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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Office of the Secretary  
ADJUTANT GENERAL

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In the Matter of: )  
PRIVATE FUEL STORAGE, L.L.C ) Limited Appearance  
(Independent Spent Fuel Storage ) Hearing  
Installation). ) Volume 1

Docket No. 72-22  
ASLBP No. 97-732-02-ISFSI

June 23, 2000

The above-entitled matter came on for hearing,  
pursuant to notice, at 9:30 a.m. before:

THE HONORABLE G. PAUL BOLLWERK, III  
Administrative Judge  
Atomic Safety & Licensing Board Panel

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

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

Diana Kent, C.S.R., R.P.R.

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## 1 APPEARANCES:

2 FOR THE STATE OF UTAH, ATTORNEY GENERAL'S OFFICE:

3 Connie Nakahara, Esq.  
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5 Office of the Attorney General  
6 160 East 300 South, 5th Floor  
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8 Salt Lake City, Utah 84114

9 FOR THE PRIVATE FUEL STORAGE, L.L.C.

10 Jay Silberg, Esq.  
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12 Attorney at Law  
13 2300 N Street, N. W.  
14 Washington, D. C. 20037

15 FOR THE SKULL VALLEY BAND OF GOSHUTE INDIANS:

16 Leon Bear  
17 Chairman for the Skull Valley Band  
18 of Goshute Indians

19 FOR THE U.S. NUCLEAR REGULATORY COMMISSION:

20 Chatherine Marco, Esq.  
21 Office of the General Counsel  
22 Mail Stop - 0-15 B18  
23 U. S. Nuclear Regulatory Commission  
24 Washington, D.C. 20555

25 -000-

1 June 23, 2000

1:00 p.m.

2 P R O C E E D I N G S

3 JUDGE BOLLWERK: Let's go on the record.

4 Good afternoon. I'd like to begin this  
5 afternoon by introducing ourselves. In accordance  
6 with the provisions of the Atomic Energy Act and the  
7 regulations of the Nuclear Regulatory Commission, we  
8 are three administrative judges appointed to sit as an  
9 Atomic Safety and Licensing Board to conduct an  
10 adjudicatory proceeding in connection with the pending  
11 application of Private Fuel Storage, L.L.C., for a  
12 license under Part 72 of Title 10 of the Code of  
13 Federal Regulations to construct and operate an  
14 independent spent fuel storage installation, also  
15 referred to as an ISFSI, or I-S-F-S-I, on the  
16 reservation of the Skull Valley Band of Goshute  
17 Indians in Skull Valley, Utah.

18 To my right is Dr. Jerry Kline. Dr.  
19 Kline, an environmental scientist, is a part-time  
20 member of the Atomic Safety and Licensing Board  
21 Panel. To my left is Dr. Peter Lam. Judge Lam is  
22 also a nuclear engineer and full-time member of the  
23 Panel. My name is Paul Bollwerk. I'm an attorney, a  
24 full-time Panel member, and the Chairman of this  
25 Licensing Board.

1 I apologize for the podium. I am back  
2 here, for those that can't see me.

3 As part of our judicial function relative  
4 to the Private Fuel Storage proceeding, we are here  
5 this afternoon to entertain oral limited appearance  
6 statements. So there will be a common understanding  
7 about what currently is involved in the proceeding and  
8 with respect to the limited appearance process, I'd  
9 like to take a few moments to provide some background  
10 about both.

11 Since Monday of this week, the Board has  
12 been hearing testimony and receiving evidentiary  
13 materials regarding two of the technical contentions  
14 or issues admitted in this proceeding. The first is  
15 contention Utah R, which concerns a challenge by  
16 intervenor State of Utah to the adequacy of the  
17 Private Fuel Storage facility emergency plan, in  
18 particular its fire protection provisions. The other  
19 is contention Utah E/Confederated Tribes F, which  
20 involves financial assurance challenges by intervenors  
21 State of Utah and Confederated Tribes of the Goshute  
22 Reservation to the cost estimates for construction,  
23 operation, maintenance, and on-site property insurance  
24 for the PFS facility.

25 As we indicated in our April 19 and June

1 7, 2000 hearing notices, the sessions on contention  
2 Utah E/Confederated Tribes F have been closed to the  
3 public because they involve confidential, proprietary  
4 commercial information, although the Board has  
5 established the procedure for party review of all the  
6 evidentiary information submitted in the closed  
7 sessions to determine what portions can be made  
8 publicly available.

9 The Board will be resuming its evidentiary  
10 hearing next Tuesday, June 27, at 9:00 a.m. in this  
11 room with a public hearing session, again one that  
12 will be open to the public, regarding contention Utah  
13 S, which concerns the decommissioning plan for the PFS  
14 facility, in particular the decommissioning cost  
15 estimates.

16 Once the parties have completed their  
17 presentations on this contention, which we anticipate  
18 will be finished that morning, the Board will return  
19 to closed session to conclude party presentations on  
20 contention Utah E/Confederated Tribes F, which will  
21 complete the evidentiary hearing sessions regarding  
22 these three contentions.

23 As I also noted at the outset, the issues  
24 that are the subject of the Board's hearings this week  
25 and next week concern technical matters. Under our

1 current schedule for this proceeding, we will be  
2 holding additional evidentiary sessions in mid to late  
3 summer of next year regarding admitted technical  
4 contentions on the seismic suitability of the Private  
5 Fuel Storage site and the adequacy of PFS  
6 consideration of credible accidents caused by events  
7 and facilities external to the PFS facility, including  
8 commercial and military aircraft overflights, as well  
9 as on a number of admitted contentions relating to the  
10 adequacy of the identification and consideration of  
11 environmental impacts under the National Environmental  
12 Policy Act or NEPA. And in connection with NEPA, I  
13 would note that recently the NRC staff has issued a  
14 Draft Environmental Impact Statement or a DEIS which  
15 has a designation of NUREG-1714, that's N-U-R-E-G  
16 1714, regarding the proposed PFS facility.

17 That document - which I can hold up a copy  
18 of and you can see it's a rather large tome - I  
19 understand is available on the NRC website at  
20 [www.nrc.gov/NRC/NUREGS/indexnum.html](http://www.nrc.gov/NRC/NUREGS/indexnum.html). And I will do  
21 that one more time; [www.nrc.gov/NRC/NUREGS/indexnum.-](http://www.nrc.gov/NRC/NUREGS/indexnum.-html)  
22 [html](http://www.nrc.gov/NRC/NUREGS/indexnum.-html).

23 For your information, the staff will be  
24 conducting public hearings regarding its DEIS on  
25 Thursday, July 27, 2000, in Salt Lake City, and on

1 Friday, July 28, in Grantsville, Utah. Have I gotten  
2 the dates correct Miss Marco?

3 MS. MARCO: Yes.

4 JUDGE BOLLWERK: All right. This, in a  
5 nutshell, describes the NRC adjudicatory process  
6 relating to this proceeding. And this naturally  
7 prompts the question, what then are the limited  
8 appearances in which the Board has invited public  
9 participation today and tomorrow? Under Section  
10 2.715(a) of the Commission's rules of practice, the  
11 Board has the discretion to entertain, from any person  
12 who is not a party to the proceeding, a written or  
13 oral statement of his or her position on the issues in  
14 the proceeding.

