weeks.

2 UNIDENTIFIED SPEAKER: Well, to the
3 extent that you can take this under consideration,
4 there are certain aspects that I know various
5 people are interested in and would like to have the
6 entire process held here in Salt Lake City,
7 especially if we start talking about the
8 environment injustice contentions. If you'd please
9 consider any hardships for traveling outside of
10 Utah.

11 And also just for the sake of who this
12 decision is going to impact the most, I think the
13 citizens of Utah and the members of the tribe would
14 really appreciate that you hold full, entire
15 hearings here in Utah. And I can understand that
16 you want to be home with your families as well,
17 but, you know, if you can please take that into
18 consideration, we'd appreciate it.

19 MR. FARRAR: For a point of
20 clarification: at one point it appeared that we
21 would be hearing the environmental injustice issues
22 as those would be filed in the case. That matter
23 is no longer before this board, and so that's kind
24 of out of our jurisdiction at this point.

25 UNIDENTIFIED SPEAKER: I guess I wasn't

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1 aware that one was dismissed.

2 JUDGE FARRAR: It was not dismissed.

3 SPEAKER: Who's hearing that one?

4 JUDGE FARRAR: You can talk to any of
5 the lawyers here. They can clue you in on where
6 that stands, I'm sure. I again -- in light of your
7 remarks, a lot of people coming to the hearings
8 that are not citizens of Utah have shown up, and we
9 welcome them there to --

10 UNIDENTIFIED SPEAKER: Do you serve
11 popcorn or sodas or anything?

12 JUDGE FARRAR: No, you supply those
13 yourself. It's a long and arduous day. We would
14 certainly invite people to come for the whole day
15 or watch a portion. We're delighted if people show
16 up.

17 Anything else?

18 MS. LISA BULLCREEK: Good evening. I'm
19 Lisa Bullcreek. I talked to you guys the last time
20 when it was over in Salt Lake. And I'm glad you
21 guys are looking at the issue about the water. I
22 just want to let you know that as of yesterday and
23 today our water has been turned off. I haven't
24 gotten any explanation. I don't know why Leon
25 hasn't given me any notice of it. We were given,

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1 brought bottled water from Ms. Lori Skiby.

2 So this is the kind of -- this is what
3 they don't tell us, you know. While I'm talking
4 about the facility and everything, the little
5 things that are going on on the reservation are not
6 being dealt with. As the few families that live
7 out there, I don't understand why we're not getting
8 notices of papers about not -- why the water was
9 turned off and why are we getting bottled water. I
10 don't know, maybe the water is contaminated again.
11 But I didn't get that last week when I asked them
12 that.

13 So I just wanted you guys to know that
14 this is still an ongoing problem since it has been
15 three, four years ago, and it's still continuing
16 today as of having no water at our homes, to all
17 the houses out there. And I still don't have an
18 explanation as to why there isn't any. And I just
19 wanted to let you guys know that that's what's
20 happening today. Thank you.

21 JUDGE FARRAR: Thank you.

22 Is there any -- that includes all the
23 people who have signed up. If there is anyone
24 else, we invite you to speak. We'll be here this
25 evening from seven to 9:30, but if you may come

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1 here, please don't be bashful about the rest of the
2 time.

3 MS. OWENS: My name is Jan Owens and I
4 spoke before you on the 8th of April, and I really
5 don't have more to add about what I said then. I
6 guess I just wanted to make the point that I am an
7 organized citizen of the state of Utah, I'm a wife
8 and mother of two children, and I just would like
9 to think that I can raise my family and live my
10 life in, I don't know, relative safety. I guess
11 that's not really something in this day and age
12 that we can hope to do, but I don't think we need
13 to add any more risk to our lives by moving a great
14 deal of spent nuclear fuel rods to the state of
15 Utah. I think the best action really is no action.
16 And we can explore the possibility of maybe what
17 else to do with this stuff instead of hurrying up
18 and bringing it to Utah.

19 I just think there needs to be more
20 consideration. We have a lot, there are a lot of
21 questions. I'm just clinging from all these or
22 from the few hearings I've been to that there are a
23 lot of questions that are going unanswered. And
24 instead of hurrying up and making a decision, maybe
25 we should just wait, leave it where it is, secure

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1 it where it is, and try to make it as safe as
2 possible where it is and come up with an
3 alternative solution. Thank you very much.

4 JUDGE FARRAR: Thank you.

5 TOM: My name is Tom (unintelligible),
6 and I have a question. We've been given
7 information four or five different ways on the
8 tests of the casks. There is a movie out about an
9 hour long that PFS I think had something to do
10 with. It shows that they have been completely
11 tested. I would like to know the casks have been
12 tested or not in the cement form and in the metal
13 form or whatever.

14 JUDGE FARRAR: As we said at the
15 beginning, this is the public's chance to make
16 statements. That's not an issue that is pending
17 before us, and maybe a representative of the
18 parties could address that for you. But we tend to
19 seek merits of issues through our sittings at the
20 end of the case rather than address questions here.
21 There may be someone in the audience who can
22 address it for you.

23 TOM: If anybody can tell me. I
24 understand that models have been tested, but a
25 complete size cask has not been tested. The one

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1 shown in the movie is a metal cask, and the
2 transportation cask, correct me if I'm wrong, is
3 going to be part cement also.

4 MR. ANDERSON: Let me say that he's
5 right, this is really not a part of this hearing.
6 There are a number of us engineers working on this
7 thing, and we're open to talk to you people. I
8 don't know if this is the appropriate place, but if
9 you would come to us, we can answer a lot of your
10 questions.

11 And I'm kind of disappointed because
12 people are looking for answers, but they're not
13 coming to the people that are working on this thing
14 to get their answers. There are engineers, like I
15 say, present. They are engineers that have been
16 working on this thing. We'll be glad to talk to
17 you. We'd be glad to furnish some answers to your
18 questions, and there's a whole rack of things that
19 you probably have questions on and would like to
20 know. We can help you and they can't.

21 TOM: I don't see any problem with
22 telling me yes, they have, or no, they haven't. If
23 haven't, definitely you shouldn't consider this.

24 JUDGE FARRAR: I appreciate the
25 gentleman's offer, and if you want to, after the

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1 recess he'll be happy to speak to you about it.
2 Mr. Peterson, the gentleman who just spoke, I
3 appreciate that offer. Is there anyone else?

4 I saw a hand go up in the back.

5 MS. WILLIAMS: I'm Jenny Williams. I
6 live in Tooele. I have two kids, two girls I'm
7 raising here. I just want to say that to this
8 gentleman back here, you can find all the cask
9 information in 49 CFR, and that stuff is posted on
10 the -- there's a Code of Federal Regulations
11 website that you can go to and download the CFR
12 information for any of the codes.

13 And to this lady back here, the -- there
14 are people who are specifically trained to clean up
15 any kinds of spills, things like that, and you also
16 have to have a 24-hour emergency response number
17 with any hazardous wastes you're sending on the
18 highway. Thanks.

19 JUDGE FARRAR: Thank you for the
20 information. Seeing no more hands up, we'll take
21 an intermediary recess. We'll be back here at
22 seven o'clock. Thank you all for your
23 participation.

24 (A recess was taken.)

25 JUDGE FARRAR: Good evening, everyone.

1 We're here for the evening session of limited
2 appearances at Tooele High School's auditorium. We
3 want to thank again Assistant Principal Kendall
4 Topham for helping arrange this and making this
5 available to us.

6 Some of you may know that we've been at
7 work for the last three weeks in Salt Lake City on
8 a full-scale evidentiary hearing on the merits of a
9 proposal by an organization called Private Fuel
10 Storage for Nuclear Regulatory Commission approval
11 of a proposal to build on the reservation of the
12 Skull Valley Band of Goshute Indians a facility for
13 the temporary storage of spent fuel from nuclear
14 power plants.

15 We up here are administrative judges
16 appointed by the commissioners of the NRC to sit in
17 this case. A long time ago, recognizing that these
18 are very complicated proceedings, Congress
19 established in the Atomic Energy Act that we would
20 have three-person boards sit in these hearings, two
21 of the people being technically trained. My
22 colleagues are Dr. Jerry Kline, an environmental
23 scientist, Dr. Peter Lam, a nuclear engineer. The
24 chairman of a board is a lawyer, that's me. My
25 name is Mike Farrar. With us is Paul Bollwerk who

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1 for a long time chaired this board until the
2 workload became overwhelming, and we now have two
3 boards, one that he chairs and one that I chair of
4 the same technical numbers sitting on different
5 aspects of the proceeding.

6 The past three weeks in Salt Lake City
7 we've heard two issues presented by the State of
8 Utah, the one being the risk to the -- possible
9 risk to the facility from the military aircraft
10 operations in Skull Valley, the other being a
11 question about hydrology and wastewater disposal.
12 We also have heard an issue raised by the Southern
13 Utah Wilderness Alliance about the alignment of the
14 rail line from the main line of the Union Pacific
15 to the facility. Next Monday we'll be starting two
16 or three or more weeks of another safety issue in
17 the case involving possible risks to the facility
18 from earthquakes that might occur.

19 Proceedings like this Private Fuel
20 Storage case conducted by licensing boards are
21 formal adjudications just like you would see in a
22 civil trial in a state or federal court. There are
23 strict procedural rules in those trials, and under
24 those rules only parties to the case, that is,
25 people who have hired a lawyer and are ready to

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1 present expert witnesses and participate fully in
2 the entire trial, they are the only ones who are
3 entitled to participate in those hearings, to
4 present their witnesses, to present exhibits, to
5 conduct cross-examination of the other parties'
6 witnesses, in order to create the evidentiary
7 record on which the law requires us to base our
8 decision.

9 We're here -- we were here this
10 afternoon and we're here tonight for another
11 purpose. Our rules recognize that there may well
12 be members of the public like yourselves who, while
13 unable to participate fully in the case as a party,
14 nonetheless would like to make their views known to
15 the Board. So it's been a longstanding agency
16 practice codified in our regulations to conduct
17 these limited appearance sessions.

18 During these sessions, as you probably
19 know, people not a party to the proceeding may come
20 before those of us who are conducting the case and
21 present a brief statement outlining his or her
22 position regarding the proceedings.

23 You can also present these limited
24 appearance statements in writing, and they are --
25 whether oral or written, they're made a part of the

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1 agency's official docket for the proceeding.

2 Speaking of that, if you happen to have
3 a long -- customarily we limit people to three
4 minutes. If you have a long written statement, we
5 encourage you to give that to JUDGE FARRAR
6 reporter. We will make it part of the proceeding,
7 and then if you could just give a summary.

8 As you're approaching your three minutes
9 we'll kind of raise our hand, and that's kind of a
10 signal to you to wrap it up. We want to make sure
11 that everyone who is signed up indeed gets a chance
12 to be heard. If someone has, you know, feels they
13 did not have enough time to state everything that's
14 on their mind, we would be happy if there's time
15 left at the end of the proceeding to come back and
16 let you have another say.

17 In addition to those of us up here who
18 are interested in your statements, we have
19 representatives from the parties to the proceeding.
20 For the applicant, Private Fuel Storage company,
21 Mr. Silberg, would you introduce yourself and your
22 people?

23 MR. SILBERG: Yes. Good evening, ladies
24 and gentlemen. I'm Jay Silberg. I'm an attorney
25 representing Private Fuel Storage. With me here

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1 this evening is John Donnell, who is the project
2 manager for Private Fuel Storage. We welcome you
3 here. We appreciate the opportunity to listen to
4 your views. We're happy to answer any questions
5 that you may have, and we'll be happy to talk to
6 you after the proceeding.

7 JUDGE FARRAR: One of the parties
8 supporting the application is the Nuclear
9 Regulatory Commission Staff. When I say "Staff,"
10 they are -- they're not our Staff. We are
11 independent of them. They are a group of people
12 back at headquarters in the Washington, D.C. area
13 who work for many years reviewing the application
14 when it comes in. They ask the applicant a lot of
15 questions, demand a lot of additional information
16 until they are satisfied that the applicant's
17 proposal meets their requirements. Then and only
18 then do they take a position in support of the
19 application. They are no different -- as far as
20 we're concerned, they're no different, no better,
21 no worse than any other party in the proceeding.
22 They have to prove their case to us.

23 Ms. Marco, would you introduce your
24 people?

25 MS. MARCO: Good evening. My name is

1 Catherine Marco, and I'm an attorney for the Staff
2 of the Nuclear Regulatory Commission. And also out
3 here this evening is Mr. Chester Poslusny. He's
4 our environmental project manager.

5 JUDGE FARRAR: Also supporting the
6 application is the Skull Valley Band, which has a
7 partnership with the company on this. Chairman
8 Bear was here this afternoon, but -- oh, he's
9 moved. Thank you, Chairman Bear.

10 On the other side of the case, opposing
11 the case are three organizations. In terms of the
12 largest effort put into the case, that would be the
13 State of Utah. They have filed a number of
14 contentions raising issues opposed to the proposal.
15 Three of the ones that they filed are, as I said,
16 the subject of the current hearings. I don't think
17 their counsel are here, but the chief client is
18 here, Diane Nielson.

19 Diane, would you introduce yourself?

20 MS. NIELSON: I'm Diane Nielsen. I'm
21 executive director for the Utah Department of
22 Environmental Quality, and I'm here this evening on
23 behalf of the State of Utah. Thank you,
24 Mr. Chairman -- or Judge.

25 JUDGE FARRAR: Thank you.

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1 Also opposing on more limited grounds
2 was the Southern Utah Wilderness Alliance. Their
3 part of the proceeding has finished, although a
4 decision has not been issued. They are not here.

5 And also was the organization Ohngo
6 Gaudadeh Devia, which raised other contentions. Is
7 anyone here from that organization?

8 All right, with that lengthy
9 introduction, we'll start the evening's
10 proceedings. As I said, please limit yourself to
11 three minutes. We'll give you the signal. And
12 that way we make sure everyone gets a chance to be
13 heard. If we have to, we'll come back to those.
14 First is Annette Bear.

15 MS. ANNETTE BEAR: My name is Annette
16 Bear. I'm a member of Skull Valley, and I'm also a
17 resident of Tooele. I live down here by the army
18 depot. And I'd first like to start from the
19 beginning.

20 We've been doing a lot of stuff on this
21 PFS since the late 19 -- I mean, 1980's, the later
22 years, and this wasn't brought in front of the
23 tribe for quite a while because there was a lot of
24 research going on. The council then had traveled
25 to several countries to look at the PFS and how it

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1 was working in different countries. And they had
2 come back to the tribe and told us, you know, a lot
3 of things about what's going on and how it's run.
4 And we watched videos, we've had handouts, we've
5 been talked to constantly by the lawyers, our
6 lawyer. And -- I'm kind of nervous here. I might
7 be confused here.

8 JUDGE FARRAR: Don't be nervous at all.
9 We're happy to hear whatever you have to say, and
10 it's a very relaxed atmosphere, nothing at all to
11 be nervous about.

12 MS. ANNETTE BEAR: Well, anyway. And
13 then in the 90's we've -- like I said, the chairman
14 at the time did a lot of research, traveled a lot
15 of places, and they've come to talk to us. We only
16 have two meetings during the year, which is in
17 April and August. Sometimes we've had special
18 meetings just, you know, them researching and
19 telling us what's going on.

20 And I believe the majority of the tribe
21 wanted it or we never would have went ahead this
22 far. And our tribe believes that the majority
23 rules. And this is just how our government's run.
24 We do have our own bylaws, we have our own tribal
25 court, we have our own tax. We have several

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1 businesses that -- just one we've looked into.
2 We've had several. We are an independent tribe,
3 self-sufficient. We've never really asked the
4 state for much, and the state's never really come
5 into our reservation and told us something to do.

6 So my feeling of this whole matter is
7 that I feel the same way. The state has nothing to
8 say what we do out there, and we are an
9 independent, self-sufficient tribe. And I do hope
10 to live out there someday. Right now I'm on my --
11 I'm going to school to start my own business out at
12 Skull Valley. I have asked Indian Affairs if a
13 tribal member could start a business. They said
14 yes, they would back us up. So that's what I'm
15 working towards today. So I'm hoping this gets out
16 there and my business will proceed. And all
17 business is a gamble, you know. That's the way I
18 feel. Thank you.

19 JUDGE FARRAR: Thank you for those
20 thoughtful words. And the way you presented them
21 showed that you did indeed have nothing to be
22 nervous about in your public speaking. Thank you.

23 Leslie Wash.

24 MS. WASH: Hello. My name is Leslie
25 Wash. I'm a member of the Skull Valley Band of

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1 Goshutes and I live there. I have lived there for
2 around 21 years. And I'd just like to say that I
3 am in support of this project. And as Annette has
4 said, we have been looking into this project for
5 many years. And it never seems to surprise me how
6 much people bring up controversy about this nuclear
7 waste, as if this is the first time anybody ever
8 heard about it. This is nothing new to anybody.
9 And how they say that it never comes through Utah
10 and they don't want it in Utah. It's already been
11 through here. It's just not widely publicized as
12 it is. And the only reason I think it never has
13 been is because the Indians are involved.

14 And I would just like to say that we are
15 not -- we are not desperate, we are not deprived.
16 And just that in itself offends me. Because it
17 makes us seem like we're ignorant, but we're not.
18 And most of the people who are opposed to it, the
19 tribal members, at least, the ones who are -- the
20 main ones speaking up against it are the ones who
21 have never went to these places. We've been to see
22 the storage places, the dry and wet, and it's by
23 major cities bigger than Salt Lake. And they're
24 functional plants, and all this is going to do is
25 sit there. But then I don't have to tell you guys,

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1 because this is your job to know all this stuff.

2 So I'd just like to say that I am in
3 support of this, and I've studied and I've been
4 through there and I know a lot about it. But I
5 speak for myself, and I'd just like you to know
6 that this is not an unconscious choice. We would
7 never do anything that would be truly harmful to
8 ourselves, first of all, or to our neighbors and
9 communities.

10 So other than that, that's all I would
11 like to say.

12 JUDGE FARRAR: Thank you. We appreciate
13 you sharing your thoughts with us.

14 Jennifer Bear.

15 MS. JENNIFER BEAR: Hello. My name is
16 Jennifer Bear, and I am an enrolled member of the
17 Skull Valley Band of Goshutes. I am in support of
18 the project that the Band is wanting to do, storing
19 of spent fuel.

20 I was one of the members that
21 participated in an internship offered by PFS to all
22 tribal members. I thought it would be a good way
23 to learn more about the project, exactly what spent
24 fuel is, does, and how it needs to be handled. I
25 have decided that spent fuel does not scare me.

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1 Spent fuel should be handled with respect just as
2 all other waste and chemical hazards surrounding
3 the reservation needs to be handled and treated.

4 I would like to say that the long
5 licensing process has been hard on the tribe.
6 We've always been very private. For example, at
7 our tribal council meetings we have ordered Leon
8 not to talk to the press about our intertribal
9 business, yet some our members have chosen to go
10 against the band's wishes by talking to reporters
11 about the tribal business, which has created bad
12 publicity for our tribe.

13 All members who attended the general
14 council meetings got the scoop on nuclear -- on the
15 nuclear materials, how they are handled and stored
16 through videos and reports. Our education on this
17 matter didn't stop there. Where were these members
18 who opposed the project when we were invited not
19 only to tour Prairie Island but Yucca Mountain as
20 well? Where were they when PFS came and answered
21 questions telling us about job opportunities? I am
22 a young member of the tribe, and I'm looking
23 forward to the benefits the project will bring to
24 me and to the tribe. I'm counting on the NRC to
25 grant PFS a license this fall based on evidence

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1 that our site meets its necessary requirements. I
2 hope the actions of a few tribal members who have
3 stepped outside of the tribe to join forces with
4 Governor Leavitt to stop our project does not play
5 a role in the decision to grant the license. Thank
6 you.

7 JUDGE FARRAR: Thank you, Ms. Bear.

8 Garth Bear, Jr.

9 MR. GARTH BEAR, JR.: Good evening. My
10 name is Garth Bear, Jr. I come here on the issue
11 of looking for another job or economic development
12 on my reservation. I have lived there -- I was
13 born and raised here in Tooele County and lived on
14 the reservation since I was 18 years old. When I
15 turned 18 there was no means of work. I had to go
16 places to find work, so I had to move away. But if
17 we do get this on our reservation and it will help
18 out -- to me, I think it will help out the people
19 to get them more on their feet and to get them to
20 go out and find jobs. Because I know a lot of
21 people, a lot of non Native Americans, they looked
22 at the Indian world and that. We live in a third
23 world country, and sometimes it's hard to believe
24 that people don't look at them and realize that,
25 that there is a lot of alcoholism, a lot of the

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1 kids do not go to school, the parents do not push
2 them to go to school, so we have lack of education
3 and unemployment.

4 Unemployment, I mean, we're, I think --
5 Utah was down somewhere -- I can't remember what it
6 was, but I know it was down. But you look at our
7 reservation and the reservation almost has zero
8 unemployment. And it's hard for Indian people to
9 get out and do work, to which I know a lot of them,
10 they fall back on traditional.

11 I cannot live on tradition. I am a
12 traditional man, but I cannot live on tradition. I
13 cannot feed my family. I cannot live, I cannot,
14 you know, buy a house and do what I want to do on
15 tradition. So I have to live another world. I
16 live two worlds, the native American world and the
17 Anglo world, in order to survive.

18 And what I see with this nuclear -- so
19 what's going to happen in five, maybe two, three,
20 maybe five years down the road when we start
21 developing more of these rods? So where are we
22 going to put it? That's -- you know, to me, where
23 this nuclear comes from, it comes from the earth.
24 So to me, the way I look at it is that we need to
25 at least look, and we're giving the United States

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1 or the world a possibility to say, hey, well, we'll
2 help you out of what happened, you know, what we're
3 doing, because we use the nuclear power to make our
4 vehicles, to make our houses, to make products for
5 us to live. And I know people here can't say that
6 they don't use nuclear power. And I work
7 construction and we use that all the time. It may
8 be low level but we do use it, and we live right --
9 in hospitals, wherever you go, we do live around a
10 low nuclear. So, you know -- I mean, it's no new
11 thing to the people around here.

12 And again, like I said, so what are we
13 going to do with them in five or ten years down the
14 road? I mean, we have to look at that, too. Where
15 are the people going to put it? The United States
16 is growing so fast, and then the Native American is
17 just a small pea in a bucket. That's all it is.
18 But yet we're big enough to where we can help, help
19 out the people or help out the world, help out the
20 United States, say, look at us now, we're here to
21 help. And don't look down on us and say that,
22 well, these Indians, they don't know what they're
23 doing. And I think that a lot of us, we do. We
24 went to a lot of internship, and I didn't get a
25 chance because I work and it was hard for me to get

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1 away.

2 But again, I would like something for my
3 kids because I know education is hard and education
4 is expensive. But again, that's what I was trying
5 to push on my kids, too, is education, because
6 that's what we need. That's what a lot of people
7 need.