15 This provision, which was first adopted as  
16 part of the agency's hearing rules back in 1962,  
17 recognizes there is a need to provide an opportunity  
18 for input from members of the public who, despite not  
19 having sought party status, have an interest in the  
20 subject matter of the proceeding.

21 As we indicated in the April 19 and June 7  
22 notices that were published in the Federal Register  
23 scheduling this and other sessions, limited appearance  
24 statements do not form part of the evidentiary record  
25 of the proceeding upon which the Board must rely in

1 making decisions on the merits of the issues proffered  
2 by the intervening parties.

3 Nonetheless, we also recognize in that  
4 notice the public's limited appearance statements may  
5 help the Board and/or the parties in their  
6 deliberations in connection with the issues to be  
7 considered in this proceeding. Indeed, as you can  
8 see, like the Board, a number of the parties to this  
9 proceeding are here to listen to what is said this  
10 afternoon.

11 In this regard, I'd like to take a second  
12 now to have the representatives of the parties  
13 identify themselves for the record. Why don't we  
14 begin with counsel or the representatives for the  
15 intervenors, then Private Fuel Storage, and then the  
16 NRC staff.

17 MS. NAKAMURA: Connie Nakamura  
18 representing the State of Utah. Dr. Diane Nelson,  
19 also with the State of Utah, is in the audience.

20 JUDGE BOLLWERK: All right. Would the  
21 representatives of Skull Valley like to identify  
22 themselves?

23 MR. BEAR: I'm Leon Bear, Chairman for the  
24 Confederated Tribes of the Goshute Reservation and  
25 Beverly Slack here, assistant.

1 JUDGE BOLLWERK: Mr. Silberg?

2 MR. SILBERG: Jay Silberg from the law  
3 firm of Shaw & Pittman. We are counsel to Private  
4 Fuel Storage. And with me at the table there is John  
5 Danell who is the project manager for the Private Fuel  
6 Storage facility.

7 JUDGE BOLLWERK: Thank you, sir. And Miss  
8 Marco?

9 MS. MARCO: I'm Catherine Marco. I  
10 represent the NRC staff.

11 MR. BOLLWERK: Thank you very much.

12 As you can tell, we are somewhat familiar  
13 with each other. We spent the last week basically  
14 locked in this room together, so we are familiar with  
15 one another.

16 In this regard, let me emphasize again  
17 this is an opportunity to hear from those interested  
18 individuals who are not formally involved in this  
19 proceeding as parties. Consequently, the admitted  
20 parties will not be making statements here this  
21 afternoon. Rather, like the Board, they are here to  
22 listen.

23 Let me make a statement for a couple  
24 seconds about the procedure that we will use for  
25 allowing you to make a statement. We had some

1 individuals who preregistered and will be afforded an  
2 opportunity to speak first at this session. Once we  
3 have heard from those individuals, we will move on to  
4 anyone who registers here this afternoon. For anyone  
5 that wishes to make a statement, in the back of the  
6 room is a clipboard with a sheet to write your name  
7 and affiliation, if any. We will collect the sheets  
8 from time to time and call the speakers in the order  
9 in which they sign in. If you have not preregistered,  
10 you must sign in if you wish to speak.

11 We will keep a watch on the time each  
12 speaker is taking and advise you when you need to  
13 conclude your remarks. Given the number of  
14 preregistrations and the size of the audience  
15 presently, we will begin permitting statements of up  
16 to five minutes. However, if we see that the list of  
17 speakers is growing, we reserve the right to shorten  
18 the time allotted for each presentation, to ensure  
19 that everyone who wishes to speak has an opportunity  
20 to do so.

21 Additionally, if there comes a point in  
22 the session in which all those present desiring to  
23 make a statement have been heard from, the Board  
24 reserves the right to adjourn the session before the  
25 noticed ending time.

1           Also, I think it is important to allow the  
2 Board and parties to hear fully the remarks of each  
3 speaker without intrusions. Accordingly, I would ask  
4 that you respect each individual's right to address  
5 the Board by not interrupting their comments with your  
6 own verbal comments or other sounds either supporting  
7 or opposing the viewpoint being espoused.

8           Two final points. So that everyone is  
9 aware of the schedule, the session is to conclude at  
10 approximately 4:00 p.m. Another session will be  
11 conducted this evening from 7:00 to 9:30 p.m. and a  
12 third session will be tomorrow, Saturday, June 24,  
13 from 1:00 to 4:00 p.m.

14           Also, as we indicated in the June 7 notice  
15 regarding this hearing, limited appearance sessions  
16 initially scheduled for Friday, June 30 and Saturday,  
17 July 1, in Tooele, Utah, have been postponed and will  
18 be rescheduled at a later date. Anyone, however, is  
19 free at any time to submit a written limited  
20 appearance statement setting forth their views  
21 regarding this proceeding by mailing it to the NRC  
22 Office of the Secretary, Rulemakings and Adjudications  
23 Staff, U.S. Nuclear Regulatory Commission, Washington,  
24 D.C., 20555-0001; also e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
25 or by fax to 301-415-1101. There should also be a

1 copy of that statement sent to the Chairman of the  
2 Licensing Board at Mail Stop T-3F23, Nuclear  
3 Regulatory Commission, Washington, D.C., 20555-0001,  
4 e-mail gpb@nrc.gov, or by fax at 301-415-5599.

5 And I should mention in the back of the  
6 room there are press releases that have all this  
7 information if you wish to pick one up as you are  
8 coming and going today. With this explanation, do  
9 either of the judges have anything they wish to say?

10 JUDGE LAM: If I may add, all the limited  
11 appearances statements will be transcribed and a  
12 transcript will be made available to the licensing  
13 board members.

14 JUDGE BOLLWERK: All right. Anything else  
15 for Judge Kline?

16 JUDGE KLINE: No.

17 JUDGE BOLLWERK: If there's nothing else,  
18 I think we are ready for the first statement we had  
19 scheduled for this afternoon. The first speaker I  
20 have is Sandy Martin Kester, K-E-S-T-E-R, on behalf of  
21 Congressman James V. Hansen.

22 JUDGE BOLLWERK: Did I spell and pronounce  
23 your name correctly?

24 MS. KESTER: You did.

25 JUDGE BOLLWERK: Good afternoon and

1 welcome. You have a choice: You can sit in a chair  
2 or stand at the podium, whatever you prefer.

3 MR. KESTER: I will stand here. That's  
4 fine.

5 JUDGE BOLLWERK: All right.

6 MR. KESTER: I'd like to read a statement  
7 of Utah First Congressional District Congressman James  
8 Hansen to the Atomic Safety and Licensing Board.

9 As the Representative of the First  
10 congressional District of Utah, as a senior member of  
11 the House Arms Services Committee, and as the Chairman  
12 of the House Subcommittee on National Parks and Public  
13 Lands, I most vigorously oppose the licensing,  
14 construction, and operation of any high level nuclear  
15 waste storage facility in Skull Valley, Utah. I  
16 believe this proposal is bad public policy, dangerous  
17 to our national security and the economy of Utah,  
18 fundamentally unsafe, and possibly illegal.

19 I believe strongly that it is bad public  
20 policy to consider any "temporary" high level storage  
21 facility before final determination of the permanent  
22 depository location is concluded. Moving this waste  
23 twice will greatly increase both the costs and risks  
24 of the entire program. In addition, there is no  
25 guarantee that this facility will be temporary and as

1 such any determination should be made with the full  
2 rigor of a permanent depository. The Skull Valley  
3 proposal does not meet that much higher standard.

4 Locating a high level nuclear waste  
5 storage facility under a critically important and very  
6 active military test and training range that is not  
7 already burdened with such restrictions is harmful to  
8 national security and dangerous to the local  
9 population. The Secretary of the Air Force and the  
10 Air Force Chief of Staff have repeatedly testified  
11 that the Utah Test and Training Range, UTTR, including  
12 the airspace over the proposed facility site, is an  
13 irreplaceable testing and training area. The  
14 continued unrestricted availability to this unique  
15 national asset is critical to the Air Force's military  
16 readiness.

17 With this in mind, I was shocked to see  
18 that the agencies consulted for the Draft EIS did not  
19 include the Department of Defense or the Department of  
20 the Air Force. The NRC did consult the Census Bureau,  
21 but not the Pentagon. I find this to be a gross  
22 oversight and reason enough to reject the entire  
23 draft.

24 With or without air space restrictions,  
25 the nature of the proposed facility creates an

1 unacceptable risk that the Air Force will be forced to  
2 curtail operations in the area in the future. Any  
3 loss of access in this area will have a significant  
4 and negative impact on the United States Air Force  
5 mission and military readiness. For instance, if the  
6 area is identified on an area planning guide, thereby  
7 requiring the Air Force to implement special flight  
8 restrictions, then it would likely result in an  
9 "avoidance" standing order. While the NRC would not  
10 technically have restricted the air space, the Air  
11 Force would restrict use to ensure compliance.

12 In addition, tests of unmanned long-range  
13 cruise missiles and other emerging, large footprint  
14 weapons are permitted and have been conducted within  
15 one mile of the site. By the nature of these tests,  
16 accidents do happen. Just last year, a cruise missile  
17 crashed in the same military operating area beneath  
18 which the PFS facility is proposed. Over the last  
19 decade, there have been over a dozen crashes of F-16  
20 fighters and other military aircraft within the UTTR.  
21 Nuclear waste storage and military bombing and test  
22 ranges simply should not be mixed.

23 I passed a law in 1999, section 2815 of  
24 the National Defense Authorization Act, which directed  
25 the Secretaries of Defense, Interior, Air Force, and

1 Army to conduct a study to evaluate the impact upon  
2 military training, testing, and operational readiness  
3 of any proposed changes in land management of the Utah  
4 national defense lands, which includes all of the land  
5 beneath the UTTR. That study has not been completed,  
6 and as such no planning by the Department of Interior  
7 for any purpose can proceed on these lands. I have  
8 attached a letter from the Department of Interior's  
9 Office of the Solicitor which clearly states this  
10 legal opinion.

11 In addition to its impact on military  
12 readiness and national security, restrictions on the  
13 operation of the UTTR would have devastating  
14 consequences for the economy of Utah. Weakening of  
15 the UTTR will cripple the military value of Hill Air  
16 Force Base and subject it to possible closure in a  
17 future round of base closures. With nearly 15,000  
18 direct employees and billions of dollars in annual  
19 economic impact, any negative impact on Hill Air Force  
20 Base must outweigh any marginal economic benefit of  
21 the Skull Valley facility.

22 As many others have pointed out, this  
23 proposal is risky and unsafe. The combination of  
24 nearby military ranges, questionable seismic data, and  
25 its vicinity to the chemical weapons storage and

1 demilitarization facility in Tooele is a recipe for  
2 disaster. Dry cask storage at the generating reactor  
3 sites until a permanent storage facility, such as  
4 Yucca Mountain, can be completed is clearly the safer  
5 and less expensive alternative.

6           Lastly, I am very concerned about the  
7 financial irregularities of this deal. I will be  
8 bringing the full and proper oversight powers of the  
9 House of Representative's Resources Committee to bear  
10 on this request. I am also initiating action to begin  
11 a legal review of the financial deal struck between  
12 PFS and some members of the Skull Valley Band of  
13 Goshutes. This legal investigation will also examine  
14 the failure of the Bureau of Indian Affairs to ensure  
15 all aspects of this proposal complied with federal  
16 law, DOI and BIA regulations.

17           This brief overview only begins to outline  
18 my objections to this proposal. I will continue to do  
19 all that is within my power to ensure that no  
20 temporary high level nuclear waste storage facility  
21 will be located in Skull Valley, or indeed anywhere in  
22 the state of Utah.

23           JUDGE BOLLWERK: The next speaker I have  
24 is Mr. Steve Erickson, E-R-I-C-K-S-O-N, on behalf of  
25 the Downwinders, Incorporated.

1 MR. ERICKSON: Thank you, your Honor. I  
2 brought an escort, and a prop, if you don't mind.

3 JUDGE BOLLWERK: No.

4 MR. ERICKSON: I understood we were to be  
5 here for an unofficial evidentiary ground breaking,  
6 but I guess I wound up being mistaken. It seems that  
7 there are some 12,000 people gathering with their  
8 shovels on a remote river in Elko, Nevada so I figured  
9 at least there ought to be one Utahan who knows what  
10 kinds of tools you need to clean out a stable.

11 You know, when I get a little nervous or  
12 sometimes scared, certainly disoriented by life's  
13 absurdities, I like to sing a little ditty, and I'd  
14 like to share that with the audience just in case they  
15 find it useful to them when they are in these spots.  
16 So if I could have some assistance in distributing  
17 these, that would be wonderful.

18 You all know this song. It is the "Green  
19 Acres" song. Da-da, da-da-da. You know how that  
20 goes. So I thought it was appropriate. "Land  
21 spreadin' out so far and wide." I can see we are all  
22 in good, humorous mood here today. So I will just  
23 roar right along.

24 What I have prepared as my testimony --  
25 and I will submit the "Green Acres" song as written

1 testimony for Downwinders, if I may. I thought we  
2 might just lighten you all up a little bit. It's been  
3 a long week, I'm sure, your Honors. So I thought we  
4 could discuss the top ten ways to deal with nuclear  
5 waste.

6 Number ten: What nuclear waste?

7 Number nine: Forget about it, dude.

8 Like, duh, as if.

9 Number eight: Let the next seven  
10 generations deal with it.

11 Number seven: Store it in a think tank.

12 Number six: Dig deeper.

13 Number five: Put iodized salt in your  
14 fluoridated water.

15 Number four: Transmutate - it's  
16 evolutionarily cool.

17 Number three: Drop the moat, just invade  
18 the Goshutes - what's another broken treaty?

19 Number two: Screw Nevada - it's legal.

20 And number one best way to deal with  
21 nuclear waste: Dump it on Mike Leavitt's dead body.

22 The reason for these antics, and it's not  
23 generally my style, is there's no point in discussing  
24 the issues with an agency that has already made up its  
25 mind. What the point ought to be is it is time to

1 examine abolishing the NRC. This process has not been  
2 fair. It's not been open. It's not been public. And  
3 to throw a public hearing following all of these  
4 closed door evidentiary hearings, to put a pastiche of  
5 legality and fairness over this entire process, we  
6 find offensive and worthy of the sort of camp that we  
7 are witnessing here, at least from one speaker.