8 I don't know much more about this
9 nuclear rod, but there's waste that we are putting
10 on. I know what I have read, but I've never gone
11 back to one of these plants, and I wish I could
12 have. That way I'd be more on to what's going on.
13 But to me, what I see is the facts on the papers.
14 What I've read, to me, there's nothing wrong with
15 it. If I can help the world and help the people
16 out, hey, I'm there.

17 And then people, they say, we -- well,
18 you're supposed to take care of the earth and take
19 care of everything. So what happens with this
20 pollution? When I used to live out here, we never
21 had pollution going around these mountains. I come
22 out here again, I mean, there's pollution going
23 down through the valley. We breathe it every day.
24 And, you know, and then we've got people that --
25 when I used to go over the mountains over to the

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1 Uinta Basin area, we got houses. I remember going
2 over Parley's Canyon, there was three or four
3 houses. Now look at it, it's houses all over the
4 place. And they say that we do not take care of
5 the earth. I think people ought to kind of look
6 around and say, hey, you know, we're the ones,
7 other people -- it's not only us that's destroying
8 the earth, and we're trying to help and people look
9 down on us on that and that's not right.

10 But I'm here again today to let the
11 people know that for myself and what I'm trying to
12 do for my family is I'm trying to get education,
13 trying to get jobs on the reservation, again,
14 because we do not have unemployment on the
15 reservation -- or employment. And that's the
16 main -- that's the key thing. If people would
17 actually go out and look at our reservation and
18 live on the reservation, I mean, I think they would
19 have a better outlook on what the Native
20 Americans -- how we live. Thanks.

21 JUDGE FARRAR: Thank you, sir. We
22 appreciate you sharing your perspective and your
23 philosophy of life. Thank you very much.

24 Blaine Howard.

25 MR. HOWARD: My name is Blaine Howard.

1 I have a little different background than most
2 people, because in 1953 I received an Atomic Energy
3 Commission fellowship to study radiological physics
4 at the University of Rochester, and that's the
5 first time I had heard of health physics,
6 radiological physics. But I find that the entire
7 work of health physics is the protection of people
8 from the harmful effects of radiation.

9 And I spent 30 years in the field of
10 health physics. I worked 18 years for the State of
11 Utah in radiation control. During that time I
12 was -- I served as technical support to Governor
13 Matheson's high-level nuclear waste task force
14 which oversaw the Department of Energy's search for
15 a permanent repository, including places in Utah.
16 They looked at the Gibson Dome as a possible site.

17 I attended the hearing on the 8th of
18 April in Salt Lake City. I didn't make comments
19 there, but I did listen and I heard a lot of fear
20 expressed. And I feel that's a real fear, that
21 some people are afraid of radiation. In fact, the
22 majority have reason to be afraid of radiation, but
23 the reasons for that fear are not scientific
24 reasons, more they have -- the people have been
25 told false statements, and through misinformation

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1 they have come to fear radiation.

2 Radiation is all around us I think
3 worldwide. Dr. Jarowski says that worldwide the
4 average background radiation is about 240 millirem
5 per year. I think in Utah it's a little bit less
6 than that. But every second over 10,000 gamma rays
7 pass through our bodies here in Utah in this
8 environment. Radiation is something we've always
9 lived with.

10 But there are some people who would like
11 to have the fear of radiation, because it gets them
12 something. They have something to gain. And this
13 includes politicians who get votes by appearing to
14 be the knight in shining armor to ride forth on a
15 white charger to slay the nuclear dragon, save the
16 state or the nation. And because of popularity,
17 feelings in the state were that everybody must be
18 against nuclear fuel being stored here. But that's
19 not the case.

20 Now, there are others, the news media,
21 they like people to fear because it sells papers
22 and gets listeners. People that have lobbied for
23 fuels other than nuclear, the fossil fuels, they
24 have something to lose if nuclear were more popular
25 than if we didn't have nuclear energy. So there

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1 are a lot of people who would like to have that
2 fear, but I haven't heard anyone here tonight
3 saying this fear. Maybe it's preaching to the
4 choir.

5 Well, there are -- there's much evidence
6 that, some of this has just recently come out,
7 where radiation at low levels may not only not be
8 harmful but could be also beneficial. The
9 committees like the NCRP and their committee who
10 support the linear, no-threshold hypothesis feel
11 that -- I don't know if they feel that way, but
12 they say every bit of radiation is harmful, no
13 matter how small. But I have in my printed
14 comments several studies which show that that is
15 not the case, and may I just quote one of them that
16 has just recently come out. There is a group of
17 people in --

18 JUDGE FARRAR: Sir, we're way over your
19 time. If you could maybe wrap up with a couple of
20 points and give the written material to the
21 reporter, and then if we have time later after the
22 other people go, you can elaborate on some of these
23 things.

24 MR. HOWARD: You mean perhaps after
25 others have spoken?

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1 JUDGE FARRAR: Right.

2 MR. HOWARD: Okay. Well, the point I
3 would like to make, then, is that radiation has
4 been given a bad name and is not as harmful as
5 people think. It is a benefit, and there are
6 antinuclear people who get emotional about it, and
7 I think most of this antinuclear movement is an
8 emotional movement rather than a scientific-based
9 movement.

10 JUDGE FARRAR: All right, thank you. We
11 appreciate that perspective.

12 JUDGE FARRAR: Next will be Scott
13 Gutting. Bill Colbert.

14 MR. COLBERT: Thank you. I'm Bill
15 Colbert from the Draper City Council. Draper City
16 is a community of about 28,000 people in the
17 southeast corner of the Salt Lake Valley. We take
18 pride in our diverse natural and community
19 resources from the Jordan River to the Corner
20 Canyon adjacent to Wasatch Mountains and to the of
21 Traverse Mountain. While our community is
22 sometimes known for its spirited debate over some
23 issues, our community is united in opposition to
24 the planned storage of high-level nuclear waste in
25 Utah.

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1 The Draper City Council recently adopted
2 a resolution condemning plans to transport this
3 toxic material through our city and to store it
4 upwind of Salt Lake Valley.

5 The proponents of the storage site
6 continue in their attempt to assure us that all is
7 well and that we shouldn't have to worry about the
8 safety and security of this extremely hazardous
9 material. Unfortunately, many of these claims have
10 been based on misrepresentation and hidden agendas.
11 Their assurances seem remarkably similar to
12 promises made by the former Atomic Energy
13 Commission during the 50's and 60's to the souls of
14 Nevada and southern Utah that they need not fear
15 above ground nuclear testing. Nearly 50 years
16 later, after untold suffering and deaths, the
17 federal government still hasn't fully lived up to
18 its responsibilities in mitigating the damage and
19 compensating the victims or their families.
20 Federal officials like you continue to deliver
21 empty promises and shallow empathy from their
22 secure East Coast offices.

23 As many have testified before, if PFS
24 and the NRC honestly feel this material can be
25 transported and stored in complete safety in Utah

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1 across thousands of miles, why would special
2 interests need to expend so much money and effort
3 to get this material far away from their major
4 population centers? If PFS is really correct in
5 its assessment, it doesn't follow any degree or
6 logic of sanity to waste billions of dollars
7 transporting this material thousands of miles
8 across major population centers, facilitating
9 environmental injustice through extortion and
10 political corruption within the small and
11 economically-challenged Skull Valley Band of the
12 Goshute Nation.

13 I admire the integrity of those members
14 of the Band who have stood up to temptation to sell
15 their heritage and future under such circumstances.
16 It is sad to see how agencies within the federal
17 government continue to impede and circumvent
18 efforts within the Goshute Nation to find more
19 positive solutions to their economic needs.

20 To date, nobody has adequately addressed
21 the risk of transporting this material across the
22 country and mass storage in an isolated location.
23 I spent over 20 years in the military, with half of
24 my assignments dealing with nuclear weapons,
25 missile launch and space systems. While you may

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1 refuse to acknowledge it to the public, these
2 proposed storage containers and storage site
3 represent a relative soft target for actions of
4 potential adversaries. The events of September
5 11th clearly demonstrate the unpredictable world we
6 live in and the lack of foresight of so-called
7 experts. Each of the Twin Towers in the World
8 Trade Center were allegedly designed to withstand a
9 direct impact from a commercial airliner; however,
10 they quickly collapsed, to our horror.

11 PFS may claim that it is extremely
12 unlikely that such an event would happen. It was
13 only about six years ago that a Japanese radio
14 telescope facility in Utah's West Desert was
15 destroyed by an errant cruise missile. Of even
16 greater concern, you cannot assure us that an
17 adversary couldn't acquire a surplus jet through
18 legitimate or clandestine means, load it with
19 ammonium nitrate or other explosives, divert it
20 from an approved flight path, and jeopardize the
21 lives of over a million people.

22 I fear that this body's primary concern
23 is not the welfare of the people of Utah but of
24 political expediency, your careers and the
25 interests of the nuclear power industry. Utah

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1 should not have to suffer the consequences of a
2 failed federal policy.

3 The accumulation of vast quantities of
4 extremely hazardous materials is not Utah's
5 problem, and our families should not have to live
6 in fear of the failure of the federal government to
7 find solution. For example, while France
8 successfully reprocesses this material, rather than
9 proactively dealing with the issue, the federal
10 government continues policies which lead to an
11 ever-increasing quantity of high-level nuclear waste
12 without a solution. In actuality it appears that
13 there's so much waste being generated that the not
14 even the Yucca Mountain facility will be large
15 enough to contain the projected waste. So any
16 perceived "temporary" facility in Utah is a
17 transparent sham.

18 This reminds me of the time I was in the
19 space launch vehicle business, and both NASA and
20 the Air Force spent nearly a billion dollars
21 constructing a west Coast Space Shuttle launch
22 facility. Unfortunately, before the facility was
23 completed, it was realized by both agencies that it
24 wouldn't work. There were significant issues with
25 risk of explosion on the pad from the shuttle

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1 launch, severely limited payload capacity, and
2 environmental concerns. Yet, rather than be the
3 first to admit failure, senior authorities within
4 the Air Force and NASA refused to acknowledge
5 failure and waited for each other to blink before
6 they would acknowledge the problems.

7 It wasn't long after, when I was down in
8 Florida working on another launch system, I left my
9 hotel room, seeing frost on the ground and firmly
10 believing NASA would never proceed with a planned
11 shuttle launch for the well-known problems with the
12 rocket motor seals in cold weather. But similar to
13 9-11, I'll never forget the horror of witnessing
14 the loss of the Challenger, and I fear this body
15 will use the same logic in your decision that you
16 will make regarding this facility. Unlike the
17 situation of the Challenger that provided a
18 convenient excuse of the Air Force and NASA to
19 abandon the west coast shuttle launch facility, I
20 still think you will answer to other concerns.

21 I urge you not to bury Utah's Olympic
22 legacy with high-level nuclear waste. But, if you
23 proceed to ignore our safety and approve this
24 facility, I urge the governor of Utah and his
25 successors and other western governors to

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1 demonstrate intestinal fortitude and cahonas to use
2 whatever means available to them, including
3 activating the respected national guard units to
4 physically stop this threat from entering our
5 states and to mark the trains "return to sender"
6 and send them back to the place of origin. Utah
7 doesn't say "no," not even "heck, no," but it says
8 "hell, no" to this attempt by East Coast and
9 California interests to transport their problems
10 here.

11 If it is so fine and so safe, PFS should
12 find suitable locations within their own states.
13 Thank you.

14 JUDGE FARRAR: Thank you. Richard
15 Wilson.

16 MR. WILSON: Gentlemen of the board,
17 Chairman Bear, gentlemen, I'm Richard Wilson. I
18 come as a spokesman for a group of 20 scientists,
19 six noble lawyers, two ambassadors, an astronaut,
20 three former NRC regulators, and a former
21 presidential science advisor. We formed a group
22 called Scientists for Secure Waste Storage to
23 support the Goshute Indians.

24 You and the NRC Staff have been -- spent
25 over four years going through a lot of detail on

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1 the subject. But we hope that you'll remember that
2 safety of the fuel storage facility can be easily
3 deduced from and is dependent on some fundamental
4 scientific principles.

5 Firstly, of course, the stored waste
6 material will be solid and not easy to escape. The
7 materials will also have -- it's almost impossible
8 to evaporate the fuel. An airplane won't do it, an
9 earthquake won't do it, a fuel truck won't do it.
10 A uranium-tipped missile could indeed penetrate the
11 waste cask, but it would not evaporate the fuel
12 inside. Sabotage will not normally do it except if
13 it's done with a nuclear bomb. With such extreme
14 circumstances, we would normally rule that out.

15 Any leak which is caused by a crack in
16 the waste cask will happen slowly, not in
17 microseconds of a nuclear bomb, not in seconds as
18 happened at Chernobyl, but in days if it's outside
19 in the fields or years if it happens naturally.
20 Therefore, there is an opportunity for the leak to
21 be seen and corrected.

22 The distance from the Goshutes' village
23 is not very large -- it's very large, it's miles,
24 and from Salt Lake City it's in tens of miles. So
25 this is adequately large for a secure distance.

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1 Now, our group doesn't say that the
2 Goshute Indian reservation is the best place to
3 store waste, even temporary. We do say that it can
4 be a safe one. We also say it's one of the few
5 ways we think is safe as far as safe load, for
6 example, than the arsenic which was pulled out of
7 the ground and has been pulled out of the ground in
8 the mining operations of Utah for many years, for
9 which we do absolutely nothing.

10 It's also -- we believe the
11 transportation for nuclear waste can be and will be
12 safe. Therefore, if that -- if you agree with
13 this, and we hope you will, it should be left to
14 free market to decide whether or not to proceed
15 with this particular operation.

16 So this makes the situation very simple.
17 If the Goshute Indians and their tribal council
18 decide that this is what they want to proceed with,
19 and I understand they have, and they sign a
20 contract, if that is the case, then they should be
21 allowed to do it. No one can interfere with it.
22 And we hope that you will not let politics based on
23 ignorance upset your decision. It should be, in my
24 view and I hope in your view, based solely on the
25 science and technology of the situations as

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1 expressed in the base regulations, which in turn
2 are based on the fundamental scientific principles
3 I mentioned.

4 We ought, instead of criticizing this,
5 thank the Goshute Indians for doing their little
6 bit to support the United States' energy policy,
7 the only sensible policy, includes the
8 preventative, and in policies of the world in this
9 respect. And we hope that they are -- will
10 flourish with this particular budget.

11 I thank you for listening to us.
12 There's a copy of this statement outside, and I
13 request that -- I will be sending a copy to every
14 single member of our group, they may or may not
15 want to make suggestions and additions, and I
16 request for the record that the suggestions and
17 additions, they could be added to the record. And
18 on previous occasions the only corrections have
19 been for punctuations, commas, false starts. Thank
20 you.

21 JUDGE FARRAR: Thank you, Professor
22 Wilson. When I -- I've just been calling these
23 names as they appear on the list, and when I called
24 on you I didn't recognize the name instantly. We
25 appreciate you coming and sharing your thoughts

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1 with is.

2 MR. WILSON: Thank you.

3 JUDGE FARRAR: Robert Wietlatz. Is that
4 correct?

5 In fact, let's take just a two-minute
6 break. We've been at this nine o'clock this
7 morning in hearing. Let's stretch for a moment and
8 maybe we can get the microphones set up.

9 (A recess was taken.)

10 JUDGE FARRAR: All right, let's resume
11 the proceeding after that short break.

12 Mr. Wietlatz?

13 MR. WIELATZ: I am Robert Wietlatz, and
14 I'm a resident, a citizen of Tooele, Utah. And
15 this is my statement for the record on the proposed
16 Skull Valley temporary storage decision by the
17 Atomic Safety and Licensing Board and the Nuclear
18 Regulatory Commission.

19 Proposed Goshute nuclear materials
20 storage site would constitute a major threat to the
21 security and safety of the people of Utah and
22 possibly neighboring states. If a large
23 concentration of highly radioactive material is
24 stored above ground at the Goshute reservation, it
25 becomes a lucrative target for the terrorists of

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1 monumental proportions. A terrorist attack using a
2 hijacked airliner that crashes into the stockpile
3 something on the order of September 11th or a
4 ground detonation by powerful explosives would
5 create a nuclear disaster that would eventually
6 kill or sicken thousands of people. It would
7 render significant areas of the state of Utah and
8 possibly other states downwind of the nuclear
9 fallout uninhabitable for generations to come.

10 Being downwind of a strong prevailing
11 wind, cities surrounding the communities directly
12 affected by the fallout would include but not be
13 limited to the Goshute reservation itself,
14 Grantsville, Tooele, Erda, Stansbury, Lake Point,
15 Kennecott facilities, West Valley, large portions
16 of the city of Salt Lake City, including the LDS
17 facilities, and eventually up and down the Wasatch
18 range, in other words, from Provo to Ogden.
19 Continued fallout would reach other cities and
20 communities possibly in the states of Colorado and
21 other neighboring states.

22 In addition to a loss of life and
23 sickened people, property values would plummet or
24 be worthless. Livestock, architectural or
25 agricultural products or wildlife in the affected

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1 areas would probably have to be destroyed.
2 Groundwater would become contaminated, and with
3 this kind of thing, cleanup would be impossible.

4 The above ground storage of spent
5 nuclear fuel rods and highly concentrated stockpile
6 is unthinkable, as it provides terrorists an
7 effective attack that would far exceed the loss of
8 property and life of September 11th or Chernobyl.
9 Those who propose such a plan would in fact be
10 aiding the terrorists in the establishment of a
11 lucrative target of opportunity. Our elected
12 officials and other regulatory people responsible
13 for our safety and security must act to prevent
14 this disaster. The citizens of Utah are not
15 expendable. Thank you.

16 JUDGE FARRAR: Thank you, sir, for your
17 words.

18 David Bokovoy.

19 MR. BOKOVOY: Thank you. I stand before
20 you. My name is David Bokovoy. I'm a resident of
21 Tooele. I'm a father of three, almost four
22 children now. I stand before you because they
23 cannot, and yet the decisions made by this council
24 will affect their lives in an extreme manner. I
25 stand before you because I'm concerned, as are the

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1 residents of this state, in regards to the
2 importation of spent nuclear fuel rods.

3 The will of the people has been clear,
4 almost unanimous, that we stand opposed to the
5 importation. The will of the people has been made
6 clear. The will of our elected politicians who
7 stand as our representatives has been made clear.

8 While I respect the Goshute tribe and I
9 accept their independence as a sovereign people, in
10 a community there is no such thing as an
11 independent entity. Their actions, their choices
12 as individuals and as a community will affect all
13 of us in this entire state. Yes, we perhaps do not
14 need to fear radiation, but there are other issues
15 involved. People do fear radiation, and it's going
16 to cause great economic distress for this
17 community. We have experienced this already.
18 There's a reason why the Wal-Mart Distribution
19 Center, for example, is not located in the Tooele
20 Valley but rather in St. George, because of fears
21 of those things that are already taking place in
22 this community.

23 My children have a right to have a
24 voice. That voice is one of opposition, as are all
25 of those people of Utah who have made this

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1 statement with the exception of a small minority.
2 We are concerned for our homes and the prices that
3 will no doubt drop as a result of this decision.

4 This decision should not be made on
5 scientific facts. This decision should voice the
6 opinion of the people. This decision should be
7 made upon moral values, upon principles, on right
8 and wrong, not upon science.

9 Thank you for your time.

10 JUDGE FARRAR: Thank you, sir, for your
11 remarks. Julie Jensen.

12 MS. JENSEN: Thank you for being here,
13 and thank you for listening to us. My name is
14 Julie Jensen. I'm a Ph.D. in dramatic literature.
15 I'm a playwright.

16 For me the personal is political, and I
17 would tonight like to say something about a small
18 group of us who were raised in southern Utah during
19 the 50's. We're referred to as "downwinders," a
20 nice little title.

21 My father's family was a part of
22 settling the small town of Beaver, Utah, in 1857.
23 There was not ever in the entire history of the
24 family a single case of cancer. Not ever. Since
25 1990, the following has happened to this side of

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1 the family. My father is dead from bone cancer.
2 My aunt is dead from ovarian cancer. Another aunt
3 is dead of stomach cancer. My uncle is dead of
4 pancreatic cancer. I have a cousin with lymphoma.
5 I have a cousin with leukemia. I have a sister
6 with a severely compromised immune system. I have
7 a cousin with breast cancer. And her daughter has,
8 who is 18 years old, lymphoma. This is the product
9 of nuclear radiation. It is the product of, I
10 agree, above ground testing, but it is also a
11 product of what happens when you don't know exactly
12 what might happen.

13 Believe me, we were reassured on a
14 daily, weekly, monthly basis about how safe it was
15 for us to be living there, to be consuming the milk
16 that was grown -- it was produced by the cows who
17 were grown in that area. Everything was
18 contaminated. It remains in some sense still
19 contaminated. And 40 to 50 years later, we are
20 living with desperate and horrible results. Unless
21 this is clearly proven that if there is a mistake
22 this is how you'll take care of it, unless you know
23 exactly what to do in case there is an attack,
24 please, I beg you, don't go forward. Thank you.

25 JUDGE FARRAR: Thank you, Ms. Jensen.

1 Stephen Nelson.

2 MR. NELSON: My name is Steve Nelson.
3 I'm a geology professor at Brigham Young
4 University. I'm an isotope geochemist, and I'm the
5 chair of the Utah Radiation Control Board. I also
6 worked for nearly four years for the management and
7 operating contractor at Yucca Mountain. Although I
8 am speaking strictly as a private citizen, I have
9 told you of my background so you may evaluate my
10 comments in that context.

11 If Yucca Mountain is successful and
12 obtains a license to receive waste in the next ten
13 years, I fail to see the need for the PFS facility.
14 This is especially true as the EIS has concluded
15 that the waste is safe where it is. Why go to the
16 trouble, expense, and risk of moving the waste
17 twice? It is hard for me to conceive that just a
18 few years of storage relief is worth it.

19 If Yucca Mountain is not successful, I
20 worry about assembling waste in Utah with no
21 permanent home anywhere on the horizon. This not
22 only raises the specter that Skull Valley could
23 become in fact a permanent repository, in the post
24 9-11 era it becomes an awfully large target. As of
25 9-11, the low probability/high consequence terror

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1 threat certainly increased in its probability. I
2 think everyone would agree that on September 10th
3 the probability of an airliner hitting the World
4 Trade Center was low. No matter which way YMP
5 goes, I don't see a need for this facility.

6 I would also finally like to ask the
7 Board whether the handling and repackaging of waste
8 in a valley with mapped quaternary faults is a good
9 idea.

10 JUDGE FARRAR: Thank you, Professor
11 Nelson. Your last remark gives me the opportunity
12 to once again remind the audience that we will have
13 an issue that turns -- beginning tomorrow -- or
14 beginning Monday the seismic geotechnical issue
15 which addresses exactly the kind of questions that
16 Professor Nelson has raised. And as I did this
17 afternoon, I invited any of you who can make it to
18 the Sheraton anytime, Sheraton City Center anytime
19 in the next two to three weeks between nine in the
20 morning and five in the afternoon to come in and
21 observe the hearing.