8           One thing I will say: The last  
9 opportunity for the public to have any kind of  
10 participatory influence in this process, if that's  
11 even possible, is through the NEBA process, the DEIS  
12 process. So what has the NRC done with DEIS? First,  
13 they make it awfully unavailable. How many copies did  
14 the state of Utah get? I heard three. There's at  
15 least a dozen other agencies that have to review this  
16 project just for the state of Utah. So if I get lucky  
17 enough to land a copy myself, I will certainly be at  
18 the hearings to comment and we will submit more or  
19 less funny, hopefully, comments at that time.

20           But there's also only two hearings: One  
21 in Salt Lake and one in Grantsville, three hours each  
22 at 7:00 p.m. That's absurd. This is a national  
23 project. Every origin city and every major transport  
24 corridor city needs to be given the same opportunity  
25 as the people in Grantsville, as the people in Salt

1 Lake to comment on the DEIS. So if you are to go out  
2 and print up a few more, maybe that would be a nice  
3 last act for an agency that has been a bad act for a  
4 long time.

5 We know in Utah who you are the progeny  
6 of, and that is the Atomic Energy Commission. And we  
7 remember quite well the deliberate decisions of the  
8 AEC resulting in massive exposures of Americans all  
9 across the country, with sickness and death following  
10 downwind and with AEC lies for 40 years. This process  
11 needs to end here and go back to the beginning.

12 There's no excuse for this Nuclear  
13 Regulatory Commission to act as the Nuclear  
14 Representation Commission. Do your jobs as regulators  
15 or be honest with yourselves and just go to work for  
16 the industry. At least that would be showing some  
17 integrity to a process that so far has had none.  
18 Thank you.

19 THE COURT: Thank you, Mr. Erickson. The  
20 next speaker I have is Jeri Roos, R-O-O-S. Did I  
21 pronounce that correctly?

22 MS. ROOS: You did.

23 I know you are authorities on nuclear  
24 energy and waste and I don't want you to think that I  
25 am in any way attacking your or challenging your

1 knowledge. I want only to express my feelings as a  
2 citizen of this state as I have observed this whole  
3 process. Sometime ago I read, about a year ago I read  
4 in the paper that one of the representatives of  
5 Private Fuel Storage said the people of Utah do not  
6 care if nuclear waste is brought here. I was  
7 astounded. And so -- because I do not want it brought  
8 here. And so I decided to find out how my peers  
9 felt.

10 I started discussing it with them and I  
11 think one gentleman summed it up when he said, "Oh,  
12 don't worry. They would never allow them to store it  
13 there. It is a seismically active area." I think  
14 that statement represents the feelings of most  
15 Utahans. Everyone I have talked to has been, and  
16 there are many, have been concerned about this. So  
17 I'm here to tell you the people of Utah do care and we  
18 do not want it here.

19 I feel very sorry for those who were so  
20 short-sighted that they were willing to sell a  
21 wonderful state for a few pieces of gold; that they  
22 are selfish in not thinking about future generations.  
23 I have a hard time understanding why it is necessary  
24 to move this waste from one temporary site to another  
25 temporary site in view of the fact that the general

1 accounting office and the Department of Energy have  
2 both determined there is sufficient temporary storage  
3 capacity already existing at the power plants which  
4 generate the waste. Why, then, are we providing  
5 another temporary site? That just doesn't make  
6 sense. Every time those casks are moved, there is a  
7 potential for danger and damage to them. I would  
8 think we would want to move them as little as possible  
9 and then only as a last resort, which this is not.

10 It would appear that there are possibly  
11 two explanations for this. Neither justifies moving  
12 them. One, no doubt, is that the larger states with  
13 larger populations who have been enjoying the cheaper  
14 energy have more political clout than Utah. The other  
15 possible answer is called greed. No doubt someone  
16 stands to make a lot of money on this, and they have  
17 total disregard for the safety of millions of people,  
18 not only in Utah but in other parts of the nation and  
19 for the future generations of this state. The states  
20 that have benefitted from the cheaper energy knew that  
21 this would be a problem, but they went ahead with it  
22 anyway. They have enjoyed the cheaper energy and now  
23 they should do the moral thing and store it until the  
24 Federal Government finds a permanent solution. It is  
25 misleading to say this is temporary when they know

1 full well that once it is here, the pressure will be  
2 off and it will become a permanent site.

3 Any waste that is produced in Utah should  
4 be stored in Utah. Conversely, any waste produced in  
5 California, New York, New Jersey or wherever, should  
6 be stored in those states until the federal government  
7 has solved the permanent problem. Utah has the  
8 uranium waste in Moab that will be stored in Utah.  
9 Utah was left with the Atlas fiasco in southern Utah.  
10 The tailings will be stored in Utah. Other people in  
11 other states don't much care about our problems. They  
12 are ours to deal with. That is as it should be. And  
13 other states should follow suit and accept their  
14 responsibilities, as well. It is unfair to push it  
15 onto us just because we don't have the political clout  
16 that larger populated areas do.

17 Utah, Tooele in particular, is fast  
18 becoming the garbage dump of the nation. We have a  
19 low level radioactive landfill out there, another  
20 company deal with hazardous waste, Dugway Proving  
21 Grounds, the Army Chemical Weapons Incinerator,  
22 disposing of the nation's largest supply of nerve  
23 gas. The army tests biological and chemical agents  
24 out there. We have the uranium waste in Moab, the  
25 contaminated tailings in Atlas. The list goes on and

1 on.

2           Some of it was produced in Utah. Some of  
3 it was not. For that that was not, we are trying to  
4 do our part to help make the world a safer place by  
5 burning the nerve gas. But enough is enough. We have  
6 done our share. Private Fuel Storage, ensures that  
7 dry cask storage is safe. Maybe it is. If it is so  
8 safe, then it would be safe to store it where it was  
9 produced. I submit to you, however, that 14 years is  
10 not a very long test for dry cask technology.  
11 Apparently there are others who agree with me or they  
12 would not be willing to spend millions or billions of  
13 dollars to store it in someone else's backyard. They  
14 would have no qualms about storing it on site and  
15 saving all that money.

16           In the event you do grant Private Fuel  
17 Storage permission to store it here, which you  
18 shouldn't because I'm sure you realize the injustice  
19 of it, the people of Utah are entitled to some  
20 production. If it is so safe, there should be no fear  
21 on the part of the Nuclear Regulatory Commission nor  
22 the Private Fuel Storage to make every member utility  
23 company that forms Private Fuel Storage individually  
24 liable to the full extent of the assets of each  
25 individual company so that the people of Utah will not

1 be left holding the bag again, as they were in the  
2 Atlas incident. If it's so safe, I would think that  
3 this would be the least assurance that we are entitled  
4 to.

5 Furthermore, I should think that the state  
6 should be entitled to the financial information of  
7 Private Fuel Storage. They should be bonded so that  
8 Utah knows that they are able to finish whatever they  
9 start. How is Utah supposed to respond when the  
10 information they need is withheld? It makes one  
11 wonder what they are trying to hide when it's not  
12 available for public scrutiny. If we are concerned  
13 about the well-being of the citizens of this or any  
14 other state, Private Fuel Storage should also be  
15 required to meet the same standards as the Department  
16 of Energy shipments of radioactive waste. All it  
17 takes is one mistake and there could be very serious  
18 consequences. They should be subject to meeting the  
19 requirements of the Nuclear Waste Policy Act.

20 I also protest that it would be  
21 transported through the highly populated areas of the  
22 Wasatch Front, and along our precious and valuable  
23 water sheds.

24 It is obvious that this is a very  
25 ill-conceived idea; not only to Utah, but to other

1 people in communities that will be endangered during  
2 transit. Common sense dictates that we do not move it  
3 from one temporary site to another temporary site when  
4 the first is still adequate. If it is so safe, it  
5 should stay where it is until the federal government  
6 has solved the problem. Thank you.

7 JUDGE BOLLWERK: Thank you very much for  
8 coming and speaking with us today.

9 Our next speaker is Mr. John E. Tanner,  
10 T-A-N-N-E-R, Jr., on behalf of Coalition 21.

11 MR. TANNER: Thank you. My name is John  
12 Tanner, as mentioned. I live in Idaho Falls. I  
13 retired four years ago from the Idaho National  
14 Engineering and Environmental Laboratory, a large  
15 nuclear facility in southeastern Idaho. I am  
16 presently secretary of Coalition 21, a pro-nuclear  
17 volunteer organization centered in Idaho Falls.

18 The issue at hand does not in any  
19 foreseeable way affect Idaho. We have never received  
20 spent nuclear fuel from commercial reactors except for  
21 two or three one-of-a-kind reactors located in  
22 Colorado and Pennsylvania. And we won't receive spent  
23 commercial fuel in the future because of an agreement  
24 made in Federal Court between the state of Idaho, the  
25 Department of Energy, and the Navy which, among other

1 things, prohibits bringing spent fuel from commercial  
2 reactors into Idaho.

3 My interest, and the interest of others in  
4 our organization, is to help increase public  
5 understanding of nuclear issues and ease the mindless  
6 fears of everything nuclear in Idaho, in Utah, and  
7 elsewhere. You have already been told many times that  
8 storage and interstate transport of fresh and  
9 irradiated nuclear fuel and other radioactive  
10 materials is common and has been going on for  
11 decades. If that was news to you, it is because it  
12 hasn't caused any problems and has been outside your  
13 sphere of influence, of interest, until recently.

14 Since the late 1950s, we at the INEEL in  
15 Idaho have received about 370 tons of spent nuclear  
16 fuel from noncommercial nuclear reactors. We still  
17 have most of it or its waste, and we expect to have it  
18 for several decades more. Neither the transport of  
19 this fuel to us nor its storage by us has caused any  
20 environmental or health problems, and those of us  
21 familiar with it don't expect such problems in the  
22 future. I admit that many Idahoans in other parts of  
23 the state are unhappy about us having this spent  
24 fuel. Being far away from it, they simply partake of  
25 the vague but strong public fears of anything

1 nuclear.

2           However, I strongly suspect that safety is  
3 not really your concern. Rather, it is an image  
4 problem. Waste of any kind is unpopular, and nuclear  
5 waste in particular. If a person here doesn't know  
6 anything else about the Private Fuel Storage project,  
7 he knows that nobody else wants it, or at least nobody  
8 who has been asked. Although one group did consider  
9 it very seriously. Nobody likes to have to take  
10 something others have rejected.

11           Why do others reject it? Again, because  
12 nobody else wants it. These things go around in a  
13 circle in the absence of understanding. Even after  
14 this project is up and running, Utah will not be  
15 alone. Nuclear utilities across the nation will still  
16 be storing their spent fuel themselves during its most  
17 radioactive years, when it is just out of the reactor  
18 and must be in water storage, before it can be put in  
19 dry storage. And we will still have our noncommercial  
20 spent fuel in Idaho. None of this should cause health  
21 or environmental problems and most of you will soon  
22 forget about it. Meanwhile, the slow progress toward  
23 a permanent disposal site will hopefully continue.

24           However, I will add that those of us who  
25 are concerned about this nation's future energy

1 supplies would prefer to see the uranium and plutonium  
2 salvaged from that fuel for recycle before the actual  
3 waste part of it is buried. Thank you.

4 JUDGE BOLLWERK: Thank you, sir, for  
5 appearing before us today.

6 The next speaker is Jay Scott Peterson,  
7 P-E-T-E-R-S-O-N, senior director at the Nuclear Energy  
8 Institute.

9 MR. PETERSON: Good afternoon.

10 JUDGE BOLLWERK: Good afternoon.

11 MR. PETERSON: My name is Scott Peterson.  
12 I am senior director at the Nuclear Energy Institute,  
13 which is an organization that represents 270 companies  
14 involved in a broad spectrum of nuclear technologies.  
15 I'd just like to take a few minutes to summarize  
16 nuclear energy's benefits before moving on to the fuel  
17 management issues.

18 Today, America's 103 nuclear power plants  
19 are the safest, most efficient and reliable in the  
20 world and they produce about 22 percent of our  
21 electricity. Nuclear energy is the largest source of  
22 emission-free electricity generated in the United  
23 States, and the industry last year reached unsurpassed  
24 levels of outstanding safety and efficiency. Through  
25 the interconnected grid of electric transmission

1 wires, many western states used electricity produced  
2 at nuclear power plants in California, Washington, and  
3 Arizona.

4 Efficiency improvements at nuclear power  
5 plants have increased dramatically over the last  
6 decade, adding the equivalent of about 16 large power  
7 plants to our grid. Nuclear power plants in 1999  
8 produced 728 billion kilowatt hours of electricity, an  
9 all-time record. That record production level  
10 continues this year, just as the environmental  
11 benefits to be gained from continued reliance on  
12 nuclear energy continue to be recognized by many  
13 policymakers who must balance both energy policy and  
14 environmental imperatives for the future.

15 Each year, nuclear power plants in 31  
16 states play a significant role in improving air  
17 quality. These plants each year avoid approximately  
18 5.1 million tons of sulfur dioxide emissions, 2.4  
19 million tons of ozone-causing nitrogen oxide  
20 emissions, and 150 million metric tons of carbon. To  
21 put that in perspective, the carbon avoided alone is  
22 like taking 99 million cars off the road for an entire  
23 year. These avoided emissions help meet federal Clean  
24 Air Act emission reduction goals and help improve air  
25 quality in western cities such as Los Angeles and

1 Phoenix.

2 U.S. electricity demand is expected to  
3 increase in the future by 50 to 75 percent in the next  
4 decade alone, and we will need to maintain and even  
5 increase the 30 percent share of electricity  
6 production from emission-free electricity sources such  
7 as nuclear energy, solar, hydro, and wind power. Of  
8 these sources, nuclear energy accounts for two-thirds  
9 of all emission-free electricity and it is the only  
10 expandable large-scale electricity source that  
11 protects our air quality and meets the energy demands  
12 of a growing, modern economy.