22 Marilyn Bawden.

23 MS. BAWDEN: I'm a citizen of Sandy,
24 Utah, and I grew up in Utah. I don't have any
25 degrees in science. I depend on my logic, and I've

1 studied these issues thoroughly.

2 I want to begin by reading a statement
3 about the Nuclear Regulatory Commission. "This
4 Commission is an independent agency established by
5 the U.S. Congress under the Energy Reorganization
6 Act of 1974 to ensure adequate protection of the
7 public health and safety, the common defense and
8 security, and the environment in the use of nuclear
9 materials in the United States."

10 So I am depending on you gentlemen to do
11 exactly that. And I would ask you if, knowing
12 everything you know about this project, if it was
13 proposed to be 45 miles from your home, would you
14 be in favor of that? I also believe that the
15 states who put nuclear reactors in their state and
16 are producing nuclear energy should be responsible
17 for the storage of that waste. Utah is becoming
18 the nuclear waste dump of the United States.

19 I believe that there are areas within
20 the states who produce nuclear energy land
21 available that this energy can be stored above
22 ground, just as it is proposed to be stored here.
23 And so I don't see where it's spendable at the
24 expense of another state who chose to make this
25 decision to produce nuclear energy. Thank you.

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1 JUDGE FARRAR: Thank you for your
2 thoughts, Ms. Bawden.

3 Wade Moon. Matt Lawrence.

4 MR. LAWRENCE: Thank you very much for
5 this opportunity I have to speak to you. I was to
6 the hearing on April 6th, and I would like to
7 compliment you as a board. There was a lot more
8 rabid fans there.

9 JUDGE FARRAR: I'm not sure they were
10 fans.

11 MR. MOON: Yes, they weren't.

12 But I come to you as a common man. I
13 live here in Grantsville, Utah. I'm 47 years old,
14 and as I understand it, it seems as though the
15 people of this county, 40,000 of us, sense that
16 this is coming, and that's why we don't have a very
17 large crowd here, and most of the speakers are not
18 from this valley. I can give you a little bit of
19 background, and I just want to say this as one
20 voice the best I can.

21 Growing up as a boy, I, like the lady
22 that just spoke, remember my mother not letting us
23 drink milk because of the nuclear activity in
24 southern Utah. And that would go on for days at a
25 time. And we lived right next to the Tooele Army

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1 Depot. Our elementary school, as humble as it was,
2 had a bomb shelter in the basement, and we knew
3 with the drills how to get there. It was always a
4 worry as a child, that constant threat of being a
5 target. Having all the sheep die there in the same
6 valley, my father owns a ranch in Skull Valley, was
7 a tragedy. It was interesting that the whole
8 county knew exactly what had happened. It took the
9 government 30 years to admit they were at fault.
10 It's hard for 5,000 sheep to eat bad grass all in
11 the same morning and die.

12 You picked the very best place in all of
13 America to bring this to. We are a patriotic
14 people. We do have issues. And as Utah has been
15 forever, if America wants to do something here, I
16 guess they do it. But as the voice of one common
17 man, at some point someone's got to say, enough's
18 enough. We are proud of our facility at Dugway
19 Proving Ground, but the whole West Desert now is
20 filled with munitions. It was our duty to dispose
21 of the one-third of the biological waste that's
22 stored here, the nation's storehouse. We took
23 that.

24 As I understand it, I know that you
25 probably can't really make a decision, and the

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1 decision probably has already been made, and it
2 probably will be made on a scientific basis. But
3 as just one voice, I'm here to say that we -- as a
4 county, we really don't need this.

5 If you have any -- as I sensed in Salt
6 Lake, you've just got a job that you're here trying
7 to do. But if one voice can make a difference, and
8 that is, we've done our duty. No matter what's
9 right and wrong, we've done enough.

10 And I appreciate your time. Thank you
11 for coming to Utah. Whatever the outcome is, we're
12 going to do -- we'll stand tall and we'll do what
13 we're forced to do, but if this is something that
14 we're not forced to do, then don't make us do it.
15 Thank you.

16 JUDGE FARRAR: Thank you, Mr. Lawrence,
17 for those very sincere remarks. I can only assure
18 you this. To the extent that we have matters
19 before us, the issues that I've talked about that
20 we're hearing now, no decisions have been made. We
21 will make those decisions based on evidence and the
22 law. There are other decisions that have been made
23 that are not before us for review, but those that
24 are before us, I can assure you no decisions have
25 been made.

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1 Sharon Cummings.

2 MS. CUMMINGS: Thank you for the
3 opportunity to speak. I am a citizen of Salt Lake
4 City and Salt Lake County. I have made it a matter
5 of study for a number of years on the effects of
6 nuclear waste, and I hold in my hand the
7 Environmental Impact Statement put out by the U.S.
8 Nuclear Regulatory Commission.

9 There are some interesting statements in
10 here with regard to the nuclear facility proposed
11 at Skull Valley. They talk about the -- and this
12 was mentioned by one of the other commentators this
13 evening -- the seismic activity, the potential for.
14 Under geology and seismicity it says, "Several
15 commentators regarded geology and seismicity at the
16 proposed site as critically important issues
17 affecting the suitability of Skull Valley to host a
18 spent nuclear storage facility." And I understand
19 you will be having meetings on that tomorrow. I
20 will try to be there.

21 "The geologic conditions mentioned most
22 often include the potential for large magnitude
23 earthquakes, ground motions, soil stability, and
24 surface rupturing. Commentators felt that the
25 potential for earthquakes and ground motion in the

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1 area may be greater than the Applicant has reported
2 and that a more complete analysis of faults and
3 other geologic structures in the area is needed."
4 That is one reason that I stand opposed to the
5 Skull Valley facility.

6 They talk about, under surface water and
7 groundwater, "In addition, some commentators felt
8 that the facility both during routine and accident
9 conditions has the potential to contaminate water
10 resources. One commentator stated that existing
11 water supplies are dirty, and several others
12 mentioned the issue of water rights and
13 availability.

14 "The same commentator noted that floods
15 have occurred in the area and that during those
16 floods the land depressions south of the access
17 road were filled, the ground was saturated, and
18 much of Skull Valley produced significant amounts
19 of runoff with the potential for contaminating
20 groundwater if there is any leakage whatsoever from
21 the casks."

22 They also talk about the issue of the
23 transportation of the spent fuel. Many
24 commentators were concerned about the number, type,
25 and frequency of spent fuel shipments, and there

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1 were several comments about the large quantity of
2 spent fuel to be shipped and stored. These
3 commentators felt that the transport of high-level
4 nuclear waste carries many environmental and
5 economic risks that have not been adequately
6 evaluated in the site-specific context of the
7 proposed action. One commentator noted that
8 "transportation accidents, even those that do not
9 involve a radiologic release, may disrupt and
10 adversely affect vital transportation routes in the
11 region, resulting in attendant economic impacts."

12 I would just like to say that as a
13 citizen I do stand opposed to the idea of putting
14 nuclear fuel above ground in this type of facility.
15 This report also addresses the issue of the
16 potential for the facility becoming not a temporary
17 storage facility for spent nuclear fuel, but in
18 fact may become a permanent facility if there is a
19 problem with Yucca Mountain. And we all know that
20 there is an organized group of concerned citizens
21 in the state of Nevada and the legislators who are
22 opposed to the Yucca Mountain facility. So it is
23 not a certainty at this point.

24 I thank you for letting me take the
25 opportunity to make a comment. Thank you.

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1 JUDGE FARRAR: Thank you for coming to
2 share those comments.

3 Sarah-Rae Austin.

4 MS. SARAH-RAE AUSTIN: My name is
5 Sarah-Rae Austin, as you know, and I've come here
6 with my Aunt Sharon. And I realize that we need --
7 you want to store the waste in our state, and --

8 JUDGE FARRAR: Don't be nervous. You're
9 doing just fine.

10 MS. SARAH-RAE AUSTIN: It will give some
11 of us cancer, and it will hurt some of us. Thank
12 you.

13 JUDGE FARRAR: Thank you very much,
14 young lady. Those very personal comments make all
15 of us think more deeply about everything we do. We
16 appreciate you sharing those thoughts with us.

17 Zeke Wilmot.

18 MR. WILMOT: I didn't initially plan to
19 speak here tonight. I just kind of on a whim
20 decided I'd be interested in seeing what's going on
21 here. And just a couple general comments that I'd
22 like to share.

23 I've heard a lot of people, especially
24 in the news media, talk about how nuclear waste
25 isn't Utah's problem, and I think that is certainly

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1 incorrect. We're not just citizens of the state of
2 Utah, we're not citizens of Tooele County, we're
3 citizens of the world, and as a human race we all
4 have to work together. To say that we're not
5 dependent upon nuclear energy is inaccurate. We
6 depend -- one of the members of the Goshute tribe
7 brought up this point. We depend upon the energy
8 that is used in other parts of the nation to
9 construct many of the goods and services that we
10 make use of. We're all interdependent. There's
11 really no way to get around that.

12 I would like to say that I think this is
13 a really neat thing that we're getting together and
14 talking about these issues and trying to educate
15 ourselves and each other.

16 I will say that I am disappointed
17 overall with the way things have gone just with
18 this whole nuclear fuel issue. I think nuclear
19 fuel and nuclear energy is a safer alternative than
20 using up our fossil fuels. I think it's one of the
21 better energy resources, but I think it could be
22 handled much better.

23 I think it would be very beneficial for
24 the NRC and other groups to look into, and I'm sure
25 they do look into this, but I wish more people

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1 would support the idea of reprocessing fuel rather
2 than simply finding other places to dispose of it
3 and dispose of it again. Yes, there is natural
4 radiation, but we are creating a number of isotopes
5 that have lives much longer -- or concentrations of
6 isotopes with lives greater than what is naturally
7 found through the process of nuclear reactions
8 inside a nuclear reactor and whatnot. And I think
9 we need to limit that creation of unnatural
10 radiation and work toward reusing what we've
11 already made a mess of. And that's all the
12 comments I have.

13 JUDGE FARRAR: Thank you, Mr. Wilmot.
14 Anne Hansen, Alberta Mason.

15 MS. HANSEN: Thank you. Name is Anne
16 Schwart Hansen. I'm representing Utah
17 Environmental Justice Foundation. I too have
18 visited reactor communities and sites in New
19 England, Seabrook, Massachusetts, but what I heard
20 from its people is the disproportionate amount of
21 cancers, particularly in women, because the dose
22 modeling is of a 160-pound man and no dose
23 modeling for women, pregnant women or people with
24 weakened immune systems.

25 You will hear a great deal of

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1 contradiction in this room. But it's simple,
2 gentlemen. This half of the room has been paid by
3 PFS and this half of the room has not. The Bureau
4 of Indians Affairs in the western regions has a
5 historic pattern of disenfranchising tribes by
6 interfering with internal tribal matters. The BIA
7 has overstepped their authority and has gone
8 against mandates within the 1994 Inouay (phonetic)
9 Amendment of the Indian Reorganization Act. The
10 BIA has made unlawful decisions and confirmations
11 concerning tribal internal matters whereupon other
12 agencies, financial institutions, this board, and
13 the state entities in making their decisions or
14 rulings from.

15 The BIA has no authority to interfere in
16 tribal elections or other internal affairs in the
17 tribe. The BIA has unlawfully recognized an
18 unauthorized Goshute executive committee, and this
19 purported committee has misrepresented conditions
20 on the Skull Valley Goshute Reservation to the NRC.
21 Therefore, the final EIS has been fatally flawed.
22 Also the Private Fuel Storage lease is void upon
23 inception. We allege that Leon Bear gave material
24 false statements and information to the NRC, and he
25 did not have the authority to speak on behalf of

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1 the entire tribe.

2 Another contradiction. Leon Bear has
3 kept the Band from seeking other economic
4 development for the tribe, giving PFS exclusive
5 rights to the reservation. PFS has used Goshute
6 tribal sovereignty and exploited the reservation's
7 impoverished conditions, giving the tribe no other
8 alternatives for economic survival other than
9 having a high-level nuclear waste facility setting
10 national precedent. This places a disproportionate
11 risk and disadvantages to the band compared to a
12 dominant society or white community. This is
13 environmental injustice and racism.

14 Tribal members have repeatedly asked the
15 Bureau of Indian Affairs and Leon Bear for
16 accountability of PFS monies given to the tribe,
17 estimated 1.4 million a year since 1997. Again,
18 there has been no response, no accountability from
19 either party regarding these monies. The Utah
20 delegation, FBI, and BIA have failed to have
21 investigations concerning the Band's allegations of
22 embezzlement and bribery, but there has been no
23 information given concerning these investigations.
24 No one from any of these entities have called,
25 notified, or come to the reservation seeking

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1 information to the allegations. Instead, these
2 tribal members have been invalidated by the BIA
3 unlawful confirmations to you and to the State of
4 Utah. They're labeled as dissidents, paralyzing
5 them from their civil rights and legal rights. We
6 have even heard that the BIA stopped some of these
7 investigations themselves.

8 Tribal members in Utah who wish to go to
9 Washington, DC to present this before the NRC board
10 of commissioners and judges are placed in economic
11 hardship and disadvantage to do so. Therefore, in
12 due respect, we want these comments to be recorded
13 in this public record and to be reported to the
14 NRC, and we welcome this panel back to address
15 these issues. The NRC board of commissioners need
16 to look into the allegations and malfeasance of the
17 BIA, because without resolve of these allegations
18 and misrepresentations, the license must be denied
19 in order for the public trust to be upheld.

20 In closing, the NRC will evaluate the
21 scientific aspects, but this facility is not about
22 good science, it's about bad politics, boondoggle,
23 and corporate agenda. When the white settlers came
24 to Utah, there were 200,000 Goshutes. Now, there
25 are 127 Skull Valley Goshutes. Their wells, their

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1 water sources were deliberately poisoned. But this
2 is a new millennium. We hope that things changed.
3 These people are the last people of their tribe.
4 They need to be protected, even if it's from the
5 betrayal within their own people. Thank you.

6 JUDGE FARRAR: Thank you, Ms. Hansen.
7 Alberta Mason.

8 MS. MASON: My name is Alberta Mason.
9 I'm a Navajo from Arizona. As executive director
10 of the Environmental Justice Foundation, I would
11 like to express appreciation for the opportunity to
12 speak before the panel of the Nuclear Regulatory
13 Commission tonight.

14 I'd like to begin by complimenting the
15 NRC on the great length it goes to in its
16 scientific investigations. I have seen many
17 brochures, booklets, books and studies complete
18 with charts and graphs, circles and arrows on the
19 front and a paragraph on the back of each one
20 explaining what it all means. And we can assume
21 that the NRC makes many decisions based on these
22 thorough investigations.

23 In October of 1863 the Goshute people
24 signed a treaty of peace and friendship with the
25 United States in which all parties agreed to live

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1 on the land together. The Goshute people received
2 very little in this treaty, as the purpose of
3 treaties was to limit the rights of Indians, not to
4 expand or detail them.

5 However, the Goshute people did have a
6 couple of very significant treaty rights,
7 handwritten by your commander-in-chief, Abraham
8 Lincoln, commanding you to do certain things. One
9 of the things that President Lincoln commanded is
10 that in any relations with the Goshute people, you
11 are required, and I quote, "to protect them from
12 the degradations of vile and dishonest men."

13 The State of Utah is not charged with
14 this responsibility. President Lincoln stipulated
15 that the sovereignty of the Indians living on this
16 land is superior to this state. The trust and
17 fiduciary responsibilities rests with the federal
18 government of the United States of America and its
19 agencies who wish to have relations with the
20 Goshute people.

21 Therefore, assuming the NRC recognizes
22 that they are bound by the treaties of the United
23 States, where is your booklet or books with charts
24 and graphs and circles and arrows on the front and
25 a paragraph on the back of each one showing the

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1 thorough investigation of their treaty rights and
2 protection from degradation of dishonest men? Have
3 not those dishonest men been brought to your
4 attention? Have not those degradations been
5 brought to your attention? Have you not had a
6 thorough investigation in what you are charged by
7 your commanders-in-chief? Do you feel the NRC is
8 bound by the treaties of the United States of
9 America? Do you recognize your superior
10 responsibilities in any relations with the Goshute
11 people?

12 The NRC cannot default this trust of the
13 BIA. President Lincoln said it is the
14 responsibility of the United States of America,
15 meaning all of its agents and agencies. Any
16 rudimentary licensing investigation into these
17 matters will reveal a purported lease that is
18 terminally flawed by material false statements to
19 the NRC and to the Goshute people, and even then,
20 it was only able to be put forth from bribery,
21 embezzlement, and corruption. Where is your book
22 of thorough investigations with charts and graphs
23 and circles and arrows and a paragraph on the back
24 of each one of these into these matters? The fact
25 of the matter is, a license cannot and should not

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1 be issued under circumstances orchestrated by
2 dishonest men. Thank you.

3 JUDGE FARRAR: Thank you, Ms. Mason.
4 Marlinda Moon.

5 MS. MOON: Hi, my name is Marlinda Moon,
6 and I'm the chairman of the Skull Valley Band of
7 Goshutes. At this time I'd like to submit a letter
8 to you today. I'm going to read it.

9 "To whom it may concern:

10 "On September 22nd, 2001, the Tribal
11 General Council of the Skull Valley Band of Goshute
12 Indians conducted a general election at special
13 meeting duly called and noticed by the Tribal
14 Secretary for the elections. The election meeting
15 was attended by a majority of the Tribal General
16 Council members and the election was held in
17 accordance with the Tribe's traditional rules of
18 governance.

19 "The following officers were duly
20 elected on September 22nd, 2001; and, in accordance
21 with the Tribe's traditional rules of governance,
22 immediately following their election they assumed
23 the positions to which they were elected." I,
24 myself, chairwoman; Sammy Blackbear, Sr., vice
25 chairman; Miranda Wash, tribal secretary.

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1 "Leon Bear has refused to relinquish
2 power, and he is in fact trying to refuse to
3 respond to investigations into criminal activities,
4 using the sovereign immunity of the Tribe as a
5 cover.

6 "The Tribe does not intend to allow its
7 sovereign immunity to be used in that manner, but
8 desires a full and impartial investigation into the
9 serious allegations of embezzlement, bribery, and
10 corruption which are currently being made against
11 Leon Bear and alleged co-conspirators.

12 "We, the proper and legitimate Tribal
13 leadership, ask all responsible entities,
14 government and otherwise, to pursue and otherwise
15 support any such investigations with respect to
16 applicable matters within their jurisdiction or
17 sphere of influence."

18 And to what you know, we are the
19 legitimate tribal executive officers of the Band
20 and we will be conducting ourselves as such. I
21 have been to tribal meetings in the past and have
22 seen the misuse of BIA policies and procedures
23 against the people of Skull Valley. When I was
24 elected into office, I made a promise to the Band
25 that I would do my best to give them their right to

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1 be heard as their right to a fair and honest vote.

2 Because Leon Bear and his
3 co-conspirators has taken it away from our people
4 with the aid of BIA and PFS, it is with that they
5 think our people are helpless and defenseless. But
6 the new executive officers will not let this
7 criminal activity continue. We will continue to
8 fight for our people, their rights as well as their
9 lands, which our grandfathers have done for us in
10 the past and we will continue to do for our next
11 generation. One way or another, we will restore
12 our customs and traditions back to our people,
13 which many people have tried to take from us. Our
14 people fought for our rights many years ago, and so
15 history repeats itself once more and we are faced
16 with trying to restore our way of life for our
17 children. And I say again, our forefathers fought
18 for us, and we will do the same for them and our
19 people. Thank you.

20 JUDGE FARRAR: Thank you very much,
21 Ms. Moon. Let's take just a two-minute break to
22 let our court reporter get a little bit of a rest.
23 And if you leave, you'll have to go back through
24 security so we'll all just stay here.

25 All right, let's continue with our

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1 limited appearance statements. Next is Samuel
2 Blackbear.

3 MR. BLACKBEAR: Hi, my name is Samuel
4 Blackbear, and I'm the vice chairman of the Skull
5 Valley Band of Goshutes.

6 It is obvious that the NRC will continue
7 to license this facility even though the EIS final
8 study is fatally flawed due to the fact that Leon
9 Bear and his co-conspirators provided false
10 statements and materials that were used to assist
11 this licensing procedure.

12 The Band will not let this activity
13 continue any further. We will continue to speak
14 for our people and their will. The people in Skull
15 Valley have told Leon Bear and his co-conspirators
16 that they don't want him representing him anymore,
17 but the BIA continues to assist him and his illegal
18 activity. Sooner or later justice will be served,
19 and then we will see where your license stands
20 then.

21 It is obvious to us that Excel Energy
22 has interfered with our tribal customs and
23 traditional government and that they also have
24 interfered with our elections by giving Leon Bear
25 and his co-conspirators the money to bribe tribal

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1 members into supporting the PFS project. We did
2 not know that the nuclear industry could pick the
3 leaders of a sovereign nation, which they have done
4 by using rate base money. I wonder if the
5 taxpayers know that they are paying extra taxes to
6 assist in this illegal activity in Skull Valley.

7 The new executive council has attempted
8 to talk to PFS, which came to no avail. It is
9 clear that they have chosen to deal with Leon Bear
10 and his co-conspirators even though they know he is
11 under investigation for bribery and corruption.
12 But wait a minute. They have assisted Leon Bear in
13 this activity. Clear picture, isn't it?

14 The BIA has sent out a letter to the
15 Band that says Leon Bear is the one they will give
16 government grants to and that they will deal with.
17 Even though they claim that they themselves have
18 been under investigation for bribery and
19 corruption, they also quoted in that letter that
20 they can't choose the leaders of Skull Valley, and
21 they turned around and broke every law that they
22 have just quoted. And they expect to get away with
23 this? Not a chance.

24 To get this license, it is said that we
25 are a host community. How can we be a voluntary

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1 host community with all of this illegal activity
2 that is involved with this lease? The NRC also has
3 a trust responsibility to the people of Skull
4 Valley. So where is that trust when you yourselves
5 are aware of this illegal activity? But you
6 continue to license this facility anyway, or as
7 long as Excel Energy keeps using rate base money.
8 To fund this project, you will continue to give a
9 license to them. What a shame.

10 I would like to encourage the panel to
11 not confuse our people's attitude of humility with
12 weakness. For our people will not confuse
13 arrogance with strength. Thank you. Sammy
14 Blackbear.

15 JUDGE FARRAR: Thank you, Mr. Blackbear.
16 Lawrence Bear.

17 MR. LAWRENCE BEAR: Good evening. I'd
18 like to introduce myself. My name is Lawrence Bear
19 and I'm a lifetime member of the Goshute
20 Reservation. What I'd like to say is I'm a
21 Goshute, and what I'm going to say to you is coming
22 from my heart. We want this facility. It's for
23 our economic growth as well as us, as well for the
24 county and the state. We need this. We need this
25 facility.

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1 I've been sitting over here waiting for
2 a chance to get up and talk. There's been a lot of
3 talk about fallout and all that, all that, all
4 that. I see no fallout. I see no fallout. What
5 we're dealing here with is spent fuel. Spent fuel
6 is a ceramic.