13 Every electric production technology has  
14 by-products it must manage. As part of safely  
15 managing the by-products producing electricity at  
16 nuclear power plants, the Federal Government has a  
17 long-standing legal responsibility for deep geologic  
18 disposal of used nuclear fuel as well as the  
19 by-products of defense-related activities as part of  
20 long established U.S. national policy. In 1982, the  
21 Nuclear Waste Policy Act codified federal policy for  
22 developing a disposal facility that will safely manage  
23 those by-products for thousands of years. In 1987,  
24 Congress focused the repository study on a site at  
25 Yucca Mountain, Nevada and DOE is committed to

1 providing a decision on whether to recommend Yucca  
2 Mountain to the president in the summer of 2001.

3 Because of DEO's delay in meeting the 1998  
4 commitment to manage fuel at a federal site, some  
5 nuclear power plants are running out of storage  
6 capacity at their sites. Some of these plants are  
7 unable to expand their capacity to store fuel on site  
8 and must move used nuclear fuel to a regional storage  
9 facility like the one envisioned by Private Fuel  
10 Storage. This temporary storage technology has been  
11 demonstrated safe at 21 nuclear power plant sites that  
12 have been operating similar facilities since the late  
13 1980s.

14 PFS and other storage facilities, whether  
15 independent used fuel storage facilities operated by  
16 electric companies or private storage ventures, are  
17 not a substitute for a permanent disposal facility.  
18 They are a temporary solution until a permanent  
19 disposal facility is operated. The industry and  
20 federal policy remains committed to the development of  
21 an underground, permanent disposal facility for used  
22 nuclear fuel. If the president approves the Yucca  
23 Mountain site, disposal would begin as early as 2010  
24 according to DOE's current schedule. Let me add  
25 during operation of these on-site fuel storage

1 facilities, there's never been a release of radiation  
2 to the public.

3 The containers that PFS proposes to use at  
4 the fuel storage facility have been certified by the  
5 Nuclear Regulatory Commission to meet federal safety  
6 standards. These robust containers are designed and  
7 built to meet NRC regulations that ensure they will  
8 protect the public and workers. As part of meeting  
9 the NRC's regulations for container design and  
10 construction, the company that manufactures the  
11 container had to demonstrate, using both computer  
12 modeling and physical testing, that the container  
13 systems would perform as designed under normal use as  
14 well as under extraordinary conditions such as  
15 earthquakes, fires and explosions, and transportation  
16 accidents.

17 Allow me to address transportation of used  
18 fuel from their power plants to the proposed storage  
19 facility. The nuclear energy industry and others  
20 responsible for used nuclear fuel shipments have  
21 established an exemplary safety record. More than  
22 10,000 used fuel assemblies have been transported in  
23 more than 3000 nuclear fuel shipments since 1964. No  
24 fatalities, injuries, or environmental damage have  
25 occurred because of the radioactivity of the cargo.

1           Using existing container technology, the  
2 nuclear energy industry and others responsible for  
3 nuclear fuel shipments have established an exemplary  
4 safety record. Used nuclear fuel shipments travel  
5 along Department of Transportation-designated highway  
6 routes or by rail. However, states also may designate  
7 dedicated highway routes for transportation of  
8 radioactive materials.

9           The Nuclear Regulatory Commission and the  
10 Department of Transportation strictly regulate the  
11 shipment of used nuclear fuel and other radioactive  
12 materials. These strict controls along with the  
13 robust designs of fuel containers are reasons why no  
14 harmful levels of radioactivity have been released in  
15 the eight transportation accidents in 35 years  
16 involving radioactive materials.

17           According to these NRC regulations, the  
18 radiation level of containers during shipment cannot  
19 exceed 10 millirem per hour at a distance of about six  
20 feet from the truck. At this level, a person who  
21 spends 15 minutes standing 6 feet away from a vehicle  
22 carrying radioactive materials would receive about 2.5  
23 millirems of radiation. To put this in comparison,  
24 the average person receives about 10 millirem from a  
25 dental x-ray, and in Utah more than 300 millirem each

1 year from natural background sources.

2           Transportation Department regulations  
3 require shippers to use the most direct routes for  
4 hazardous material shipments, taking advantage of  
5 interstate highways and bypasses that avoid large  
6 cities. States also can work with the Department of  
7 Transportation to establish preferred highway routes  
8 and time periods for shipments. Eleven states have  
9 submitted preferred routes to DOT. The transporter  
10 must comply with regulations that may require specific  
11 state notification, weight limits and time of day  
12 restrictions.

13           Experience has shown that a small number  
14 of accidents will happen during transportation so used  
15 fuel containers are engineered to meet high safety  
16 standards established by the NRC.

17           Used fuel storage facilities like Private  
18 Fuel Storage have been safely operated at nuclear  
19 power plants for many years. These facilities use  
20 proven, independently reviewed container technology to  
21 safely store used fuel rods. NEI supports this  
22 project as a temporary solution to safely and  
23 efficiently manage used nuclear fuel until a federal  
24 disposal facility is built and operating, expected as  
25 early as 2010.

1 Thank you very much.

2 JUDGE BOLLWERK: Thank you for addressing  
3 us today.

4 The next speaker is Robert Jones, a  
5 consultant in hazardous materials handling, appearing  
6 on behalf of the nuclear energy industry.

7 MR. JONES: To the audience, please excuse  
8 my back. Nothing personal.

9 Thank you for the opportunity to appear  
10 here today. My name is Robert Jones and I am a  
11 consultant in the field of radioactive material  
12 handling, packaging, storage, transportation, and  
13 disposal. My principal expertise is in the area of  
14 used nuclear fuel and high level radioactive waste. I  
15 have been in the nuclear field for 34 years, the last  
16 21 of which as a consultant. My clients include the  
17 nuclear industry, select national labs, and the  
18 Department of Energy. The statement is being offered  
19 on behalf of the nuclear energy industry.

20 Transportation of used fuel in  
21 transportable storage containers to the PFS facility  
22 has generated unwarranted concern on the part of the  
23 State of Utah and other interests opposed to this  
24 project. A better understanding of the defense  
25 in-depth philosophy as applied to used fuel shipping

1 should allay these public concerns and improve public  
2 perception on this vital aspect of used fuel  
3 management.

4 I will direct my comments in two areas.  
5 The first is the general subject of used nuclear fuel  
6 transportation safety. Transportation of used fuel  
7 has an enviable record of safety, one that is  
8 unmatched in the transportation business. In 50 years  
9 of transporting these materials, there have been no  
10 content releases and no injuries or deaths due to the  
11 hazardous nature of the materials. There have been a  
12 few events that might be called routine transportation  
13 accidents unrelated to the cargo.

14 Between 1971 and the present, a period  
15 over which more detailed records have been kept, there  
16 have been, as you just heard from Scott, eight such  
17 routine accidents, four rail and four highway. And of  
18 course this is out of many thousands of shipments. In  
19 excess of 3000. It is interesting to note that of  
20 those eight accidents, four of them actually involved  
21 empty containers. None of the accidents were so  
22 severe as to even approach the built-in safety design  
23 of the containers, or casks as they are commonly  
24 called. The international record is equally  
25 impressive where the number of shipments is in the

1 tens of thousands, greatly exceeding our domestic  
2 activity.