7 We talked about terrorism out here.
8 What terrorist in their right mind is going out in
9 Skull Valley and try to destroy that facility? I
10 don't see that. There's nobody out there. I can
11 see 9-11 where they put a lot of innocent people to
12 death back in September. I can see that. But as
13 far as the other stuff goes, I just don't see that.
14 I just don't see that.

15 I hear a lot of fear, fear in a lot of
16 these people's voices. Now, if they'd educate
17 themselves, maybe that fear would lessen. There's
18 approximately 113 nuclear energizing stations
19 throughout our United States. And from what I was
20 reading this morning in the paper, the Salt Lake
21 Tribune, they're not going to go away. We'll be
22 dealing with it. Instead of burning fossil fuel
23 like we're doing and causing the earth to -- what's
24 the word? -- well, anyway, it's causing our earth
25 to -- global warming, that's the word I'm trying to

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1 talk. But the fears I hear talking about, I don't
2 see it at all.

3 A lot of people here, they're talking,
4 and I don't know where they're getting their
5 information. It's all bogus to me, what they're
6 saying. How do they know? They're not Goshute.
7 How do they know? I guess tonight's the night for
8 Leon bashing, I guess. All of a sudden they've
9 been talking about Leon. I don't see that, and I
10 live here. I live among the Goshutes. I don't see
11 any of that stuff, corruption. I don't see
12 corruption.

13 The BIA, they're talking about the BIA
14 coming in and controlling us. Not once have I seen
15 the BIA come in and say, you guys got to do this,
16 you guys got to do that. I don't see that at all.
17 They come out to our meetings and they don't say --
18 they just sit there. They might give us a
19 suggestion now and then, but that's it. They
20 never, never meddle in our tribal affairs.

21 And another thing I'd like to set
22 straight tonight is, you've been seeing a lot of
23 things on TV and reading long articles which I
24 think is pretty comical, in my estimation. And
25 that's about our true tribal chairman now, which is

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1 Leon. Now, there's been some articles come out
2 saying that they recognize Leon Bear as our true
3 chairman, which he is, and nobody else. If anybody
4 else says they're the new executive, they're living
5 an illusion. It's not true. The only people that
6 are in the executive committee is Leon Bear, he's
7 the chairman; Lori Skiby's the vice chairperson,
8 and Sharene Wash is our interim secretary. That's
9 what I'd like to get straight is Leon Bear is our
10 true chairman at this time, at this point in time.

11 And another thing I'd like to say, I'm
12 sorry, I'm kind of disappointed that there are a
13 lot of empty seats. I thought there would be more.
14 I thought there would be wall-to-wall people here,
15 but there's not. You know, I -- it seems like
16 there's not that much interest, interest in coming
17 out and supporting the opposition.

18 And like I said, we here in Skull
19 Valley, we're a traditional tribe. We do
20 everything by the majority. And from day one when
21 this first came out, the spent fuel facility that
22 was offered to us by DOE, we had a tribal vote on
23 it. Everybody in the tribe says, well, let's do
24 it. So it's -- that's been almost ten years ago.
25 We've been plugging at it all wrong. It was the

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1 DOE, they dropped the ball, PFS picked it up, and
2 now we're here tonight listening to you folks who
3 are for it, some of you are against it. Most of
4 you are against it, I guess, which I can see that.
5 I can see that.

6 But we do need this facility. And I
7 won't lie to you, there's a lot of money involved
8 as well as for the tribe, as well as for the county
9 and the state. They're all going to get paid.

10 But I love Tooele County. I've lived
11 here all my life. I was born and raised in Tooele
12 County. But I've noticed people in Tooele County
13 are pretty resilient. They go with the flow. Now,
14 we're at the middle of all these facilities that
15 are out in the West Desert. Even south of us here,
16 there's a nerve gas incinerator. And we don't seem
17 to mind that. And in Skull Valley just over the
18 hill, just over the mountain from the Stansbury
19 Range on the west side is our reservation, and to
20 the south of our reservation is Dugway Proving
21 Grounds.

22 If you can remember back in '68, some
23 kind of gas wasted down in the valley, some sheep
24 died. A lot of sheep died down in there. What if
25 that would have been a little stronger gas like

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1 Saran or something like that? Maybe the whole
2 valley would be cleaned out.

3 JUDGE FARRAR: Mr. Bear, could I ask you
4 to begin to wrap up a little? You're way over
5 time.

6 MR. BEAR: I beg your pardon?

7 JUDGE FARRAR: Could I ask you to begin
8 to conclude? You're way over your time.

9 MR. BEAR: Is my time over?

10 JUDGE FARRAR: Yeah.

11 MR. BEAR: Okay, great. Thank you.
12 Thank you for the time.

13 JUDGE FARRAR: Thank you, sir. Is Scott
14 Gutting here? James O'Neal?

15 MR. O'NEAL: Gentlemen, my name is James
16 O'Neal. I'm from American Fork, Utah. I apologize
17 for not dressing more appropriately, but I came
18 from work. I am part Native American, part
19 Cherokee. I'm glad to be here with my brothers and
20 sister. I visited with you in the summertime in
21 Salt Lake when there was celebration and dancing.

22 Gentlemen, you're experts on the nuclear
23 situation and you're used to people venting and so
24 forth, but I'm not going to vent here. But I'd
25 like to give what I think. Looking at the -- we're

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1 not looking so much here at an environmental
2 problem as we are a political problem, and the
3 government is trying to resolve some of this at
4 this point. I don't think that PFS is going to be
5 able to bring their spent fuel to this facility. I
6 think the way the situation is in the country
7 today, that people are going to rebel against the
8 transportation of it. And the reason I do think
9 that is because of their -- some testified there's
10 some paranoia after 9-11.

11 Will they take it to Yucca Mountain?
12 Same thing, I think that they won't. Even though
13 the government, a lot of the government people say
14 that that's the best viable alternative. And it
15 probably is to put all that stuff underground, but
16 with due respect to whoever might be here from
17 Nevada.

18 So we have a big problem. I served on
19 an oversight committee in Oak Ridge a number of
20 years ago. Huge problem there. We've got to do
21 something with this nuclear problem. We can't just
22 let it go much longer.

23 I would say this is a historic
24 opportunity, given the mood of the country, to do
25 something about it. I think, though, that it

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1 should be processed nearer the sites than it is at
2 this point. I don't think you'll be able to
3 transport it. I think that there is enough
4 political will in the country that they won't allow
5 it, maybe they will, in that unlikely scenario were
6 it to be transported here, is my opinion.

7 I've studied the EIS, the whole thing.
8 I know how the structure out here is supposed to be
9 conducted. I have no problems with the
10 transportation system as it's designed, given
11 normal circumstances. We're not in normal
12 circumstances. We're at war. Our president says
13 we're at war. We're spending millions of dollars
14 fighting terrorism. There's no doubt in my mind
15 that terrorism is the controlling factor in this
16 political scenario.

17 If by some happenstance or if these
18 things were brought here and placed at ground level
19 in these ranks, you know, 40,000 -- I heard 60,000
20 tons the other day. Now, what would be created, in
21 my opinion, is the biggest, most horrendous
22 terrorist target that's ever been on Planet Earth.
23 Okay, you would have a target not just for Al Qaida
24 or something, you'd have a target for a rogue
25 nation to drop a nuclear bomb in the center of

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1 that. That may sound bizarre or paranoid, but I
2 don't think it is, any more than flying an airplane
3 into the Twin Towers was. If you exploded a
4 nuclear device in the middle of 40,000 tons of 95
5 percent depleted uranium, what would happen? You'd
6 vaporize so much nuclear material that nothing
7 we've ever conceptualized would meet that. You
8 would probably contaminate the whole drainage of
9 the Colorado and the upper Missouri. You might
10 contaminate the upper part of the Great Plains, the
11 breadbasket of the world.

12 Think about it, gentlemen. I think the
13 answer, though, is to work for -- to work to have
14 the public accept the fact that we need to do
15 something, perhaps to recycle some of these things,
16 have some of the world agreements change so we can
17 have places and so forth to reutilize these things.
18 There's enough of that nuclear material in the
19 world.

20 I wish you well in your deliberations
21 and look to that, look to that. I think -- I'm
22 kind of a little bit of a politician. I think
23 there's an option that might actually work. Thank
24 you, gentlemen.

25 JUDGE FARRAR: Thank you, sir, for your

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1 thoughts. Is Wade Moon here? Steven Stepanik?

2 I think we've covered everyone who has
3 signed up. Is there anyone in the audience who did
4 not sign up who would like to take this opportunity
5 to speak?

6 MS. GOCHISS: I'm Melody Gochiss
7 (phonetic). I appreciate the opportunity to state
8 my opinion on this matter. I'm the postmaster at
9 the Rush Valley Post Office. Each day I have the
10 opportunity to drive past the Rush Valley area and
11 witness the deconstruction or decomposing of the
12 chemical warfare that is stored there, 40 percent
13 of the world's chemical stockpile. I believe that
14 Utah has accepted our heritage and that we are
15 stepping up to the responsibility of taking care of
16 this. I believe that it is at risk to the people
17 who live here. I am witness to a high rate of
18 cancer, many deaths caused by unexplained cancers,
19 many women who suffer with MS, and we do believe as
20 residents that this is environmental.

21 I am also a former employee of the
22 Tooele Army Depot. As an employee at the army
23 depot I was friends with an engineer who constantly
24 reminded me, do not drink the water, it is
25 contaminated. For three years I worked at the

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1 Tooele Army Depot under the assumption that I was
2 not to drink the water, which was not public
3 knowledge. After a period of three years they were
4 able to clean up that contaminated water and were
5 given monetary awards for the cleanup, but it was
6 at risk to the environment, at risk to the people
7 who were there.

8 We also are aware that the nuclear test
9 site in Nevada has cost many lives and illnesses in
10 southern Utah. It was by some small miracle that
11 clouds of dust did not settle over the areas of
12 Grantsville and Tooele in high concentration where
13 I have lived my entire life. But we do know that
14 people have suffered for this. I believe that Utah
15 has suffered enough.

16 I believe that anything in this world
17 can be bought for money, but please do not bring
18 spent rods to Utah. We have borne the burden of
19 many, many atrocities in Utah. It is time for
20 people to step up and say, no more. We have
21 already done our moral obligation and our political
22 responsibility to the government of the United
23 States. We are very patriotic in Utah. We support
24 the governor, we support our president, and we
25 would support your appreciation and your

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1 consideration in placing this in a permanent
2 facility away from our home that we are already
3 suffering so much. Thank you.

4 JUDGE FARRAR: Thank you. There was a
5 hand up right behind you there.

6 MS. COLBERT: I'm Ruth Colbert. I'm a
7 native Californian, a state that's populated by
8 approximately 33 million people. I have only
9 relocated to Utah in the last few years.

10 If I moved back to California -- I lived
11 in southern California almost all my life till we
12 moved here just recently. If I moved back to
13 California I would probably be safe. There are
14 approximately 33 million people who live there.
15 Back East where Senator Kennedy lives, there are
16 millions of people who live there. If this was
17 really safe, Senator Kennedy would be willing to
18 have some of it stored in his backyard, in Hyannis
19 Port or wherever they vacation. Or Jesse Ventura
20 wouldn't mind keeping it in Minnesota. These
21 gentlemen know we're expendable.

22 You know, I appreciate what Utahns are
23 saying. They're very patriotic. I'm a
24 transplanted Utahn. It's wonderful to be
25 patriotic. I'm patriotic, obviously. But we need

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1 to be realistic and see the writing on the wall.
2 Decisions are made. Disinformation is what the
3 government is about sometimes, not always. And
4 they do what they need to do to protect most of the
5 people, and the people who are expendable where
6 there's less population, dump it there. Thank you.

7 JUDGE FARRAR: Thank you, Ms. Colbert.
8 Is there anyone else in the audience who did not
9 have the opportunity to speak who would like to do
10 so at this time?

11 There was one gentleman early on I
12 promised a few more minutes. I think he had some
13 more to say. I promised him a few more minutes
14 after everyone else had finished.

15 I asked, sir, only to remember that 12
16 hours and five minutes ago we started the hearing
17 this morning. So if you'll keep it reasonably
18 brief, we'll appreciate it.

19 MR. HOWARD: Yes, I'll be brief. There
20 were about three issues that were raised I'd like
21 to comment on. One is the nuclear disaster that
22 was proposed by a gentleman that would be of
23 far-reaching consequences, and that's clearly
24 impossible knowing the nature of the fuel. It's a
25 mixed oxide fuel, it's like a ceramic. It is not a

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1 dust, and an explosion would not vaporize it and
2 put it out in the atmosphere like a nuclear reactor
3 accident like Chernobyl.

4 The second I'd like to comment, I was
5 touched by this young girl who was afraid that it
6 would produce more cancer. And the evidence shows
7 that a little radiation does not produce more
8 cancer. As more studies come out, this becomes
9 more clear. A study of nuclear shipyard workers,
10 over 30,000 shipyard workers who were nuclear
11 workers were compared with their associates who
12 were not, and I think the death rate among the
13 nuclear workers was about 79 percent of that among
14 their fellow workers who were not exposed.

15 I remember a study years ago, couldn't
16 find a copy of it, but there were three plants in
17 the United States which dealt with plutonium. And
18 this plutonium in the powdered form was inhaled by
19 some of these employees. Among those that inhaled
20 a body burden of plutonium, after years the lung
21 cancer death rate among those was about 20 percent
22 the lung cancer death rate of their fellow
23 employees who didn't inhale the plutonium. All
24 three laboratories were roughly 20 percent.

25 Dr. Cohen at the University of

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1 Pittsburgh has performed a comparison with radon
2 which shows a similar effect, that going to the
3 homes and measuring the -- measuring radon in the
4 homes, correlating that with lung cancer mortality
5 rates county by county, that as the lung cancer --
6 as the radon concentration increases, the lung
7 cancer mortality rate decreases in this correlation
8 study.

9 And as more data is collected, the
10 relationship becomes more clearly defined. Just
11 recently in this week I got the new Health Physics
12 newsletter in which an abstract was quoted of a
13 study in China, it's being translated into Chinese,
14 but in I believe Taiwan there were over 10,000,
15 about 10,000 people who lived in some contaminated
16 apartments. There was structural steel that was
17 contaminated with Cobalt-60, and over a period of 9
18 to 19 years they received like 34 rem of exposure
19 average, and the cancer rate among those is quoted
20 as 3.4 percent of the general population.

21 Now, that sounds strange, and I would
22 like to see more about that. But the evidence as
23 it keeps coming in is that we don't need to fear
24 radiation. It won't cause more cancer. Don't be
25 afraid of it. Don't be afraid of it.

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1 And the third topic was the accumulation
2 of the waste, and I agree that we don't want to
3 accumulate all this waste continually. The better
4 solution would be a complete nuclear program in
5 which we reprocess the waste, use breeder reactors
6 and make available that other 95 percent of the
7 energy that's still in this spent fuel. And then
8 we would have some high-level waste, but with
9 correct separation in the chemical processing, it
10 would have a half-life effective of 30 years
11 instead of thousands of years. And so I think this
12 would be a correct solution.

13 We do need the nuclear power. We've had
14 brownouts. We have a problem: we're dependent on
15 foreign oil. The other day I saw in the paper
16 someone from Iran -- or Iraq who was proposing they
17 punish the United States by reducing their oil
18 production. Now, we don't want to be at their
19 mercy. We have power here, let's use it. Thank
20 you.

21 JUDGE FARRAR: Thank you, sir.

22 MR. WILSON: I just wondered if I could
23 speak one minute, because several people asked me
24 why I've been involved with this, and I'll just
25 explain one minute.

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1 JUDGE FARRAR: I have a brother-in-law
2 who is a college professor, and I've never heard
3 him speak for one minute.

4 MR. WILSON: Okay. Well, let me -- at
5 least three members of the group were consulted
6 because they felt that their ancestors had badly
7 treated the Indians, particularly the Goshute
8 Indians in this area, and they felt that if the
9 Indians wanted to do something, the white men
10 should not stop it. So all the members of the
11 group understand . . . they understand that very
12 well.

13 The second one, we all believe is
14 nuclear waste, it's widely used, badly overstated
15 in this country, and we would like to -- so in
16 that.

17 But I want to state, I personally
18 understand there's some dissention in the tribe.
19 I'm saddened beyond belief, and I'm sure you are
20 also. We hope the dissention will be cured. It
21 saddens me in particular when it's something which
22 may give prosperity to the tribe, that the
23 prosperity is leading to dissention. That's
24 happened in Nigeria when they got oil, it happened
25 in Venezuela when they got oil. Let's help the

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1 Goshute Indians to help them understand, help them
2 understand their problems so it doesn't happen
3 here. Thank you.

4 JUDGE FARRAR: And those are good
5 sentiments to end the evening on.

6 UNIDENTIFIED SPEAKER: Just one more.

7 JUDGE FARRAR: Okay, I'll be counting.

8 UNIDENTIFIED SPEAKER: Number one, with
9 respect to dispersal of waste mine explosion, I'm
10 referring interested parties to the modeling being
11 done by the National Labs for a volcanic
12 interruption through Yucca Mountain.

13 Number two, the probability of a
14 successful terrorist attack is somewhere between
15 zero and one, and I submit no one on this planet
16 knows whether it's zero, close to zero, or close to
17 one. In fact, it's something that probably can't
18 be known.

19 JUDGE FARRAR: Thank you. I want to
20 thank all of you for coming and sharing your
21 thoughts with us. We'll be back to work Monday
22 morning for the extensive hearing on the seismic
23 issues, and I invite any and all of you to come and
24 watch that. Thank you.

25 (THE PROCEEDINGS WERE CONCLUDED AT 9:15 P.M.)

CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission
in the matter of:

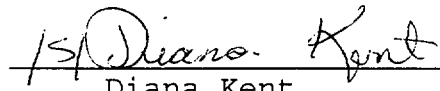
Name of Proceeding: Private Fuel Storage, LLC

Docket Number: Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

Location: Salt Lake City, Utah

were held as herein appears, and that this is the
original transcript thereof for the file of the United
States Nuclear Regulatory Commission taken by me and,
thereafter reduced to typewriting by me or under the
direction of the court reporting company, and that the
transcript is a true and accurate record of the
foregoing proceedings.



Diana Kent
Official Reporter
Neal R. Gross & Co., Inc.

April 23, 2002

Carol Rushin
Office of Enforcement, Compliance
And Environmental Justice
United States Environmental Protection Agency
Region 8
999 18th Street – Suite 300
Denver, CO 80202-2466

Dear Mr. Rushin

During the eight years of being the Executive Secretary of the Skull Valley Band of Goshute Indians, I was also appointed Acting Environmental Manager in our Tribal Environmental Protection Agency (TEPA) relation to the United States Environmental Protection Agency and worked with the Federal agency on many issues. In that regard, since last year and the disputes and problems that have arisen between the tribal leadership. I have not had the full access to problems that existed on the reservation in which I was aware of based upon my responsibilities. The Environmental Code passed by the Skull Valley Band, requires that the TEPA, Environmental Manager review and report on all Environmental Impact Statement on tribal property and or jurisdictions. To date I have not had the opportunity, despite reported requests to the chairman on these matters concerning environmental issues within tribal jurisdictions, which was my responsibility.

First, there are environmental issues concerning the U.S. Environmental Protection Agency Indian Policy and trust responsibility, and the process of consultation and cooperation. In the National Environmental Policy Act (NEPA), and the Safe Drinking Water Act (SDWA), 42 U.S.C. and the Clean Water Act and its implementing regulations. concerns are the quality of the entire groundwater aquifer supply on the reservation and

Discrepancies in the EIS??

potential subsurface contamination. The issue of water is becoming more critical in light of the lease with Private Fuel Storage which diminishes the aquifer which is severely limited and in light of the recent development issues, I do not believe the environmental questions the availability of clean and useable water on the reservation have been adequately addressed. The tribal obligation to supply water pursuant to the Private Fuel Storage Lease Contract was never to my knowledge fully investigated by the tribe and as a person signing on the PFS lease I am concerned about liability in this area.

Secondly, a potential problem concerning undisclosed open dumps on the reservation. One of the dump is still being used and the other dumps have been covered, but I am aware of many municipal and some industrial waste that were buried in the open dump. Under Title 25, Chapter 41 of the United States Code, the Indian Land Open Dump Cleanup Act. However, I do not believe the open dump was properly registered on the inventory of open dumps. The open dump is near the primary source of drinking water and poses a potential source of groundwater contamination and there have been no environmental assessment, geological investigation or monitoring on or around the closed and open dumps.

The third and most are the Underground Storage Tanks (UST) ___ U.S.C. The tribe has not inspected, repaired, maintenance or removed any underground gasoline or diesel tanks. An EPA RCRA inspection identified an environmental assessment should have occurred, also a Risk Analysis Study has to be done. Furthermore, I also believe the tribe is in violation and non-compliance.

I urge your prompt attention to this matter and would be happy to discuss these issues with your department agency.

this Tribal Government
~~this tribe~~ and the people of the Skull Valley Goshute tribe
don't have an Bachelor's or Associate degree nor have
the Education and experience in a Nuclear Facility!
they can not handle this type
of waste.

Sincerely,

Rex A. Allen

Executive Secretary

Skull Valley Goshute Indians

Cc: Mrs. Chairwoman, Skull Valley Goshute Indians

Mr. Dominic Wolf, PE, IHS Reno

Mr. Allen Anspach, Superintendent, BIA

Mrs. Gale Norton, Secretary of Interior, U.S. Dept. of Interior, DC

Mr. G. Paul Bollwerk, Chairman, Administrative judge NRC,

Mr. Diane Nielson, Director, Utah Dept. of Environmental Quality

"CEO" "Sincelar Oil Company presenting"

agreements with ^{the} ~~state~~ County⁹
won't affect the case or NRC's decisions

My name is Bill Colbert and I am a member of the Draper City Council. Draper City is a community of about 28,000 people in the southeast corner of the Salt Lake Valley. We take pride in our diverse natural and community resources from the Jordan River to Corner Canyon adjacent to the Wasatch Mountains and to the top of Traverse Mountain. While our community is sometimes known for its spirited debate on some issues, our community is united in opposition to the planned storage of high-level nuclear waste in Utah. The Draper City Council recently adopted a resolution condemning plans to transport this toxic material through our city and to store it upwind of Salt Lake Valley.

The proponents of the storage site continue in their attempts to assure us that all is well and convince us we need not worry about the safety and security of this extremely hazardous material. Unfortunately, many of these claims seem to be based on lack of knowledge, misrepresentations & hidden agendas. Their assurances seem remarkably similar to those made by the former Atomic Energy Commission during the 1950's and 1960's to the unfortunate families living in Nevada and Southern Utah to not fear above ground nuclear testing. Nearly 50 years later, after unquantified suffering and deaths, the Federal Government still hasn't fully lived up to its responsibilities in mitigating the damage and compensating the victims and/or their families. Federal officials continue to deliver empty promises from their secure East Coast offices and cities. As many have testified before, if PFS and the NRC honestly feel this material can be transported and stored in complete safety over thousands of miles, why would these special interests be so willing to expend so much money and effort to transport this material so far away from **their** major population centers? If PFS is really correct in all its safety and security assessments, it doesn't follow any degree of logic or sanity, to waste over a billion dollars transporting this material thousands of miles through major population centers, facilitating environmental injustice through extortion & political corruption within the small and economically-challenged Skull Valley Band of the Goshute nation. I admire the integrity of those members of the Band who have personally stood up to the temptation to sell their heritage and future. It is sad to see how agencies within the Federal Government continue to impede and circumvent efforts within the tribe to find more democratic and positive solutions to their economic needs. To date, you haven't sufficiently addressed the security risks of transporting this material across the county and mass storage in an isolated above ground location. I served over twenty years in the US Air Force, with over half my assignments dealing with nuclear weapon, missile & space launch systems. While you may refuse to acknowledge it to the public, these transported storage containers and proposed storage site represent relatively soft targets to potential adversaries. The events of September 11, clearly demonstrate the unpredictable world we now live in and the lack of foresight from the so called "experts". Yet, each of the twin towers in the World Trade Center were allegedly designed to withstand a direct impact from a commercial airliner, yet quickly collapsed to our horror. PFS may claim that it is extremely unlikely that such an event could happen, yet it was only about six years ago that a Japanese radio telescope facility in Utah's west dessert

was destroyed by an errant cruise missile. Of even greater concern, you haven't demonstrated that an adversary could not acquire a surplus jet, through legitimate or clandestine means, load it with ammonium nitrate or other explosives, divert it from an approved flight path and jeopardize the lives and well-being of over a million people. Potential adversaries will easily identify rail routes from nuclear facilities to the proposed storage areas. Unfortunately, there is no way to adequately secure thousands of miles of railways which can easily be sabotaged with unforeseen and potentially disastrous consequences to millions of people.

I fear that this body's primary concern is not the welfare of the people of Utah, but rather of political expediency, your careers and the interests of the nuclear power industry. Utah should not have to suffer the consequences of continued failed Federal policy. The accumulation of vast quantities of extremely hazardous material is not Utah's problem and our families should have to live in fear from the failure of the federal government to find a solution. For example while France successfully reprocesses this material, rather than proactively dealing with the issue, the federal government continues policies which lead to the ever increasing quantity of high-level nuclear waste without a solution. In actuality appears that there is so much waste being generated that even the Yucca Mountain facility won't be large enough to contain the projected waste, so any perceived "temporary" facility is only a transparent sham.

All this reminds me of the time I was in the space launch business and both the Air Force and NASA spent over a billion dollars constructing a west coast Space Shuttle launch facility. Unfortunately, before the facility was completed, it was realized that it wouldn't work. There were significant issues with the facility including the risk of an explosion on the pad during a shuttle launch, severely limited payload capacity and environmental concerns. Yet, rather than be the first to admit failure, senior authorities within the Air Force & NASA continued to refuse to acknowledge failure and waited for each other to "blink" first to apparently protect what they felt was most important, their careers. It wasn't long after, while I was down in Florida working on another launch system, I left my hotel room seeing frost on the ground and firmly believing NASA would not proceed with its planned shuttle launch that morning due to well-known low-temperature issues with the solid rocket motor seals. Like 9-11, I will never forget the horror of witnessing the tragic destruction of the Challenger and its crew. Unlike the Air Force and NASA who subsequently conveniently abandoned the west coast shuttle launch facility, I fear this body will proceed down a treacherous path full of unforeseen risks and potential catastrophic consequences at our expense. I urge you not to bury Utah's Olympic legacy with high-level nuclear waste. But, if you proceed to ignore our safety and approve this facility, I urge the governor of Utah and his successors and fellow western governors to demonstrate sufficient intestinal fortitude and the necessary cahonas to use what ever means available to them including activating their respective national guard units to physically prevent this threat from crossing state borders and to mark the trains, "return to sender" and send them back to their origin. Utah doesn't only just say "No!", nor even "Heck, No!", but says "**Hell, No!**" to this

attempt by East Coast and California special interests to transport their problems to Utah and jeopardize the health, welfare and safety of our residents. If it so safe, PFS should find suitable storage locations within your own states!

Bill Colbert
Draper City Councilor

RESOLUTION NO. 02-28

**A RESOLUTION STATING THE POSITION OF THE CITY COUNCIL OF
DRAPER CITY OPPOSING THE STORAGE OF NUCLEAR WASTE WITHIN
THE STATE OF UTAH**

WHEREAS, interests outside Utah have proposed the placement of a high-level nuclear waste storage facility in the State of Utah; and

WHEREAS, any exposure to high level nuclear waste poses extreme hazards to people and the environment; and

WHEREAS, any high level nuclear waste in Utah would pose a risk of exposure to the people of Utah and Salt Lake Valley; and

WHEREAS, establishing an interim storage facility for high-level nuclear waste would likely become permanent; and

WHEREAS, transportation of high-level nuclear waste through Draper City and Salt Lake Valley will pose additional hazards to our residents; and

WHEREAS, Utah did not generate nor benefit from the creation of this high-level nuclear waste and should not bear the responsibility for its storage or disposal; and establishment of a high-level nuclear waste storage facility will primarily benefit special interests outside Utah;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The City Council of Draper City hereby declares its opposition to the storage of nuclear waste within the State.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 16th DAY OF APRIL, 2002.

DRAPER CITY

ATTEST:

Melanie T. Dandridge
City Recorder

APPROVED AS TO FORM
City Attorney's Office

Date *April 23, 2002*

By *[Signature]*

By: *[Signature]*
Mayor

Presentation to the Nuclear Regulatory Commission in
Tooele County, Utah on April 26th 2002

Members of the Nuclear Regulatory Commission, thank you
for the opportunity to comment today about the proposed
Private Fuel Storage Company plan to store high level
nuclear waste at Skull Valley, Utah. I appreciate your being
here in Utah to allow for comments on this project.

SAFETY
Atomic Licensing
ANS
Licensing
Safety Board

My name is Steve Stepanek. I am a registered Professional
Engineer in the State of Utah, and have worked in a broad
~~variety of states~~ within the energy industry for over 20 years.

I believe that the NRC should not approve the PFS plan to
store high level nuclear waste for at least the following
reasons:

1. Transporting high level nuclear waste cross country to a temporary storage facility exposes millions of US citizens along the transport routes to double danger as the toxic waste must be moved one more time to get to its permanent location. It is well known that the storage casks have not been tested in real life train crash situations. It is also well known that over 70 accidents have occurred within the US while transporting nuclear waste in the last 50 years. An accidental disaster is not a possibility, it is virtually a statistical certainty. The very real possibility of terrorist related transport events add to this danger in a way not imagined even one year ago.
2. The 3 billion dollar cost of the PFS temporary storage plan is approximately double the cost estimated by the NRC itself as the cost of expanding the on site storage capability where the waste is now being stored. Enhancing on site storage would minimize the transport risks associated with moving this toxic waste and allow for

a permanent plan to be put in place to reprocess or permanently store this waste.

3. The plans to use temporary above ground storage were formulated in a world that was drastically different than the world that we live in today. This plan exposes the national airshed east of the Goshute Reservation to a toxic plume of nuclear fallout following a probable seismic event or a terrorist strike. A terrorist strike on the Proposed PFS site can easily be imagined with a major airport located minutes away from what is potentially the largest concentration of toxic high level nuclear waste in the world. The terrorist activities of September 11 illustrate the use of fully fueled jumbo aircraft as weapons of mass destruction. The PFS site is literally a few air minutes south of the existing East /West flight corridor. There would not be adequate time to scramble military intervention or support from Hill Airforce Base in the event a regularly scheduled flight was hijacked and flown into the proposed PFS site.

If there is any doubt that the world is a different place than it was when this plan was first proposed let me review for you some of the headlines from the Salt Lake Tribune last Saturday, April, 20, 2002.

1. Firefight Erupts in Gaza, and Hamas threatens deadlier attacks and more of them.
2. Bioterrorism laboratory worker in Maryland is exposed to anthrax spores.
3. Oklahomans mark the 7th anniversary of bombing.
4. USS Cole returns to service a year and a half after a terrorist bombing blew a hole in its side and killed 17 sailors.
5. FBI Warns of Terrorist Threats against 1200 Northeast Banks including physical attacks.

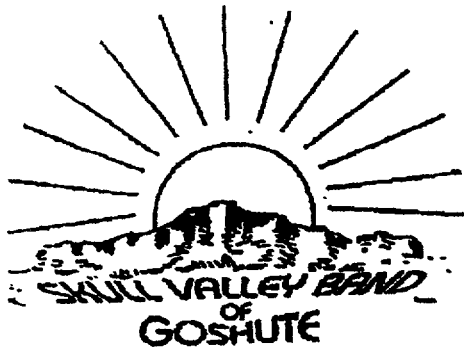
6. 21 cars of a 40 car train are derailed in Florida, killing 4 people. Tracks had been inspected hours before the crash and were found in good condition.

As can be seen from the headlines of just one days newspaper it would be irresponsible for the NRC to approve a temporary project that exposes US citizens to high level nuclear exposure from transportation accidents, terrorist attacks on toxic waste in transit, or from terrorist attacks to an above ground temporary storage site. Keeping this toxic waste at its existing location in expanded facilities minimizes the opportunity for accidents in transit, costs less by half than the PFS proposal, and eliminates the concentration of the nations stockpile of high level nuclear waste into a single attractive terrorist target.

Do not allow this proposed site to be permitted for construction simply because a permit has been requested. As the Atomic ^{Safety} Licensing and ^{Liability} Safety Board you have the responsibility to look at the feasibility, safety and economics of this proposal. I submit to you that the project fails the safety and economic tests. Deny the permit because it is not safe for the people of the US, and it is not the most economical choice. I emphasize, do not paint a big red bulls eye on the desert in Utah. Deny it because the proposed PFS plan does not address the very real and immediate threats from terrorist acts that would endanger people during transit and all of those people in the eastern 2/3rd of the United States which includes men, women and children, including your families.

Thank you for the opportunity to address you today. *and I*

urge you to continue holding your hearings in Utah



Skull Valley Band of Goshute Indians
Skull Valley Reservation
P. O. Box 511132
Salt Lake City, Utah 84151-1132
(801) 548-2542 - cFax: (810) 963-4155

April 23, 2002

To Whom It May Concern:

On September 22nd, 2001 the Tribal General Council of the Skull Valley Band of Goshute Indians conducted a general election at a special meeting duly called and noticed by the Tribal Secretary for the elections. The election meeting was attended by a majority of Tribal General Council Members and the election was held in accordance with the Tribe's traditional rules of governance.

The following officers were duly elected on September 22nd, 2001; and, in accordance with the Tribe's traditional rules of governance, immediately following their election, they assumed the positions to which they were elected:

Chairman:	Marlinda Moon
Vice-Chairman:	Sammy Blackbear, Sr.
Secretary:	Miranda Wash

Leon Bear has refused to relinquish power; and, he is in fact trying to refuse to respond to investigations into criminal activities, using the sovereign immunity of the Tribe as a cover.

The Tribe does not intend to allow its sovereign immunity to be used in that manor, but desires a full and impartial investigation into the serious allegations of embezzlement, bribery, and corruption which are currently being made against Leon Bear and alleged co-conspirators.

General Letter
Re: Skull Valley Band of Goshute Indians
April 23, 2002

We, the proper and legitimate Tribal leadership, ask all responsible entities, government and otherwise, to pursue and otherwise support any such investigations with respect to applicable matters within their jurisdiction or sphere of influence.

Respectfully,
Skull Valley Band of Goshute Indians


Marlinda Moon, Chairman


Sammy Blackbear, Sr., Vice-Chairman

Atomic Safety and Licensing Board: Nuclear Regulatory Commission

STATEMENT BY:

SCIENTISTS FOR SECURE WASTE STORAGE

**William T. Anders^{+%\$}, Steven Barrowes,
Hans Bethe[&], Nicolaas Bloembergen[&],
Allan Bromley^{*}, Max Carbon,
Bruce Church, Bernard Cohen,
Gerard Debreu[&], Sheldon Glashow[&],
Robert Hoffman, Daniel M. Kammen,
John Landis, Ralph Lapp,
Otto Raabe, Norman Ramsey^{+%&},
Marcus Rowden^{\$}, Glenn Seaborg^{&\$} (deceased),
Allen Sessoms, Jacob Shapiro,
Richard Wilson, (spokesman)**

+ former Ambassador;

& Nobel Laureate;

% astronaut;

* former Presidential Science Advisor,

\$ former Chairman of AEC or NRC.

Appearance 7 pm April 26th 2002 in Tooele, UT.

By RICHARD WILSON, Spokesman

Atomic Safety and Licensing Board: Nuclear Regulatory Commission
In the Matter of Private Fuel Storage
Limited appearance statement by Richard Wilson as spokesman for:

William T. Anders^{+%\$}, Steven Barrowes, Hans Bethe[&], Nicolaas Bloembergen[&], Allan Bromley^{*}, Max Carbon, Bruce Church, Bernard Cohen, Gerard Debreu[&], Sheldon Glashow[&], Robert Hoffman, Daniel M. Kammen, John Landis, Ralph Lapp, Otto Raabe, Norman Ramsey^{+&}, Marcus Rowden^{\$}, Glenn Seaborg^{&\$} (deceased), Allen Sessoms, Jacob Shapiro, Richard Wilson, (spokesman)

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Four and a half years ago, the above group of scientists formed Scientists for Secure Waste Storage (SSWS) to support the Goshute Indians in their desire to allow nuclear waste to be stored "in their back yard". We argue firstly that Skull Valley Goshutes have a right to run their own affairs and should be supported in doing so, provided that they do not impinge on the rights of others, and secondly we argue that the reservation is an excellent location for storage of nuclear waste. I apologize for the late request to appear before you. My schedule only just now opened enough to let me appear. I have a written statement, which I request be a part of the record. I will be circulating that statement among the Scientists for Secure Waste Storage immediately after this meeting, and request that you keep the docket open to allow me to add any corrections any one of the members may choose to make.

The first proposition is to us self evident. It is a right that is governed by the treaty negotiated with the United States of America. Although this treaty predates the Atomic Energy Act, the Skull Valley Goshutes have accepted the jurisdiction of the Nuclear Regulatory Commission in this matter. Those Americans who are immigrants or descendants of immigrants in the last couple of centuries (and that is most of us) have an especial duty to help the Goshutes exercise this right, because our ancestors have not always treated the tribe well and pushed them into territory that has few productive uses. We believe that the Goshutes have chosen wisely in selecting this activity. It will bring them employment, be useful to the rest of the United States in which they live, (and bring them appropriate compensation) and be consonant with the land that they have inherited. It will bring them back to the reservation with its pristine air, away from the air pollution of Salt Lake City, since a simple visual inspection shows that the particle concentration is less in Skull Valley than in Salt Lake City. The proposed facility is likely to make it financially attractive for many more of the Skull Valley band to live on their reservation and thereby improve their health and well being. I, and others who have met and know members of the tribe personally, are convinced that they understand the details of nuclear waste, and what they are getting into, far better, in most cases, than the people who have come before you to oppose the facility.

This statement argues the second proposition that the reservation is an excellent location for nuclear waste. We do not claim that it is the best location, but claim that it is one of many scientifically acceptable locations from which society can choose on other criteria. That the Goshutes want it is

clearly and excellent criterion. Nor do we argue that the site is good for a permanent waste storage - but we do point out that the time limit need not be specified. The difference between the requirements for temporary fuel storage and permanent fuel disposal derives from the fact that temporary fuel storage is monitored, whereas with permanent fuel storage, ^{we} hope to be able to forget about the material after burial. We note that in this phase of your deliberations you are considering the possible effects of earthquakes and of airplane impact, and of respect for the environment generally.

The long time delay (nearly five years) between the initial proposal and the start of this hearing and the anticipated further delay before construction of the facility can commence, should not blind the hearing board or the public to the fact that the facility is a simple one and can simply be shown to be safe and reliable. You, and the NRC staff, have been patient and listened to a great deal of detail. Indeed attention to detail is one of the facts that makes nuclear power one of the safest of man's activities. The safety of waste disposal follows from four important facts which should underlie any consideration of a proposal to store nuclear waste:

- (a) Almost all the radioactive material in the fuel rods will be solid.
- (b) The heat generated by the waste will be very small and not nearly enough to evaporate or disperse any material. As a fraction of the nuclear fission power at the time of operation it is 0.01% after 10 years. This will be less than one millionth of the power in the "excursion" that blew apart the Chernobyl reactor.
- (c) Not only is it impossible for the heat in a fuel storage facility to evaporate any appreciable fraction of the fuel, but also any accident can only proceed slowly. This contrasts with Three Mile Island where a catastrophe (which incidentally killed no one) developed in 2 hours and Chernobyl where disaster struck within a few seconds.

Therefore any release of material is expected to be very small, will happen slowly, and can therefore be noticed by monitoring and can be corrected. [an obvious exception would be a direct (within 100 feet) hit by a hydrogen bomb. But such a hit would involve many more consequences to the Goshute tribe and the United States of America which would be far more serious]

- d) The safety hazard of exposure to radiation can be controlled by three factors; distance, shielding and time. Even the Goshute community is 2 miles away; the casks are well shielded, and even the Goshutes (and others) who will monitor the facility will only spend a short time close to the casks.

The particular items that are being considered in this part of the hearing are:

- (1) protection against earthquake
- (2) protection against aircraft impact
- (3) environmental impacts

SSWS comment thereon as follows:

- (1) The impact of an earthquake on a structure is that it can fall down, or that fissures may open up in the ground and rupture essential services - perhaps, as in San Francisco in 1905, breaking a gas line and causing a major fire. The casks themselves nor the fuel rods therein are not a structure that falls down and are not fed by a gas or oil fuel line. The casks will basically rest on the ground and although an earthquake can tear apart a structure held to the ground in more than one place, that will not occur for the casks.
- (2) You must remember how small the casks are in comparison with the area of the surface of the

earth, even if you only consider the area between Skull Valley reservation and Dugway. The chances of an airplane hitting the waste canisters are small, and the effects much less than hitting a reactor control room or an oil tank. The storage cask is static and such a collision cannot set off a major accident. Provided that the amount of stored fuel (for the railroad diesel engine or various trucks) is small, and it is easy to ensure that, even a major fire can be limited to a much smaller fire than at Chernobyl, and the storage cask will not be overly heated.

Zirconium and uranium can oxidize (burn), but only at high temperature. Therefore a self sustaining fire, even one started by jet fuel, is almost impossible. The only possible concern is the fuel that men will bring to assist in their ancillary tasks; gasoline for their cars, diesel fuel for the railroad engines. These can, and we are confident will, be minimized. It is important to realize that the risk of fire from these activities is certainly less than the risk of fire at a downtown road junction in Salt Lake City, and can be more easily controlled. In the very remote chance of fire engulfing a storage cask the cask is very unlikely to break. But even if a cask cracks the small amount of remaining gaseous material (krypton 85) might immediately escape to the atmosphere - and that since krypton is chemically inert) would disperse and not cause appreciable human exposure. The rest, being solid, would not easily disperse.

Heat is generated in the casks at a rate 1/1,000,000 or less of the power in a reactor. This is too small to raise the temperature to a level high enough to melt or evaporate any material even if the air circulation were to be blocked. It is planned to use helium to prevent deterioration of the fuel rods, but it is important to realize that even if all the helium escapes and is replaced by air, safety can still be easily maintained. The detailed calculations are to prevent any deterioration - and are far more than needed merely to stop small leaks. Small leaks if they occurred could be located and fixed long before they became even a minor hazard.

In general SSWS argue that the risks attributable to a waste storage facility are very small and much less than many societal risks. In particular they are smaller than the risks of living in Salt Lake City with its particulate air pollution.

There are plans to use especially designed railcars to bring the spent fuel casks to the site. These will have an unusually low probability of derailment. But it is important to realize that this is NOT necessary for safety. The casks are designed to withstand crashes without disruption of the shielding. This makes the consequences of any accident much less than an accident of the frequent chemical and hydrocarbon transport that goes through Salt Lake City. It is "gilding the lily". The new railcars will, however, allow the freight trains which include the cars to travel faster, and therefore cause less disruption. They will minimize the chance of a derailment in the middle of a town (even on the terrible tracks that are sometimes present). You should remember that a derailment is not hazardous in itself, although it might well cause public disturbance and unnecessary concern.

The scientists in SSWS believe that the proposal of Private Fuel Storage to store spent nuclear fuel in the Skull Valley Indian reservation, is in principle a sensible proposal to cope with one of the steps in the technology of nuclear power in a safe and environmentally acceptable way. They have little doubt that such a storage facility can be built and operated safely. There have been vocal complaints that the nuclear waste should stay where it is generated. This is *not* done with other wastes. I, living in Massachussets, do not want the fine particles that blow in from states upwind, including Utah. Unlike

the nuclear wastes which are under close control and cause no health hazard, these are believed by many scientists to adversely affect health at low levels.

One way of comparing hazards of long term disposal of wastes is by comparing the number of lethal doses that the waste substance contains. That is the number of people who could die, immediately or by a lethal cancer, if the material were carefully given to people, with none set aside. Such comparisons were made by Professor Bernard Cohen in a paper noted in the appendix, which we have brought to your attention, firstly four years ago. For example, the amount of arsenic that we used to spray on our crops as pesticides, and then forgot about, contained *more* lethal doses than the high level waste from the whole U.S. nuclear power program.

Yet in spite of the fuss raised about arsenic last year, the U.S. still does not worry about the long term effects of bringing arsenic to the surface by water supplies or mining. This is only one of the many comparisons that you and the public should make that show that nuclear waste can, and we are confident will, be disposed of in an environmentally safe and scientifically sound, manner.

Although the hearing is reaching its close, there is still some evidence to be collected. SSWS requests the opportunity to review and comment in writing upon any the scientific and technical issues that have and will come before the board. SSWS requests the right to revise this (and any other) limited statements in the light of any subsequent evidence presented. We desire this right to make sure that the scientific and technical testimony is accurate and in proper context. It is our intention that written comments would be circulated among the petitioners and the group report would then represent their views rather than merely represent the views of myself. This statement closely follows the oral comment at the hearing on April 26th 2002. It will be sent to each and every scientist in SSWS for subsequent checking.

SSWS notes that according to paragraph 2.715 of the rules of practice the presiding officer may at his discretion permit a limited appearance either orally or by written statements of the position on the issues at any session of the hearing. In view of the initial request for intervention SSWS requested that the presiding officer permit this wide latitude in such limited appearances as SSWS felt that the group had something useful to say. SSWS was formed to ensure that the best scientific and technical information was presented and to respond to such other information as may be presented in this matter. SSWS is followed the record and so far is satisfied that Private Fuel Storage presented reliable and accurate information. SSWS thanks the hearing board for their wide latitude.

Most of the scientists in SSWS have worked much of their lives in research on the science and technology of nuclear energy and in planning and regulating nuclear energy (as set forth succinctly in the qualifications beside the names, with exceptions noted) and we believe that our collective knowledge and experience can be of help to the board and therefore to the public at large. None of the scientists in SSWS have personal financial or property interests in the proceeding. Our interest however is great, but is solely an interest in the public good and a desire to ensure that the public good be properly considered.