3 Now, this superb safety record did not  
4 happen by chance. There are many factors that  
5 collectively contribute to it. First there is a  
6 comprehensive regulatory environment governing the  
7 design, construction, testing, operation, and  
8 maintenance of these containers and their transport  
9 systems. The U.S. Nuclear Regulatory Commission and  
10 the Department of Transportation both establish  
11 regulations relating to the spectrum of activities  
12 associated with the packaging and shipping of  
13 radioactive materials. State and local agencies also  
14 participate in the regulation of some of these  
15 activities. The used fuel shipping containers are  
16 designed to withstand federally mandated accident  
17 conditions that include high-speed impact, puncture,  
18 high temperature fire, and water submergence.

19 Containers must demonstrate that they can safely  
20 contain the used fuel and prevent any radioactive  
21 contents from being released even when subjected to  
22 the sequential application of the drop, puncture,  
23 fire, and submergence tests. International  
24 regulations under the International Atomic Energy  
25 Agency mirror those of the United States.

1           Second, the design and analysis of  
2 containers are to national standards using  
3 state-of-the-art proven numerical methods that have  
4 been benchmarked against real world conditions. The  
5 designer's safety analysis report for the container is  
6 independently reviewed by the Nuclear Regulatory  
7 Commission, and only when the NRC is satisfied that  
8 the container complies with the regulations will it  
9 issue a license or certificate of compliance. This  
10 allows qualified organizations to use the containers.

11           To meet these rigorous regulatory  
12 criteria, the containers must be extremely rugged.  
13 These containers are made of thick-walled metallic  
14 components with massive bolted lids. Often there are  
15 two lids. The lids and other components are protected  
16 by impact limiters. These are large, crushable  
17 structures fixed to the containers that provide yet  
18 another layer of protection in the event of a severe  
19 accident.

20           Third, rigorous quality assurance programs  
21 govern all of the activities from design and analysis  
22 through operation and maintenance. These QA programs  
23 are based on national standards and are approved by  
24 the NRC. The QA programs for storage and  
25 transportation containers for nuclear fuel are as

1 stringent as those applied to nuclear power plant  
2 construction.

3 Fourth, the NRC conducts an audit program  
4 that periodically examines the records and operations  
5 of those companies that design, construct, and operate  
6 the radioactive material shipping containers. This  
7 program is in addition to the internal audit  
8 commitment made and executed by each company under its  
9 quality assurance program.

10 Lastly, the operators of the  
11 transportation system, that is the container owners,  
12 the transporters, et cetera, have a well-developed  
13 safety culture. All are keenly aware of the nature of  
14 the commodities being transported and have a  
15 commitment to safety. They understand the  
16 responsibility that they have to the industry workers  
17 and to the public, and they take this responsibility  
18 very seriously.

19 Parenthetically, I can speak personally to  
20 this because I have, in fact, shipped used fuel in my  
21 career. So these factors that I just enumerated have  
22 served the industry and general public well for the  
23 past thirty plus years and will continue to do so.  
24 Continuing advances in analytical methods, materials  
25 research, construction techniques, tracking and

1 logistics, and transportation systems, together with a  
2 refined regulatory environment will assure that future  
3 used fuel shipping will be as safe or safer than what  
4 we have experienced to date. This safety is a  
5 certainty even in light of the greater numbers of  
6 shipments that will be associated with the operation  
7 of the PFS facility, or for that matter even the Yucca  
8 Mountain facility.

9 Thank you very much for your time.

10 JUDGE BOLLWERK: Thank you for appearing  
11 today, sir. The next speaker is Robert R. Loux,  
12 L-O-U-X, the executive director for the Nevada Agency  
13 for Nuclear Projects, Office of the Governor.

14 Did I pronounce that correctly?

15 MR. LOUX: Loux.

16 JUDGE BOLLWERK: All right, sir.

17 MR. LOUX: I am Robert Loux, and I'm  
18 executive director of the Nevada Agency for Nuclear  
19 Projects, and I'm here today representing Governor  
20 Guinn. The agency is in the governor's office in  
21 Nevada.

22 As many of you know, the state of Nevada  
23 has been actively involved with issues surrounding the  
24 management, transportation, storage, and disposal of  
25 spent nuclear fuel and high level radioactive waste

1 for two decades. During that time, we have acquired  
2 considerable experience with both the technical/  
3 programmatic aspects of spent fuel management and the  
4 regulatory/licensing environment.

5 Nevada has a strong interest in the NRC's  
6 licensing procedure for the proposed Private Fuel  
7 Storage facility since this is the first time in  
8 recent years that an away-from reactor, independent  
9 storage facility for commercial spent fuel has been  
10 proposed for construction. The manner in which the  
11 proceedings are carried out and the degree to which  
12 interveners and the public's issues and concerns are  
13 addressed will have a direct bearing on future  
14 licensing processes involving spent fuel storage or  
15 disposal. This is especially relevant to Nevada where  
16 the U.S. Department of Energy is attempting to move  
17 ahead with a high level radioactive waste repository  
18 facility over the state's objections and where an  
19 already skeptical public believes the NRC is  
20 inappropriately collaborating with the Department of  
21 Energy to facilitate licensing of an unacceptable and  
22 unsafe site.

23 Nevada strongly objects to a process where  
24 the rules of evidence appear arbitrary and changeable;  
25 where the Commission's lawyer and staff serve as

1 advocates and literally surrogates for the applicant;  
2 where interveners do not have complete access to  
3 crucial technical information prior to the hearing;  
4 where essential technical and design information is  
5 waived or altered at the last minute; where  
6 proceedings are closed to the public and where  
7 decisions are made regarding which issues will be open  
8 for discussion and which will be decided behind closed  
9 doors; where fundamental adjudicatory requisites such  
10 as full and meaningful discovery, rules of evidence,  
11 cross examination of witnesses and the like are  
12 implemented selectively; and where the NRC is  
13 permitted to treat the state and public as unequal and  
14 less important participants.

15           How can the public have any confidence at  
16 all in a system that embodies the fundamental  
17 contradiction of having the NRC's own staff represent  
18 the interests of the party seeking a license from the  
19 NRC.

20           What we believe needs to be done to remedy  
21 the situation is the NRC must step back from its  
22 applicant advocacy role and become a truly neutral  
23 arbiter of fact.

24           The licensing proceeding itself and the  
25 rules by which it is conducted must be highly

1 structured and formal with clear rules of evidence,  
2 full discovery, and strict limitations on  
3 admissibility of changes to the license application or  
4 facility design without adequate time and opportunity  
5 provided for interveners to review such changes and  
6 prepare for addressing them in the hearing.

7           There is no justification for beginning  
8 the licensing process or awarding a license if the  
9 applicant has not provided complete and final  
10 information on the facility it is proposing.  
11 Exemptions, extensions, and information to be provided  
12 later have no place at the license application stage.  
13 If the applicant is not prepared with final designs  
14 and information, then the NRC should refuse to begin  
15 the process.

16           The public also expects that there will be  
17 full and open disclosure of all information pertaining  
18 to the operation of such a facility. Not just the  
19 information the NCR and the applicant deem  
20 appropriate. Withholding important information  
21 pertaining to financing, leasing and operating  
22 agreements, transportation plans and risks, and other  
23 matters is wholly unacceptable and only serves to  
24 heighten the public's distrust of the NRC and the  
25 entire nuclear facilities regulatory process.

1           A credible NRC licensing proceeding must  
2 also address the issue of need for and appropriateness  
3 of a central interim storage facility for spent  
4 nuclear fuel. It is not enough to simply accept PFS's  
5 assurances that such a facility is necessary.