In brief, if the Skull Valley Tribe of Goshute Indians want this facility, let them have it. Let the rest of us thank them, and congratulate them, for choosing a facility that is important for any sensible U.S. and world energy policy, and far safer than many others. In particular it is a much better choice than a casino.

Presented by Richard Wilson (spokesman for SSWS) April 26th 2002 at Tooele Utah.

APPENDIX I References:

The details of the radionuclides produced in nuclear fission are well known and exceptionally well documented. Often they are found merely by reference to a computer code such as the ORIGEN code that has been available from Oak Ridge National Laboratory and widely compared with direct experimental data. But there are four generic references that can be used in discussion of the specific points raised above (and of the several other erroneous contentions in this case). In order to simplify the reference they are referred to here as A, B, C and D.

- (A) David Bodansky, NUCLEAR ENERGY: PRINCIPLES, PRACTICE, AND PROSPECTS (American Institute of Physics, Woodbury NY)
- (B) Bernard L. Cohen, "High Level Radioactive Waste from Light-Water Reactors," 49(1) *Reviews of Modern Physics* 1-20 (January 1977)
- (C) L. Charles Hebel, et al., "Report to the American Physical Society (APS) by the Study Group on Nuclear Fuel Cycles and Waste Management", 50(1) *Reviews of Modern Physics*, Part II, S1-S185 (January 1978)
- (D) Richard Wilson, et al., "Report to the American Physical Society (APS) of the Study Group on Radionuclide Release from Severe Accidents at Nuclear Power Plants," 57(3) *Reviews of Modern Physics*, Part II, S1-S154 (July 1985)

APPENDIX II

Biographical data of the members of "Scientists for Secure Waste Storage"

William T. Anders, former Astronaut
former Chairman Nuclear Regulatory Commission
former Ambassador to Norway
former Chairman General Dynamics Corp.
Resident in Eastsound, Washington

Steven Barrowes, consultant physicist, resident in Salt Lake City

Hans Bethe, Professor of Physics Emeritus, Cornell University
Nobel Laureate in Physics (for understanding the energy in the sun)
Resident in Ithaca, NY

Nicolaas Bloembergen, Gerhard Gade University Professor, Emeritus
Harvard University,
Nobel Laureate in Physics
Resident in Arizona

Allan Bromley, Dean of Engineering, Yale University
Sterling Professor of the Sciences
Past President American Physical Society
formerly The Assistant to President George Bush for Science and Technology
Resident at or near New Haven, Connecticut

Max Carbon, Professor of Nuclear Engineering Emeritus
University of Wisconsin,
formerly member of Advisory Committee on Reactor Safeguards, AEC/NRC
formerly INPO accreditation board
Resident of Madison, WI

Bruce W. Church, Desert Research Institute, University of Nevada
Adjunct research Professor University of Cincinnati
formerly head of Environmental Health and Safety
DOE Nevada operations office.
Resident in Logandale, NV
Native of Southern Utah

Bernard L. Cohen, Professor of Physics, University of Pittsburgh
author of many papers on nuclear waste disposal
Resident at or near Pittsburgh, Pennsylvania

*Gerard Debreu, Professor of Economics, University of California
Nobel Laureate in Economics
Resident at or near Berkeley, California

Sheldon L. Glashow, Professor of Physics Boston University,
formerly Higgins Professor of Physics, Harvard University
Nobel Laureate in Physics (for his work on the "standard model")
Resident in Brookline, Massachusetts

Robert J. Hoffman, certified health physicist
Radiation Safety Consultant
Formerly Chairman Radiation Control Board of the State of Utah
Resident in Salt Lake City
An affidavit confirming this participation will be available

*Daniel M. Kammen, Professor of Nuclear Engineering and
Director of the Renewable and Alternative Energy Laboratory,
University of California, Berkeley, California
expert on solar energy in developing countries
Resident in Oakland, California

John Landis, Past President, American Nuclear Society
formerly Senior Vice President, Stone & Webster Corporation
Past Chairman American National Standards Association
Resident in Roanoke, VA

Ralph Lapp, Safety Consultant
author of books on dangers of radiation
Resident in Alexandria, Virginia

Otto G. Raabe, Professor University of California
Institute of Toxicology and Environmental Health
Former President Health physics Society
Resident in Davis, CA

Norman F. Ramsey, Higgins Professor of Physics Emeritus
Harvard University,
Nobel Laureate in Physics
former Science Ambassador to NATO
former President, Universities Research Association
Resident in Brookline, Massachusetts

Marcus T Rowden Esq.,
former Chairman Nuclear Regulatory Commission
Resident at or near Washington, DC

Glenn T. Seaborg, Professor of Chemistry Emeritus, University of California
formerly Chancellor University of California
formerly Chairman Atomic Energy Commission
Nobel Laureate in Chemistry
Formerly Resident in Lafayette, California
(now deceased)

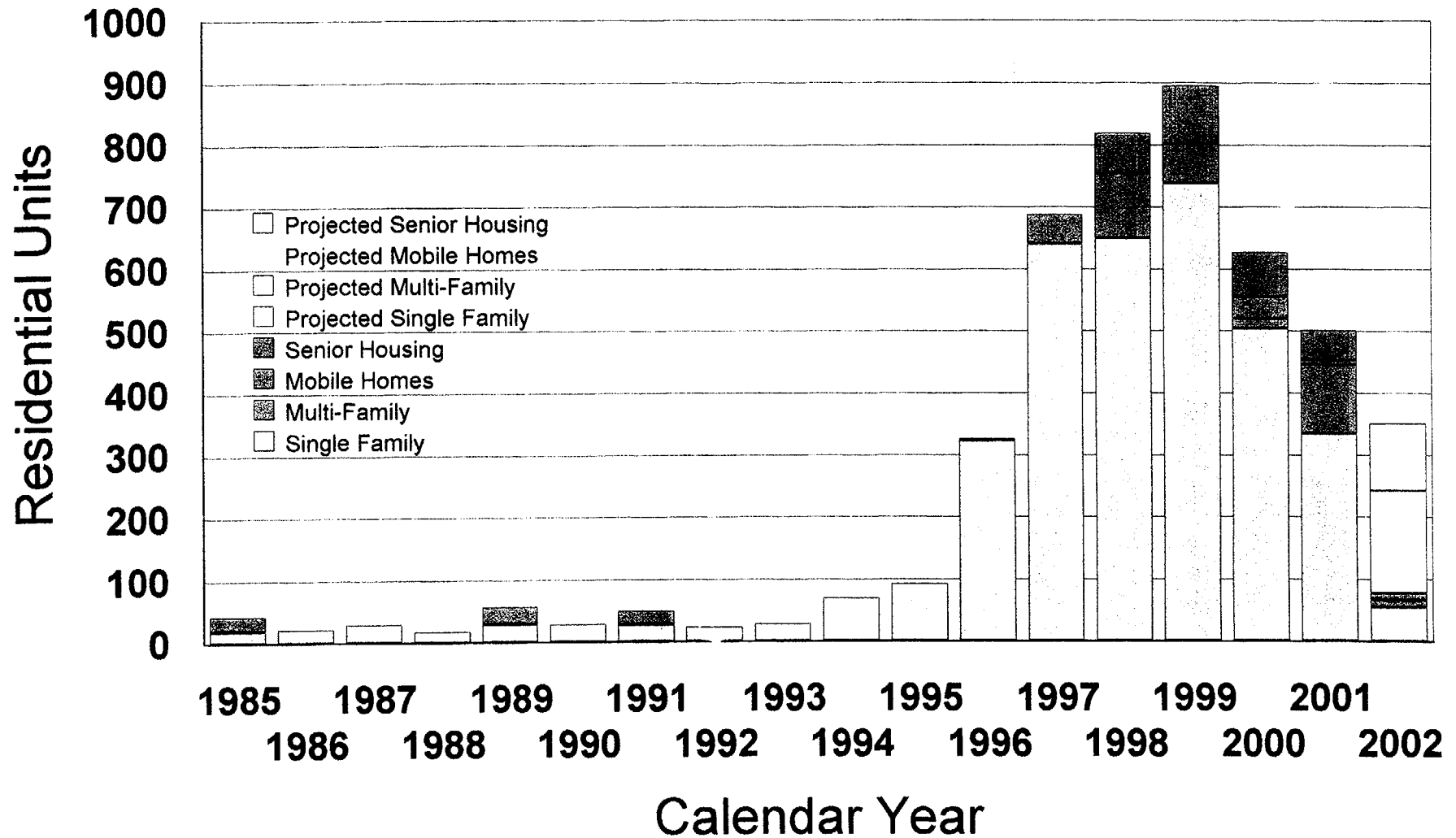
Allen Lee Sessoms, Senior Research Fellow and lecturer,
Kennedy School of Government
Harvard University
formerly President, Queens College, New York
formerly Science Counselor, U.S. Embassy, Paris
formerly Deputy Chief of Mission, Department of State, Mexico City
Department of Energy, Energy Advisory Committee
As a person with native American ancestry, he has a particular concern for and understanding of many of the issues.
Resident in Newton, Massachusetts

Jacob Shapiro, Radiation Safety Officer Harvard University (retired)
Author of a major text on radiation health physics
Resident in Concord, Massachusetts

Richard Wilson, Mallinckrodt Research Professor of Physics, Harvard University
expert on nuclear physics and risk analysis, especially effects of radiation and air pollution
advisor on risks to many US agencies and foreign governments
Resident in Newton, Massachusetts

Collectively SSCW have expertise in most of the matters before the committee including fundamental physics and chemistry, numerical assessment of risks, and effects of radiation. However the signatories marked with an asterisk have explicitly noted that they do not have as much personal experience in nuclear energy as the others.

Residential Construction Trend



Year 2002 shows Projections
Permitted Data thru March 2002

Tooele City Building Permits Issued & Projection

Year	Final Count Single Family	Projected Single Family Remaining	Final Count Multi- Family	Projected Multi- Family Remaining	Mobile Home Park Units	Mobile Home Park Units Remaining	Affordable Senoir Units	Affordable Senoir Units Remaining	Total Family Increase
1985	19						24		43
1986	22								22
1987	30								30
1988	18								18
1989	29						28		57
1990	29								29
1991	27						23		50
1992	24								24
1993	29								29
1994	70								70
1995	92								92
1996	322		4						326
1997	640		48						688
1998	649		105		65				819
1999	738		63		94				895
2000	504		16		35		72	0	627
2001	334		111		8		48		501
2002	55	165	11	109	11	9	0	0	360

Note:

Projections are for general planning only.

Projections updated April 2002

Modulars on foundations & Twin Homes = Single Family Dwelling

Mobile Homes are new temporary setups in Mobile Home Parks

Apartments and Condominiums = Multi-family

Affordable Senior Units are assumed to be 1 bedroom apartments.

Units are listed at time the building permit is issued

Tooele City, Utah 84074
90 N. Main Street
Construction Value by Building Permits

	Residential	Commercial	Total	ytd total	single family dwelling	Multi family dwellings	modulars on foundations	Mobile Homes in Parks	Affordable Senior Housing	Year to Date all types	Year to Date SFD only
January 97					21					21	21
Feb					13	16				50	34
March					73	2				125	107
April					40					165	147
May					68					233	215
June					65					298	280
July					51					349	331
Aug					51					400	382
Sept					36					436	418
Oct					78					514	496
Nov					38	30				582	534
Dec					112					694	646
Total =					646	48	0	0	0		

Tooele City Building Construction Value

	Residential	Commercial	Total	ytd total	single family dwelling	Multi family dwellings	modulars on foundations	Mobile Homes in Parks	Affordable Senior Housing	Year to Date all types	Year to Date SFD only
January 98	\$2,848,590	\$39,000	\$2,887,590	\$2,887,590	32		1			33	33
Feb	\$1,474,596	\$0	\$1,474,596	\$4,362,186	19					52	52
March	\$3,946,914	\$347,077	\$4,293,991	\$8,656,177	48					100	100
April	\$8,147,325	\$290,994	\$8,438,319	\$17,094,496	84		1			185	185
May	\$4,490,262	\$786,520	\$5,276,782	\$22,371,278	46					231	231
June	\$4,279,984	\$2,297,471	\$6,577,455	\$28,948,733	44					275	275
July	\$7,504,971	\$109,200	\$7,614,171	\$36,562,904	72					346	346
Aug	\$16,653,436	\$1,841,183	\$18,494,619	\$55,057,523	101	105	1			554	449
Sept	\$5,697,302	\$702,865	\$6,400,167	\$61,457,690	59			6		619	508
Oct	\$6,398,721	\$176,534	\$6,575,255	\$68,032,945	64			20		703	572
Nov	\$4,448,667	\$2,409,151	\$6,857,818	\$74,890,763	41			14		758	613
Dec	\$4,104,235	\$350,000	\$4,454,235	\$79,344,998	36			25		819	649
Total =	\$69,995,003	\$9,349,995	\$79,344,998		646	105	3	65			
	88%	12%									

	Residential	Commercial	Total	ytd total	single family dwelling	Multi family dwellings	modulars on foundations	Mobile Homes in Parks	Affordable Senior Housing	Year to Date all types	Year to Date SFD only
January 99	\$4,060,991	\$172,800	\$4,233,791	\$4,233,791	42	40	1	6		89	43
February	\$4,285,403	\$715,253	\$5,000,656	\$9,234,447	39			8		136	82
March	\$8,704,652	\$182,509	\$8,887,161	\$18,121,609	83		1	21		241	166
April	\$7,954,870	\$260,266	\$8,215,136	\$26,336,744	71		1	11		324	238
May	\$12,048,981	\$5,590,387	\$17,639,368	\$43,976,112	106	2		8		440	344
June	\$8,747,688	\$27,750	\$8,775,438	\$52,751,550	74	9	1	4		528	419
July	\$6,697,477	\$136,000	\$6,833,477	\$59,585,027	60		2	9		599	481
August	\$7,582,569	\$792,923	\$8,375,492	\$67,960,519	73			0		672	554
September	\$5,477,302	\$8,167,000	\$13,644,302	\$81,604,821	48		1	13		734	603
October	\$4,171,768	\$2,068,285	\$6,240,053	\$87,844,873	34		2	4		774	639
November	\$6,094,248	\$8,000	\$6,102,248	\$93,947,121	60		1	8		843	700
December	\$4,633,621	\$330,862	\$4,964,483	\$98,911,604	37	12	1	2		895	738
Total ydt =	\$80,459,569	\$18,452,035	\$98,911,604		727	63	11	94			
	81%	19%									

	Residential	Commercial	Total	ytd total	single family dwelling	Multi family dwellings	modulars on foundations	Mobile Homes in Parks	Affordable Senior Housing	Year to Date all types	Year to Date SFD only
January 00	\$3,805,279	\$3,703,575	\$7,508,854	\$7,508,854	37			3		40	37
February	\$4,141,065	\$628,820	\$4,769,885	\$12,278,739	40			2		82	77
March	\$7,707,346	\$753,840	\$8,461,186	\$20,739,925	58	12	2	3		157	137
April	\$7,339,228	\$413,718	\$7,752,946	\$28,492,871	69		1	10		237	207
May	\$6,633,784	\$880,544	\$7,514,328	\$36,007,199	58		1	5	24	325	266
June	\$5,653,198	\$108,312	\$5,761,510	\$41,768,709	55		3	1		384	324
July	\$6,226,436	\$782,100	\$7,008,536	\$48,777,245	30		0	10	48	472	354
August	\$4,403,838	\$142,148	\$4,545,986	\$53,323,231	41		3			516	398
September	\$390,708	\$116,800	\$507,508	\$53,830,739	28		2	1		547	428
October	\$453,405	\$394,153	\$847,558	\$54,678,297	30	4				581	458
November	\$17,400	\$784,382	\$801,782	\$55,480,079	26					607	484
December	\$2,264,279	\$55,042	\$2,319,321	\$57,799,400	20					627	504
Total ydt =	\$49,035,966	\$8,763,434	\$57,799,400		492	16	12	35	72		
	85%	15%									

	Residential	Commercial	Total	ytd total	single family dwelling	Multi family mfd	Modular on Found.	Mobile Home in Parks	Senior Housing	YTD All Types	YTD SFD & Mod on Found
January 01	\$5,452,366	\$1,315,176	\$6,767,542	\$6,767,542	33	16	1			50	34
February	\$4,372,614	\$12,336,066	\$16,708,680	\$23,476,222	24	18				92	58
March	\$4,676,736	\$638,382	\$5,315,118	\$28,791,340	39		1			132	98
April	\$5,022,101	\$2,345,710	\$7,367,811	\$36,159,151	30	16		3		181	128
May	\$8,051,836	\$1,050,831	\$9,102,667	\$45,261,818	41	40				262	169
June	\$2,813,828	\$12,000	\$2,825,828	\$48,087,646	23	4	1			290	193
July	\$3,928,770	\$572,468	\$4,501,238	\$52,588,884	35					327	228
August	\$2,706,257	\$288,354	\$2,994,611	\$55,583,495	21	2		3		353	249
September	\$3,910,373	\$769,364	\$4,679,737	\$60,263,232	26	8				387	275
October	\$3,896,938	\$84,500	\$3,981,438	\$64,244,670	32					419	307
November	\$4,222,021	\$450,000	\$4,672,021	\$68,916,691	12				48	479	319
December	\$2,525,785	\$8,765	\$2,534,550	\$71,451,241	15	7				501	334
Total ydt =	\$51,579,625	\$19,871,616	\$71,451,241		331	111	3	8	48	501	334

	Residential	Commercial	Total	ytd total	single family dwelling	Multi family mfd	Modular on Found.	Mobile Home in Parks	Senior Housing	YTD All Types	YTD SFD & Mod on Found
January 02	\$2,337,937	\$2,118,791	\$4,456,728	\$4,456,728	19		1	3		23	20
February	\$1,871,823	\$658,386	\$2,530,209	\$6,986,937	12	5		11		51	32
March	\$3,481,974	\$12,852	\$3,494,826	\$10,481,763	24	8				83	56
April											
May											
June											
July											
August											
September											
October											
November											
December											
Total ydt =	\$7,691,734	\$2,790,029	\$10,481,763		55	13	1	14	0	83	56
					single family dwelling	Multi family mfd	Modular on Found.	Mobile Home in Parks	Senior Housing	YTD All Types	SFD & Mod on Found

April 26, 2002

Mr. Michael C. Farrar, Chair
Atomic Safety and Licensing Board
(hand delivered at public hearing in Tooele, Utah)

Response of James D. Webster to the FEIS for the proposed PFS Skull Valley Spent Fuel Storage Facility:

1. I addressed and questioned 145 separate issues in the DEIS; only one response in the Final EIS was an honest and forthright answer to my concerns. I have written numerous EIS reports for federal projects, including proposed oil shale and a wide variety of mining development. I have never experienced such a complete failure to address concerns of the public. My concerns were generated after dedication of considerable time and expense for research of pertinent issues. Given the failure of the NRC staff to become adequately informed to respond is of great concern to me and constitutes a significant flaw in the approval process. The current FEIS is an inadequate basis upon which a decision can be formulated, according to NEPA and the ethics of our society.
2. The USDA soils report for Skull Valley, published after the July, 2000 hearings raise serious and **fatal flaws of the FEIS as are related to soils** on the reservation. High susceptibility to **wind erosion**, the inability of these soils to respond to any type of vegetation reclamation, and an **irreversible capacity to corrode both concrete and steel of the proposed casks** have **not** been addressed in final EIS. In addition, according to the USDA, the **taxonomy** of native plants of Skull Valley represented in the EIS is inaccurate.
3. The NRC's response to September 11 is arrogant, self-righteous, inadequate, dishonest and indefinite. The blanket statement: "**If the NRC determines that revisions to NRC's requirements are warranted, such changes would occur through a public rulemaking. The NRC staff, however, has not yet identified any specific additional requirement for storage with respect to sabotage**". Has "any specific additional requirement" been identified in the past seven months to deal with an entire city of World Trade Centers, **20,000 twin towers**? In 1974, Thomas Hollocher, a biochemist, observed that the "final repository does not now exist and its final form is uncertain. In the meanwhile, billions of curies from commercial power production will join the accumulated several billion curies of weapons waste - all of it at the earth's surface and vulnerable to accident, error, or **sabotage**". (p. 221, The Nuclear Fuel Cycle, A survey of the Public Health, Environmental, and National Security Effects of Nuclear Power, published by The Union of Concerned Scientists and MIT Press, Cambridge, Mass.). The World Trade Center incident is but a reminder of the NRC's failure to respond to concerns of sabotage.
4. On April 8, 2002 a self-professed "expert" on nuclear management and advocate of above-ground storage reported to this Review Board at the Salt Palace hearing that the cost benefits of "temporary" storage at Skull Valley prior to moving the spent fuel rods to Yucca Mountain

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would enable the rods to “cool down” and obviate the need for fans. Hollocher observes that the **“rate of heat production in high-level wastes after 5 years of storage is about 0.6% of that encountered one day after the termination of fission in the reactor”** (p. 245, see above reference). Aside from whatever self-serving interests this charlatan may have, the science does not sustain his argument and such testimony before the Board should be recognized as entirely unfounded. The mandate for this Board is to address issues of national security and environmental compatibility are far more substantial than this person’s illusion about the need to cool down the rods.

5. On April 6, 2002 the President of the LDS Church, Gordon B. Hinckley chastised **those who seek “dominion over others” as being “self-righteous”** and contrary to the will of God. While he referred to abuse of children and the elderly who do not have the effective capacity to fight back, can the position taken by the NRC be characterized as anything but self-righteous as the federal government seeks to impose dominion on the Goshutes and other citizens of Utah and Nevada because we lack political clout? This is tyranny.

6. The NRC staff claims to have talked with Goshutes having expertise in ethno-botany, yet fails to understand the most basic fact of traditional Native American medicinal practice, that **toxicity level of the plant material is directly proportional to the harsh soil chemistry and climatic impact inherent to the specific micro-environment in which the plant is found. This is absolutely critical to efficacy of native plant use as a cure.** This is not an issue of threatened species, as indicated by the ill-conceived response in the EIS to my concerns. Finding the plants listed by Chamberlin in areas outside the immediate environment of the PFS storage proposal site with its inherent and **unique toxicity** demonstrates a complete ignorance of this central issue. One has to wonder with whom the NRC staff talked to fabricate the response. Certainly it was not Dr. Rex Cates of BYU, the foremost authority on ethno-botany in the Intermountain west. Perhaps the NRC staff is referring to Leon Bear, the scientific guru who stated on July 26, 2000 that the fuel rods are safe because they are “spent”?

6. The PFS proposal is comparable to the travesty inflicted by the federal government upon Colville Indians of Washington state in the name of cheap hydro-power. Socio-economic issues are barely discussed in either version of the EIS. The perpetuation of self-serving **spin doctrine** by PFS, the dominion of PFS over its **puppet leader** Leon Bear, and the NRC’s **conflicts of interest** due to its failure to resolve the need for storage in a timely manner are terribly transparent and dishonest. Dr. Alvin Weinberg, former director of the AEC’s Oak Ridge National Laboratory states as regards the ethics of this industry, **“We nuclear people have made a Faustian compact with society: we offer an almost unique possibility for a technologically abundant world for the on-coming billions, through our miraculous, inexhaustible energy source; but this energy source at the same time is tainted with potential side effects that, if uncontrolled, could spell disaster”**(“Social Institutions and Nuclear Energy”, *Science*, July 7, 1972). The NRC seems to have no problem with the **FBI investigation** of Leon Bear and the alleged Goshute “leadership”. NEPA was not written for the purposes of harboring deceit, collusion, and the NRC’s Faustian compact.

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7. Over the past 18 months, I have devoted at least 350 hours in reading the DEIS and FEIS documents; researching pertinent facts; participating in public hearings such as at KUER; working with FAIR, Heal Utah, and Citizens Against Radioactive Waste; and developing a viable alternative economic industry, specifically ethno-botany for medicinal healing based on Goshute traditions.. The NRC's version of "**public process**" is to allow **3 minutes** for me to present this viable alternative for economic sustain ability for the Goshute people. Margene Bullcreek, Forrest Cuch and others have visited the ethno-botany research facilities at BYU University, Dr. Rex Cates has devoted considerable with these Native American leaders, and the unique plant habitat of Skull Valley has been demonstrated to produce abundant specimens of plant life that form the basis of a multi-million dollar pharmaceutical industry. Forrest Cuch, Director of Utah Indian Affairs, after learning of the viable economic potential of ethno-botany research requested that Dr. Cates contact Leon Bear. Yet Leon Bear has never demonstrated the common courtesy to return any of Dr. Cates telephone calls, nor has the NRC recognized my petition to include such industry as an alternative economic base for the Goshute people in the EIS analysis.

8. On April 19, 2002, the educational radio program "Talk of the Nation", host Ira Flato conducted an interview with Daniel Ford, former president of Union of Concerned Scientists regarding current problems at the Davis Bessey nuclear reactor near Toledo, Ohio. The following are observations of Mr. Ford that are applicable to the proposal by PFS to store SNF at Skull Valley:

- a. A 6" steel reactor lid has been severely **corroded** by acid leaks due to poor design, inadequate maintenance and lack of oversight by NRC. Since construction in 1970's, no one has ever noticed the acid leaks. The reactor is on the verge of releasing radiation from fuel rods, has therefore been shut down, and may be impossible to repair.
- b. Long-term maintenance issues were never addressed during design or construction; whenever anyone asked about comparable problems, the answer from the AEC was that such problems would never occur.
- c. Fast track construction was essentially "design-build", conducted by the **private sector** that was in "way over their heads". To date, **independent inspection is never provided by the NRC**; they have only reviewed inspection reports of private companies. The ultimate open book test, or classic instance of the fox guarding the chickens.
- d. Most recent version of reactor design is 1974 version, which is essentially a larger scale clone of the Admiral Hyman Rickover reactor that was only intended for military use. Military inspections are extensive and such reactors were specifically designed to fully accommodate thorough tests. throughout the term of operation, which is fewer years than that of private reactors. Private companies have never designed or built reactors to enable comparable inspections, nor has the NRC mandated such requirements.
- e. Leaks attributable to **corrosion** were never addressed during design or review by AEC; were considered an impossibility.

I reiterate, corrosion is a problem inherent to the Skull Valley site because of unique soil chemistry, yet never addressed by the NRC

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9. I have enclosed data from the Tooele City Planning Director that clearly demonstrate the impact of the proposed storage facility at Skull Valley. In 1999, over 730 building permits for housing were issued. After July 2000, or the time that public hearings were conducted on the PFS proposal and the general public first became aware of the dangers associated with this scheme, building permits declined to about 500 for the year. In 2001, permits were under 100 and continue at an alarming rate that is detrimental to the Tooele Valley economy. This radical departure from the national and state trends in housing construction is attributable to potential housing buyers fear of nuclear storage. They have clearly reacted to this fear of which they became first aware during the July, 2000 hearings and continued media coverage of the sham this Board has thus far elected to characterize as an objective review process.

10. A few days ago, Salt Lake Valley was covered with mud. This mud as generated from airborne dust that originated in the west desert. The PFS proposal will magnify the impact of dust pollution in general as the soils of Skull Valley are incapable of sustaining appropriate reclamation, according to ASCS analysis cited earlier. Add tho that the potential for irradiated soils and we have yet another set of impacts that were **not** addressed by the EIS.

In Conclusion, on pp 88-89 of Appendix G, the NRC states: **"SNF could continue to be stored at reactor sites without significant environmental impact"**. There is no clearly demonstrated reason that the rods need to be relocated to a temporary facility, especially as issues of corrosion by soils, sabotage during transport, geo-seismic hazards at Skull Valley, and dust pollution outweigh the insignificant environmental impacts that the NRC admits to occur at the reactor sites. I hold graduate degrees in land planning and landscape architecture from Harvard University and have been in professional practice in Salt Lake City since 1973. Having prepared comprehensive master plans for (a) Stansbury Park, (b) Stansbury New Town, (c) the conversion of the Army Depot to an industrial park, and (d) the Overlake new town I am intimately familiar with the Tooele Valley region. Clearly, given the stated fact by the NRC and PFS that **there is no significant adverse environmental impact associated with leaving the SNF where it currently is located**, and given the fact that there are unnumerable environmental and socio-economic impacts associated with this Rube Goldberg scheme to move the SNF to Skull Valley (even if one excludes reasons the NRC is not honest enough to consider), **there is no compelling reason to move the SNF!**

I have prostate cancer. Within a few weeks, I'll submit to radioactive seed implant therapy or the injection of needles metaphorically comparable to SNF rods into my body let's say where the sun doesn't shine for the sake of decorum. I suggest the NRC, and their cohorts at PFS do the same.



James D. Webster
Land Planning Consultant

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April 26, 2002

ATOMIC SAFETY LICENSING BOARD
Nuclear Regulatory Commission

The U.S. must address and safely resolve the storage and disposal of spent nuclear fuel if the nuclear power is to remain viable in this country. To ignore or dismiss energy sector which provides 20% of the nation's power with no greenhouse gas emissions and a safety record superior to all other means of producing electrical power is technically and environmentally wrong.

It appears that the US Congress will override the veto by the state of Nevada for licensing and developing Yucca Mountain as the first repository for the US. This action is appropriate and necessary to eliminate the future problems that will result from temporary storage of spent fuel and present reactor sites.

Furthermore, the licensing and development of temporary storage sites in areas near Yucca Mountain to function as secure "holding sites" pending delivery to Yucca Mountain is sound both from a technical and safety perspective. The claim that these temporary sites would become "permanent" is not valid with approval of Yucca Mountain by the US Congress. Furthermore, claims of terrorist acts against and releases from spent fuel canisters are far less credible for Skull Valley than present locations at nuclear plants. Nuclear plants were never designed to serve as de facto long-term storage facilities for spent fuel. Skull Valley and other storage sites if licensed and built would be expressly designed, built, and operated to provide safe, secure, temporary storage pending disposal at Yucca Mountain.

As an nuclear engineer with 40 years experience with siting and operating a nuclear research reactor at the University of Utah, and managing of radioactive waste I testify that spent nuclear fuel can and should be managed and disposed of as proposed by the Department of Energy

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Holladay (SLC), Utah, 84124
Cel 801 347 0083, e-mail paengineers@juno.com
April 26, 2002

To the Nuclear Regulatory Commission,

Today the people of Utah are speaking. They are using Utah power in their homes and gasoline in their cars as they travel today. Utahns want energy. They also want clean air. Nuclear power is the only answer today's science can provide. For this in the next five years, our nation needs 500 new nuclear power plants for energy for electrolysis of water to make hydrogen for fuel cell cars. To jump start the building of 500 new nuclear power plants the spent nuclear fuel (SNF) requirement must first be resolved. Yucca Mountain (YM), Private Fuel Storage (PFS), and Pigeon Spur Fuel Bank (Pigeon) must be licensed (applied for in 1997 & 1998).

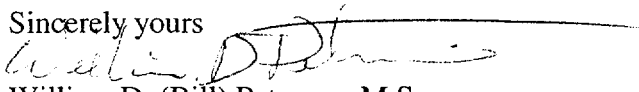
SNF should be reprocessed for the 95% of U238 uranium which it contains. The 5% of residue from reprocessing can go to YM for 300 years of temporary geological storage (provided sufficient actinides are removed) then put into simple land fill storage. For staging for reprocessing of SNF, after plant pool storage SNF needs to be stored for fifty years in temporary, intermediate, near surface storage. This ~~is~~ near surface storage is required to enable convection air cooling. This eliminates the 10,000 horse power requirement of YM.

YM will thus become a permanent facility for temporary geological storage of residual from reprocessing, a technology the rest of the nuclear world is waiting to see. PFS and Pigeon will become permanent, convection air cooled, intermediate storage for SNF for its holding and staging prior to reprocessing. In this way the entire solution for SNF is permanently made.

Improvements for associated issues of lifting, railroad transport risks, hardened storage slightly underground, convection air cooled, safe from terrorist attack are offered by P&A Engineers in association with Pigeon Spur. These proposed studies should proceed.

SNF is a national issue determining the nation's future for energy, clean air, independence, and safety. A solution to SNF is required now. 'No' and 'not in someone's back yard' are not solutions. Our nation's congress has and is now acting as best possible for our options and requirements. I urge that today we please support our nation's elected leaders and get the SNF issue resolved.

Sincerely yours



William D. (Bill) Peterson, M.S.
Professional Engineer
P & A Engineers
Pigeon Spur Fuel Bank,
Box Elder County Fuel Storage Initiative
Assigned 1998 NRC Docket No. 72-23



Skull Valley Band of Goshute Indians
Skull Valley Reservation
P. O. Box 511132
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April 23, 2002

To Whom It May Concern:

On September 22nd, 2001 the Tribal General Council of the Skull Valley Band of Goshute Indians conducted a general election at a special meeting duly called and noticed by the Tribal Secretary for the elections. The election meeting was attended by a majority of Tribal General Council Members and the election was held in accordance with the Tribe's traditional rules of governance.

The following officers were duly elected on September 22nd, 2001; and, in accordance with the Tribe's traditional rules of governance, immediately following their election, they assumed the positions to which they were elected:

Chairman:	Marlinda Moon
Vice-Chairman:	Sammy Blackbear, Sr.
Secretary:	Miranda Wash

Leon Bear has refused to relinquish power; and, he is in fact trying to refuse to respond to investigations into criminal activities, using the sovereign immunity of the Tribe as a cover.


The Tribe does not intend to allow its sovereign immunity to be used in that manor, but desires a full and impartial investigation into the serious allegations of embezzlement, bribery, and corruption which are currently being made against Leon Bear and alleged co-conspirators.

General Letter
Re: Skull Valley Band of Goshute Indians
April 23, 2002

We, the proper and legitimate Tribal leadership, ask all responsible entities, government and otherwise, to pursue and otherwise support any such investigations with respect to applicable matters within their jurisdiction or sphere of influence.

Respectfully,
Skull Valley Band of Goshute Indians


Marlanda Moon, Chairman


Sammy Blackbear, Sr., Vice-Chairman

Subject: Nuclear waste in Utah

Date: Thu, 11 Apr 2002 13:29:38 -0600

From: "David J. Gladden" <dkgladden@qwest.net>

To: cnakahar.atkey01@state.ut.us

No Response

I would like to ask several questions which I believe need to be addressed at the public meeting on this subject.

I have some familiarity with the issues regarding the nuclear industry.

It is clear that the storage of high level nuclear waste is a major environmental problem. At the Nuclear Research Facility near Hanford Washington they are still learning to cope with the problems they have with mixed radioactive liquid wastes. These wastes were the result of many years of research in nuclear explosives, power plant designs and other studies. The liquid wastes were created by chemically dissolving metal fuel rods and other contaminated materials in highly corrosive acids. This witches brew was then stored in double walled tanks under ground. The wastes are still radioactive. They still "fission" into other elements (some are radioactive gasses which must be vented to prevent rupture of the tanks). What to do?

The latest efforts to simplify the problems have led to the testing of methods to solidify these wastes into a more stable form (i.e. glass). In one of my many trips, I visited the facility in upstate New York where this work was being tested. I came away with the understanding that there was still NO GOOD PERMANENT SOLUTION. Each batch of glass had to be specially formulated, based on the mix of elements present in the waste. All of this material is highly radioactive and so must be handled remotely. After much trial and error, they were able to create a hot, semi liquid mixture which cooled into a glassy state. This mixture then was poured into stainless steel containers and welded closed. However, the glass is still radioactive (and will remain so for many, many, many years), still gives off heat, radiation and gasses. So now to my comments and questions.

1. How will the skull valley facility provide containment for the heat, radioactivity, gasses, and corrosion that will be present in long term storage of these containers sitting on concrete pads in the open air?

2. What will be the heat released per container?

*weeds pile up
Animal Nests*

3. What level of radioactivity will be present at the site? There will be some! What about at the facility boundary? What about on site and between the containers? Will workers be exposed to significant radiation as they work around the site? Do they understand the long term health effects? What about people who live nearby or even a long way downwind? Remember the Nevada tests!

4. What provision has been made to monitor and handle the pressure build-up within the containers from the evolution of radioactive gasses?

1. 5. The location of this facility is downwind from the largest chlorine producer in the country. Chlorine is a major corrosion factor for stainless steel. What about leakage problems and cleanup of radioactive contaminated materials?

6. What studies have been done to address the severe weather

conditions present in the desert location of this facility? There are extreme variations of temperature, wind, dust and moisture that create some of the most adverse environmental exposure conditions on Earth. Any item exposed to these conditions will require regular inspection and testing to preclude failure of one or more containers. Haven't we learned from the problems of chemical weapons storage and the ongoing disposal program that man-made things don't last forever?

One last comment. There is a national effort to reduce and reclaim wastes of all types. Why are nuclear materials not subject to the most stringent requirements in compliance with this effort? It appears that the federal government has abrogated its responsibility by not providing for the recycling of these wastes and the development of power plants which could use them.

The State of Utah should not become the dumping ground for federal inaction. The federal government has responsibility for the nuclear programs of this nation. By passing the waste disposal problem to private industry, they have reduced the states to fighting one another and created a situation where no one state can resolve it. I contend that these problems represent a national disaster and must be addressed on a national level. Utah needs to make public the mistakes surrounding the handling of the total nuclear issue and show that this proposal is a tremendous waste of public resources and money. If any other state were impacted by the environmental issues of chemical weapons, hazardous materials, mining wastes, or federal encroachment of lands and resources, there would be changes made.

Please Respond to this message as soon as you can.

I would like to participate in the public meeting on April 26th to address these issues.

Thank You,

Sincerely; David J. Gladden, Tooele, Utah 84074-2666;
435-882-6979

*Concrete Pools 3' thick
Strength under load
Fork lift / Roads*

Condition of Fuel Rods / Corroded, Bulged, Leaking

*How many in container
Moderator Rods?*

Mini Reactor

Long term storage → Disposal process or Moxle Fuel

PRESENTATION FOR PFS HEARING IN TOELLE APRIL 26TH 2002

My name is Blaine N. Howard

I have had the good fortune to have parents who taught me the value of absolute honesty.

What I have to say, I say with knowledge and conviction based on many years of experience.

Please believe me!

When I graduated from Ricks College in 1953, I received an AEC Graduate Fellowship in Radiological Physics to study at the University of Rochester with summer training in health physics at the Brookhaven National Laboratory. This was my first acquaintance with Radiological Physics or Health Physics which is the science of radiation protection. **The whole business of Health Physics is to protect people from the harmful effects of Ionizing Radiation.** At Brookhaven I had first hand experience with health physics applied to particle accelerators, waste disposal, medicine, and the nuclear reactor.

Following this training, I worked at the nuclear reactor for nearly a year (until drafted into the U.S. Army). I had my experiences with refueling the reactor and seeing the spent fuel elements under many feet of water giving off their bluish light from the intense radiation. I also experienced high radiation fields and seeing my dosimeter read "off scale"

Thus began my career in Health Physics and for 30 years, I was involved in studies, research, regulatory, and other activities. I have worked with many notable scientists and have received Comprehensive Certification by the American Board of Health Physics. I believe that I have a greater insight into the effects of radiation than others and would like to use my insight to answer some of the concerns which are shared by so many today.

I attended the hearing at the Salt Palace on April 8th but did not make any comments. However, I did listen to the comments of others and was impressed that there is a lot of genuine fear of radiation. This fear is a major contributor to the opposition to the proposed spent fuel storage facility. This fear is unfounded and is not based on scientific facts. Most of the fear comes from either a lack of understanding or misunderstanding of the nature and effects of ionizing radiation. We have been told different things by different people and even from different federal agencies. It makes me ask the question "How do we know who we can trust?"

There are some who want the public to fear radiation and radioactivity. These are those who have something to gain through this fear and place more importance on their personal gain than the do on the welfare of the people and the nation. These include:

1. Politicians who can get votes by appearing to be the "knight in shining armor riding forth to slay the nuclear dragon and save the state or the nation".
2. News media, who use it to gain listeners or sell papers,
3. Lobbyists for fossil fuels, who would lose business to the nuclear power industry.
4. Anti-nuclear activists who have been deceived but are so emotionally attached to their cause that they are willing to go to great lengths to defend it
5. People whose livelihood depends on this fear including many health physicists and government regulators..

In my 18 years with the Utah State Radiation Control program, I interacted with many federal agencies including the Nuclear Regulatory Commission, the Department of Energy, the Bureau of Radiological Health, and the Environmental Protection Agency. I had disagreements with the EPA whom I found to be unrealistic in their proposed rules and limits. My first encounter with

the EPA came in 1971 when they introduced their proposed drinking water standards. These standards proposed to limit the amount of radiation which any individual could receive from drinking water to 4 millirem per year.

For those who are not acquainted with these units, let me state that the limit for radiation workers was set at 5,000 millirem per year and that, in Utah, we receive over 100 millirem per year from natural radiation in the environment without counting the dose to our lungs from radon. Needless to say, I was alarmed and wrote to the EPA and expressed the concern that, if these proposed limits were established, the public would consider them as danger points and when the limit was exceeded, they would consider themselves in danger. My comment was ignored and the limits were established. 8 years later (in 1979), I witnessed my concern become a reality as I attended a hearing conducted by the NRC in Tucson, Arizona for American Atomics who carelessly allowed large quantities of tritium to escape into the environment. When moisture found in some food prepared in a neighboring school kitchen was found to contain nearly 3 times the EPA limit for drinking water, Tucson was shocked. The school board was soon forced to bury seventeen thousand cases of food. In all some \$300,000 in perishables and \$90,000 in canned goods were destroyed, at taxpayer expense. This was because the unreasonably low limit set by EPA had given a message to the public that the food was extremely dangerous. Incidentally, to obtain the 4 millirem radiation dose, a person would have to drink 1 liter (about a quart) of water at the limiting concentration every day for a full year. There was absolutely no danger to anyone because of the tritium in the food, but the public had been taught to fear that tiny amount of radioactivity.

My second encounter with EPA came while I was working for the Utah radiation control program. When EPA started their radon remediation program, they wanted me to get the local TV stations to play some videos they had prepared which were intended to scare the viewers. I refused to do this. They spread their propaganda all over the nation and tried to get people to feel an urgency to measure their homes for radon and to spend their money to lower the radon concentrations if they were more than 5 units. Many people were succored into this plan and spent a lot of money making changes to their homes.

After a few years, Dr. Bernard Cohen from the University of Pittsburgh made a correlation study comparing the average radon concentration in thousands of counties nation wide to the lung cancer mortality rates taken from federal tables. Guess what he found. Did the correlation show an increase in lung cancer with an increase in radon concentration? NO! It showed just the opposite. The greater the radon concentration, the lower the lung cancer mortality rate. Was this a real relation? Yes. As he collected more and more data, the relation became more clearly defined and it showed that counties with an average radon concentration of 7 units had significantly less lung cancer than counties with an average radon concentration of 1 unit. Had the home owners who had lowered their radon concentrations actually increased their risk of lung cancer? Very possibly yes. But EPA had built a new program and had become bigger and more powerful.

EPA also imposed unreasonably low limits on emissions from nuclear power plants and sought to impose unrealistic limits on radon emissions from uranium mines. In the latter case, EPA published, in the Federal Register, calculations which predicted deaths from radon from a uranium mine to persons living in excess of 50 miles from the mine. Thus a lot of the

unnecessary and unrealistic fear of radiation has been fueled by this type of conduct by EPA.

Let me quote from a lecture given by Professor Jaworoski, former Chairman of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) in September 1998.

"The average individual dose of natural radiation received by the world population is now about 2.4 mSv (240 millirem) per year. However, in some regions, for example, in India and Iran, the natural radiation dose is up to one hundred times higher. **No adverse genetic, cancerogenic or other effects of these higher doses were observed** among the people who have lived in these areas since time immemorial."

Later in his lecture, Professor Jaworoski comments on "radiophobia".

"If radiation and radioactivity, although ubiquitous, are so innocuous at normal levels, and one of the smallest risks, why are they an object of universal apprehension? What is the cause of radiophobia-the irrational fear that any level of ionizing radiation is dangerous, which is perhaps the most widely spread and influential superstition of the second half of the 20th century? Why have radiation protection authorities introduced a dose limit for the public of 1 mSv (100 millirem) per year, which is less than 1% of the natural dose in many areas of the world? Why do the nations of the world spend hundreds of billion dollars a year to keep this standard? The answers can be traced to a number of causes and to one false assumption:[the first three concern the use of nuclear weapons]..... ;4) economical interests of fossil fuel lobbies; 5) group interests of radiation researchers fighting for authority and budget; 6) interests of politicians for whom radiophobia was a handy argument in power games; 7) interests of news media, which are profiting from inducing fear; 8) assumption on linear, no-threshold relationship between radiation and biological effects."

This linear, no-threshold (LNT) relationship was originally proposed as a means of setting an upper limit on health effects for the purpose of establishing regulatory limits for exposure to ionizing radiation. It never was intended to be used to predict actual health effects. The BEIR committee made this change and introduced a "risk estimator" for estimating the number of fatal cancers may be expected from a population exposure. When their report came out, I was working for the State of Utah and trying to reduce the public exposure to medical and dental x-rays. Through the Bureau of Radiological Health's DENT program, we had succeeded in reducing the dental exposure by an average of 50% by visiting the dental offices and demonstrating proper film processing technics. I use the estimators from the BEIR report to estimate the number of lives we had thus saved to help justify my work. I had trusted the BEIR committee because of their respected position. But, I discovered that I had been deceived.

Just recently, I read "It's Time to Tell the Truth About the Health Benefits of Low-Dose Radiation" by James Muckerheide (file:///C:/Radiation Documents/Nuclear/Tell the Truth About the Health Benefits of Low-Dose Radiation.htm)

Dr. Muckerheide expressed concern that such distinguished committees as BEIR and NCRP had biased their reports in favor of the linear no-threshold response model (LNT). Then I read a review of NCRP report No. 136 by Klaus Becker in the February 2002 HEALTH PHYSICS in which Dr. Becker cites specific instances where critical studies and reports which refute the LNT were not considered by NCRP. Dr. Arthur C. Upton of the NCRP could not adequately reply to these charges. I am now convinced that both these committees have ignored the

evidence of beneficial effects of ionizing radiation because they were not willing to admit their previous error in mis-applying the LNT concept. The EPA has gone along with the same concept and seems unwilling to consider the possibility of their being in error.

Let me mention some of the studies which not only refute the LNT but also give evidence for a beneficial effect of low doses of radiation.

1. In the 1980s, Dr. Bernard Cohen, at the University of Pittsburgh, measured radon concentrations in thousands of homes. He then tried to correlate these measurements with lung cancer mortality values by plotting the average radon concentration for each county and its lung cancer mortality. The resulting plot shows a negative correlation of lung cancer mortality with radon concentration in the homes.

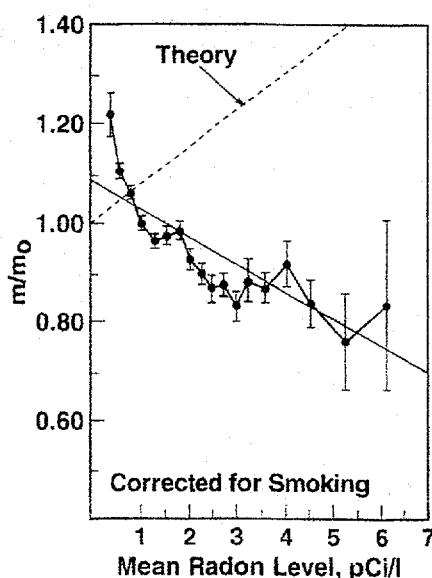


Figure 4. Lung cancer mortality rates compared with mean home radon levels by U.S. county and comparison with linear model by BEIR IV. m/m_0 = ratio of lung cancer mortality rate for residential radon levels to that at 0 level (theoretical), or to that of average residential level, 1.7 pCi/l. Cohen B, 1995.

2. A Nuclear Shipyard Workers Study matched 39,004 nuclear workers with 33,352 non-nuclear workers and found the cancer mortality rate of the nuclear workers was significantly lower than that of the non-nuclear workers. (From "It's Time to Tell the Truth About the Health Benefits of Low-Dose Radiation". by James Muckerheide)
3. The abstract of a study, yet to be published in *Nonlinearity in Biology, Toxicology and Medicine* reports that among about 10,000 residents of apartments contaminated with Cobalt-60 and receiving an average dose of about 0.34 Sv (34 Rem) their natural cancer death rate was only 3.4% of the general population. (Letter from A. N. Tschaeche in *The Health Physics Society's Newsletter* May 2002)

There are many other studies which report similar results with people which I do not have time

to mention. In his book "Radiation Hormesis" Dr. T. D. Luckey reviews over 1,000 animal studies from earlier work and finds well over 90% of them show evidence of hormesis or beneficial effects of low doses of ionizing radiation.

In January 1996, the Health Physics Society published a position statement on "Radiation Risk in Perspective" in which the Society "recommends against quantitative estimation of health risks below an individual dose of 5 rem in one year or a lifetime dose of 10 rem in addition to background radiation." This position was reaffirmed in March 2001.

In NRC's Final Environmental Impact Statement, NUREG-1714, the effects of radiation are still calculated using the linear no threshold model. Even though the number is small, it is not accurate and should be stated as "zero" cancer fatalities.

The spent nuclear fuel should be a national resource. Only about 1/20th of the available energy has been extracted from those fuel elements. A complete nuclear power program would provide about 20 times the energy which has been extracted from the spent fuel. In the process, the spent fuel would be used up and we would not be looking for a place to store it or dispose of it. We would, however, have some high level waste left which would decay with about a 30 year half life (not thousands of years). But this program which includes **fuel reprocessing** and **breeder reactors** was scrapped by the Carter administration many years ago because they thought that would prevent terrorists from getting their hands on plutonium and making a nuclear weapon. But, we are only one nation and one nation cannot control all of the nuclear materials or all of the nuclear technology. France has a complete nuclear power program which provides most of its electrical power and they are able to export nuclear electricity to other nations.

A small number of very vocal anti-nuclear activists would have you believe that nuclear power is bad and would take almost any measure to stop the nuclear industry. These activists are really enemies of America, although some of them may not realize it.

We have experienced "brown outs" because of a shortage of electrical power. Just recently it was reported that Iraq had proposed to "punish" America by reducing its production of oil. America is dependent upon foreign oil for much of its energy. Nuclear power could reduce or eliminate that dependence. When handled properly, nuclear power is the cleanest and safest domestic source of sufficient energy to fill that demand.

Today, our nuclear power plants are loaded with spent fuel. To continue to operate, they must find a place to store this spent fuel. If Yucca Mountain is approved and licensed, it will still be years before they will be accepting spent fuel shipments. **The Goshutes should be commended for their courage to accept a challenge that none of the states were willing to accept.**

Although public opinion seems to be against them, they are right and the risk they are accepting is negligible. The environmental impact of the project is acceptable and I would urge the NRC to grant a license for this needed and worthwhile project.

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Here are some web sites which may be of interest.

The Health Physics Society www.hps.org

BELLE www.belleonline.com

Dr. Jarowski www.angelfire.com/mo/radioadaptive/jarowski.html

Radiation, Science, and Health <http://cnts.wpi.edu/RSH/index.html>

Atomic Safety and Licensing Board: Nuclear Regulatory Commission

STATEMENT BY:

SCIENTISTS FOR SECURE WASTE STORAGE

**William T. Anders^{+%\$}, Steven Barrowes,
Hans Bethe[&], Nicolaas Bloembergen[&],
Allan Bromley^{*}, Max Carbon,
Bruce Church, Bernard Cohen,
Gerard Debreu[&], Sheldon Glashow[&],
Robert Hoffman, Daniel M. Kammen,
John Landis, Ralph Lapp,
Otto Raabe, Norman Ramsey^{+%&},
Marcus Rowden^{\$}, Glenn Seaborg^{&\$} (deceased),
Allen Sessoms, Jacob Shapiro,
Richard Wilson, (spokesman)**

+ former Ambassador;

& Nobel Laureate;

% astronaut;

* former Presidential Science Advisor,

\$ former Chairman of AEC or NRC.

Appearance 7 pm April 26th 2002 in Tooele, UT.

By RICHARD WILSON, Spokesman

Atomic Safety and Licensing Board: Nuclear Regulatory Commission
In the Matter of Private Fuel Storage
Limited appearance statement by Richard Wilson as spokesman for:

William T. Anders^{+%\$}, Steven Barrowes, Hans Bethe[&], Nicolaas Bloembergen[&], Allan Bromley^{*}, Max Carbon, Bruce Church, Bernard Cohen, Gerard Debreu[&], Sheldon Glashow[&], Robert Hoffman, Daniel M. Kammen, John Landis, Ralph Lapp, Otto Raabe, Norman Ramsey^{+&}, Marcus Rowden^{\$}, Glenn Seaborg^{&\$} (deceased), Allen Sessoms, Jacob Shapiro, Richard Wilson, (spokesman)

+ former Ambassador;

& Nobel Laureate;

% astronaut;

* former Presidential Science Advisor,

\$ former Chairman of AEC or NRC.

Appearance 7 pm April 26th 2002 in Tooele, UT.

Four and a half years ago, the above group of scientists formed Scientists for Secure Waste Storage (SSWS) to support the Goshute Indians in their desire to allow nuclear waste to be stored "in their back yard". We argue firstly that Skull Valley Goshutes have a right to run their own affairs and should be supported in doing so, provided that they do not impinge on the rights of others, and secondly we argue that the reservation is an excellent location for storage of nuclear waste. I apologize for the late request to appear before you. My schedule only just now opened enough to let me appear. I have a written statement, which I request be a part of the record. I will be circulating that statement among the Scientists for Secure Waste Storage immediately after this meeting, and request that you keep the docket open to allow me to add any corrections any one of the members may choose to make.

The first proposition is to us self evident. It is a right that is governed by the treaty negotiated with the United States of America. Although this treaty predates the Atomic Energy Act, the Skull Valley Goshutes have accepted the jurisdiction of the Nuclear Regulatory Commission in this matter. Those Americans who are immigrants or descendants of immigrants in the last couple of centuries (and that is most of us) have an especial duty to help the Goshutes exercise this right, because our ancestors have not always treated the tribe well and pushed them into territory that has few productive uses. We believe that the Goshutes have chosen wisely in selecting this activity. It will bring them employment, be useful to the rest of the United States in which they live, (and bring them appropriate compensation) and be consonant with the land that they have inherited. It will bring them back to the reservation with its pristine air, away from the air pollution of Salt Lake City, since a simple visual inspection shows that the particle concentration is less in Skull Valley than in Salt Lake City. The proposed facility is likely to make it financially attractive for many more of the Skull Valley band to live on their reservation and thereby improve their health and well being. I, and others who have met and know members of the tribe personally, are convinced that they understand the details of nuclear waste, and what they are getting into, far better, in most cases, than the people who have come before you to oppose the facility.

This statement argues the second proposition that the reservation is an excellent location for nuclear waste. We do not claim that it is the best location, but claim that it is one of many scientifically acceptable locations from which society can choose on other criteria. That the Goshutes want it is

clearly and excellent criterion. Nor do we argue that the site is good for a permanent waste storage - but we do point out that the time limit need not be specified. The difference between the requirements for temporary fuel storage and permanent fuel disposal derives from the fact that temporary fuel storage is monitored, whereas with permanent fuel storage hope to be able to forget about the material after burial. We note that in this phase of your deliberations you are considering the possible effects of earthquakes and of airplane impact, and of respect for the environment generally.

The long time delay (nearly five years) between the initial proposal and the start of this hearing and the anticipated further delay before construction of the facility can commence, should not blind the hearing board or the public to the fact that the facility is a simple one and can simply be shown to be safe and reliable. You, and the NRC staff, have been patient and listened to a great deal of detail. Indeed attention to detail is one of the facts that makes nuclear power one of the safest of man's activities. The safety of waste disposal follows from four important facts which should underlie any consideration of a proposal to store nuclear waste:

- (a) Almost all the radioactive material in the fuel rods will be solid.
- (b) The heat generated by the waste will be very small and not nearly enough to evaporate or disperse any material. As a fraction of the nuclear fission power at the time of operation it is 0.01% after 10 years. This will be less than one millionth of the power in the "excursion" that blew apart the Chernobyl reactor.
- (c) Not only is it impossible for the heat in a fuel storage facility to evaporate any appreciable fraction of the fuel, but also any accident can only proceed slowly. This contrasts with Three Mile Island where a catastrophe (which incidentally killed no one) developed in 2 hours and Chernobyl where disaster struck within a few seconds.

Therefore any release of material is expected to be very small, will happen slowly, and can therefore be noticed by monitoring and can be corrected. [an obvious exception would be a direct (within 100 feet) hit by a hydrogen bomb. But such a hit would involve many more consequences to the Goshute tribe and the United States of America which would be far more serious]

- d) The safety hazard of exposure to radiation can be controlled by three factors; distance, shielding and time. Even the Goshute community is 2 miles away; the casks are well shielded, and even the Goshutes (and others) who will monitor the facility will only spend a short time close to the casks.

The particular items that are being considered in this part of the hearing are:

- (1) protection against earthquake
- (2) protection against aircraft impact
- (3) environmental impacts

SSWS comment thereon as follows:

- (1) The impact of an earthquake on a structure is that it can fall down, or that fissures may open up in the ground and rupture essential services - perhaps, as in San Francisco in 1905, breaking a gas line and causing a major fire. The casks themselves nor the fuel rods therein are not a structure that falls down and are not fed by a gas or oil fuel line. The casks will basically rest on the ground and although an earthquake can tear apart a structure held to the ground in more than one place, that will not occur for the casks.
- (2) You must remember how small the casks are in comparison with the area of the surface of the

earth, even if you only considers the area between Skull Valley reservation and Dugway. The chances of an airplane hitting the waste canisters are small, and the effects much less than hitting a reactor control room or an oil tank. The storage cask is static and such a collision cannot set off a major accident. Provided that the amount of stored fuel (for the railroad diesel engine or various trucks) is small, and it is easy to ensure that, even a major fire can be limited to a much smaller fire than at Chernobyl, and the storage cask will not be overly heated.

Zirconium and uranium can oxidize (burn), but only at high temperature. Therefore a self sustaining fire, even one started by jet fuel, is almost impossible. The only possible concern is the fuel that men will bring to assist in their ancillary tasks; gasoline for their cars, diesel fuel for the railroad engines. These can, and we are confident will, be minimized. It is important to realize that the risk of fire from these activities is certainly less than the risk of fire at a downtown road junction in Salt Lake City, and can be more easily controlled. In the very remote chance of fire engulfing a storage cask the cask is very unlikely to break. But even if a cask cracks the small amount of remaining gaseous material (krypton 85) might immediately escape to the atmosphere - and that since krypton is chemically inert) would disperse and not cause appreciable human exposure. The rest, being solid, would not easily disperse.

Heat is generated in the casks at a rate 1/1,000,000 or less of the power in a reactor. This is too small to raise the temperature to a level high enough to melt or evaporate any material even if the air circulation were to be blocked. It is planned to use helium to prevent deterioration of the fuel rods, but it is important to realize that even if all the helium escapes and is replaced by air, safety can still be easily maintained. The detailed calculations are to prevent any deterioration - and are far more than needed merely to stop small leaks. Small leaks if they occurred could be located and fixed long before they became even a minor hazard.

In general SSWS argue that the risks attributable to a waste storage facility are very small and much less than many societal risks. In particular they are smaller than the risks of living in Salt Lake City with its particulate air pollution.

There are plans to use especially designed railcars to bring the spent fuel casks to the site. These will have an unusually low probability of derailment. But it is important to realize that this is NOT necessary for safety. The casks are designed to withstand crashes without disruption of the shielding. This makes the consequences of any accident much less than an accident of the frequent chemical and hydrocarbon transport that goes through Salt Lake City. It is "gilding the lily". The new railcars will, however, allow the freight trains which include the cars to travel faster, and therefore cause less disruption. They will minimize the chance of a derailment in the middle of a town (even on the terrible tracks that are sometimes present). You should remember that a derailment is not hazardous in itself, although it might well cause public disturbance and unnecessary concern.

The scientists in SSWS believe that the proposal of Private Fuel Storage to store spent nuclear fuel in the Skull Valley Indian reservation, is in principle a sensible proposal to cope with one of the steps in the technology of nuclear power in a safe and environmentally acceptable way. They have little doubt that such a storage facility can be built and operated safely. There have been vocal complaints that the nuclear waste should stay where it is generated. This is *not* done with other wastes. I, living in Massachussets, do not want the fine particles that blow in from states upwind, including Utah. Unlike

the nuclear wastes which are under close control and cause no health hazard, these are believed by many scientists to adversely affect health at low levels.

One way of comparing hazards of long term disposal of wastes is by comparing the number of lethal doses that the waste substance contains. That is the number of people who could die, immediately or by a lethal cancer, if the material were carefully given to people, with none set aside. Such comparisons were made by Professor Bernard Cohen in a paper noted in the appendix, which we have brought to your attention, firstly four years ago. For example, the amount of arsenic that we used to spray on our crops as pesticides, and then forgot about, contained *more* lethal doses than the high level waste from the whole U.S. nuclear power program.

Yet in spite of the fuss raised about arsenic last year, the U.S. still does not worry about the long term effects of bringing arsenic to the surface by water supplies or mining. This is only one of the many comparisons that you and the public should make that show that nuclear waste can, and we are confident will, be disposed of in an environmentally safe and scientifically sound, manner.

Although the hearing is reaching its close, there is still some evidence to be collected. SSWS requests the opportunity to review and comment in writing upon any the scientific and technical issues that have and will come before the board. SSWS requests the right to revise this (and any other) limited statements in the light of any subsequent evidence presented. We desire this right to make sure that the scientific and technical testimony is accurate and in proper context. It is our intention that written comments would be circulated among the petitioners and the group report would then represent their views rather than merely represent the views of myself. This statement closely follows the oral comment at the hearing on April 26th 2002. It will be sent to each and every scientist in SSWS for subsequent checking.

SSWS notes that according to paragraph 2.715 of the rules of practice the presiding officer may at his discretion permit a limited appearance either orally or by written statements of the position on the issues at any session of the hearing. In view of the initial request for intervention SSWS requested that the presiding officer permit this wide latitude in such limited appearances as SSWS felt that the group had something useful to say. SSWS was formed to ensure that the best scientific and technical information was presented and to respond to such other information as may be presented in this matter. SSWS is followed the record and so far is satisfied that Private Fuel Storage presented reliable and accurate information. SSWS thanks the hearing board for their wide latitude.

Most of the scientists in SSWS have worked much of their lives in research on the science and technology of nuclear energy and in planning and regulating nuclear energy (as set forth succinctly in the qualifications beside the names, with exceptions noted) and we believe that our collective knowledge and experience can be of help to the board and therefore to the public at large. None of the scientists in SSWS have personal financial or property interests in the proceeding. Our interest however is great, but is solely an interest in the public good and a desire to ensure that the public good be properly considered.

In brief, if the Skull Valley Tribe of Goshute Indians want this facility, let them have it. Let the rest of us thank them, and congratulate them, for choosing a facility that is important for any sensible U.S. and world energy policy, and far safer than many others. In particular it is a much better choice than a casino.

Presented by Richard Wilson (spokesman for SSWS) April 26th 2002 at Tooele Utah.

APPENDIX I References:

The details of the radionuclides produced in nuclear fission are well known and exceptionally well documented. Often they are found merely by reference to a computer code such as the ORIGEN code that has been available from Oak Ridge National Laboratory and widely compared with direct experimental data. But there are four generic references that can be used in discussion of the specific points raised above (and of the several other erroneous contentions in this case). In order to simplify the reference they are referred to here as A, B, C and D.

- (A) David Bodansky, NUCLEAR ENERGY: PRINCIPLES, PRACTICE, AND PROSPECTS (American Institute of Physics, Woodbury NY)
- (B) Bernard L. Cohen, "High Level Radioactive Waste from Light-Water Reactors," 49(1) *Reviews of Modern Physics* 1-20 (January 1977)
- (C) L. Charles Hebel, et al., "Report to the American Physical Society (APS) by the Study Group on Nuclear Fuel Cycles and Waste Management", 50(1) *Reviews of Modern Physics*, Part II, S1-S185 (January 1978)
- (D) Richard Wilson, et al., "Report to the American Physical Society (APS) of the Study Group on Radionuclide Release from Severe Accidents at Nuclear Power Plants," 57(3) *Reviews of Modern Physics*, Part II, S1-S154 (July 1985)

APPENDIX II

Biographical data of the members of "Scientists for Secure Waste Storage"

William T. Anders, former Astronaut
former Chairman Nuclear Regulatory Commission
former Ambassador to Norway
former Chairman General Dynamics Corp.
Resident in Eastsound, Washington

Steven Barrowes, consultant physicist, resident in Salt Lake City

Hans Bethe, Professor of Physics Emeritus, Cornell University
Nobel Laureate in Physics (for understanding the energy in the sun)
Resident in Ithaca, NY

Nicolaas Bloembergen, Gerhard Gade University Professor, Emeritus
Harvard University,
Nobel Laureate in Physics
Resident in Arizona

Allan Bromley, Dean of Engineering, Yale University
Sterling Professor of the Sciences
Past President American Physical Society
formerly The Assistant to President George Bush for Science and Technology
Resident at or near New Haven, Connecticut

Max Carbon, Professor of Nuclear Engineering Emeritus
University of Wisconsin,
formerly member of Advisory Committee on Reactor Safeguards, AEC/NRC
formerly INPO accreditation board
Resident of Madison, WI

Bruce W. Church, Desert Research Institute, University of Nevada
Adjunct research Professor University of Cincinnati
formerly head of Environmental Health and Safety
DOE Nevada operations office.
Resident in Logandale, NV
Native of Southern Utah

Bernard L Cohen, Professor of Physics, University of Pittsburgh
author of many papers on nuclear waste disposal
Resident at or near Pittsburgh, Pennsylvania

*Gerard Debreu, Professor of Economics, University of California
Nobel Laureate in Economics
Resident at or near Berkeley, California

Sheldon L. Glashow, Professor of Physics Boston University,
formerly Higgins Professor of Physics, Harvard University
Nobel Laureate in Physics (for his work on the "standard model")
Resident in Brookline, Massachusetts

Robert J. Hoffman, certified health physicist
Radiation Safety Consultant
Formerly Chairman Radiation Control Board of the State of Utah
Resident in Salt Lake City
An affidavit confirming this participation will be available

*Daniel M. Kammen, Professor of Nuclear Engineering and
Director of the Renewable and Alternative Energy Laboratory,
University of California, Berkeley, California
expert on solar energy in developing countries
Resident in Oakland, California

John Landis, Past President, American Nuclear Society
formerly Senior Vice President, Stone & Webster Corporation
Past Chairman American National Standards Association
Resident in Roanoke, VA

Ralph Lapp, Safety Consultant
author of books on dangers of radiation
Resident in Alexandria, Virginia

Otto G. Raabe, Professor University of California
Institute of Toxicology and Environmental Health
Former President Health physics Society
Resident in Davis, CA

Norman F. Ramsey, Higgins Professor of Physics Emeritus
Harvard University,
Nobel Laureate in Physics
former Science Ambassador to NATO
former President, Universities Research Association
Resident in Brookline, Massachusetts

Marcus T Rowden Esq.,
former Chairman Nuclear Regulatory Commission
Resident at or near Washington, DC

Glenn T. Seaborg, Professor of Chemistry Emeritus, University of California
formerly Chancellor University of California
formerly Chairman Atomic Energy Commission
Nobel Laureate in Chemistry
Formerly Resident in Lafayette, California
(now deceased)

Allen Lee Sessoms, Senior Research Fellow and lecturer,
Kennedy School of Government
Harvard University
formerly President, Queens College, New York
formerly Science Counselor, U.S. Embassy, Paris
formerly Deputy Chief of Mission, Department of State, Mexico City
Department of Energy, Energy Advisory Committee
As a person with native American ancestry, he has a particular concern for and understanding of many of the issues.
Resident in Newton, Massachusetts

Jacob Shapiro, Radiation Safety Officer Harvard University (retired)
Author of a major text on radiation health physics
Resident in Concord, Massachusetts

Richard Wilson, Mallinckrodt Research Professor of Physics, Harvard University
expert on nuclear physics and risk analysis, especially effects of radiation and air pollution
advisor on risks to many US agencies and foreign governments
Resident in Newton, Massachusetts

Collectively SSCW have expertise in most of the matters before the committee including fundamental physics and chemistry, numerical assessment of risks, and effects of radiation. However the signatories marked with an asterisk have explicitly noted that they do not have as much personal experience in nuclear energy as the others.