6 Granting this license will have major national  
7 consequences that extend far beyond the boundaries of  
8 the Goshute reservation where the interim facility is  
9 proposed, and even farther beyond the locations of the  
10 various nuclear power plants from which the spent fuel  
11 will be shipped. It will initiate the largest,  
12 longest, and most intensive spent fuel shipping  
13 campaign ever conducted.

14           Nevada contends that a central interim  
15 storage facility, especially one located in the west,  
16 thousands of miles from most of the country's power  
17 reactors, is not needed; that there is ample space at  
18 reactor locations for storing spent fuel on site; and  
19 that by considering PFS's application for a facility,  
20 NRC is exposing thousands of communities around the  
21 country to transportation risks and impacts that are  
22 not being assessed and that are wholly unnecessary.

23           The only possible justification for even  
24 considering an interim storage facility in the west is  
25 the assumption that Yucca Mountain in Nevada will be

1 proven suitable as a repository site. Such an  
2 assumption, in Nevada's view, is unfounded. We do not  
3 believe that Yucca Mountain can be licensed as a  
4 repository. The site is fundamentally and fatally  
5 flawed. Without wholesale dismantling of radiation  
6 protection standards and health and safety  
7 requirements that this nation embodies, Yucca Mountain  
8 cannot be shown to meet standards required for waste  
9 isolation. Nevada intends to vigorously contest,  
10 using any means necessary, any attempt to recommend  
11 the Yucca Mountain for development as a repository or  
12 to license a disposal facility at the site. For the  
13 purposes of this application, the NRC must assume that  
14 Yucca Mountain will not be developed as a spent fuel  
15 storage repository.

16 Nevada's position is simple: The  
17 licensing process and proceedings historically used  
18 for reactor licensing cannot and should not be  
19 utilized to license permanent or semi-permanent spent  
20 fuel storage disposal or storage facilities. The  
21 public demands and deserves more. Thank you.

22 JUDGE BOLLWERK: Thank you for coming and  
23 talking to us today.

24 MR. LOUX: Thank you.

25 JUDGE BOLLWERK: The next speaker is Mark

1 F. Huebner, H-U-E-B-N-E-R.

2 MR. HUEBNER: Right.

3 JUDGE BOLLWERK: Did I pronounce that  
4 correctly?

5 MR. HUEBNER: That's close enough.

6 JUDGE BOLLWERK: All right.

7 MR. HUEBNER: I'm not here representing  
8 anybody but myself and I appreciate the opportunity to  
9 talk to the SLW and the NRC people. I apologize for  
10 my back, like the previous gentleman did. But I want  
11 you to understand that anything I'm telling these guys  
12 is for your benefit.

13 I'm going to start off with something that  
14 is going to be a little controversial. I know there  
15 are people who worry about radioactivity and  
16 radiation. Nonsense. You ought to get down on your  
17 knees every night and thank the good Lord for  
18 radiation and radioactivity because any geophysicist  
19 will tell you that if it wasn't for the radioactivity  
20 that is inherent in the earth's core, the temperature  
21 of this planet would be about the same as the  
22 temperature of moon, and we wouldn't be here. So  
23 thank God for radioactivity and radiation.

24 Now, I attended the last hearing in '98  
25 and I can say that the audience was subjected,

1 following some additional presentations by some of the  
2 big officers in the state, the audience was subjected  
3 to a tiresome and uninformative parade of Utah State  
4 officials, some anti-nuclear activists, and some  
5 so-called environmentalists, and I will tell you why I  
6 use the term "so-called" later. All of these were  
7 dutifully parroting the position of the Governor, who  
8 opposes this venture.

9 Some people even spoke darkly of possible  
10 cataclysmic nuclear accidents in an awe-struck manner,  
11 a manner reminiscent of Hollywood dialogue in  
12 post-WWII "B" movies about atomic accidents.

13 Now, the most annoying and persistent of  
14 these diatribes appeared to be Utah state worries  
15 about transporting nuclear materials, which ignores  
16 one inescapable but verifiable fact. And I will even  
17 expand on what some of the previous gentlemen talked  
18 about. If you talk to the Department of  
19 Transportation and the USNEC and the international  
20 agencies, there have been hundreds of thousands of  
21 shipments of nuclear materials world-wide in the last  
22 50 years via a great variety of transportation modes,  
23 and although there have been a few accidents have  
24 occurred, not one person has been reported to be  
25 harmed by the radioactivity or contamination of the

1 nuclear material. Not one. So all these scare  
2 scenarios that the state puts up, Congress Hansen puts  
3 up, the anti-nuclear activists put up, is just a bunch  
4 of nonsense. All fear-mongering.

5 Now, all I've got to say is in some  
6 respects these show an unethical respect for the  
7 intelligence of the people of the United States. They  
8 are unethical lies and they are designed to scare the  
9 public into frightened support of the Governor's  
10 opposition to the PFS/Goshute's endeavor.

11 Now, I think it is really curious that a  
12 state that prides itself on being advocates of free  
13 enterprise is denying a business operation between a  
14 sovereign entity like the Skull Valley Goshutes and  
15 private utilities who are serving the nation by  
16 providing electricity. I think it's unethical. I  
17 don't know why a politically conservative governor is  
18 in bed with the leftists, liberal anti-nuke folks, and  
19 being proud of it. And the same with Congressman  
20 Hansen.

21 Now, the previous speaker, Mr. Tanner,  
22 talked about their coalition's motto is "Supporting  
23 Tomorrow's Technology With Facts, Not Fears". I want  
24 you to compare that constructive attitude with the  
25 negativism of most so-called nuclear watchdog groups.

1 I'm a hard-core environmentalist. I'm a  
2 member of the Idaho Academy of Science, twenty or so  
3 or thirty environmental groups. I'm not speaking for  
4 them. I'm speaking for myself as somebody who  
5 combines all those attributes. I'm unequivocally and  
6 wholly in support of nuclear power and I have said  
7 this publicly and I will say it again. If there's  
8 ever another large-scale safe power source that is as  
9 good in those areas as nuclear power, I will be its  
10 biggest advocate. Because we can't stand burning  
11 carbonaceous fuels because of global warming, one of  
12 the world's biggest problems. And I, as a wild water  
13 floater, don't want water dammed to make slack water.  
14 So if there's a power source that is better in those  
15 areas, I will be its biggest advocate.

16 It's a mystery to me, as a hard core  
17 environmentalist -- and I will put my credentials up  
18 as a citizen environmentalist with anybody here in the  
19 audience. My first hearing on environmental issues  
20 was in 1967. I have attended well over a hundred.  
21 And compare that with the people, the so-called  
22 environmentalists who only show up when there is only  
23 some nuclear issue to belabor. Now, I don't see how  
24 any real environmentalist can oppose nuclear power on  
25 environmental grounds. It just doesn't make sense.

1           Now, I think that, summing up, I commend  
2 the Goshutes for taking the initiative to invite PFS  
3 to build a facility on their property. I think it  
4 shows a perception that they are trying to help  
5 another entity out for the benefit of the country, and  
6 that's what it is. And the country and its nuclear  
7 utilities must not be thwarted by those seeking to  
8 delay such needed ventures. Ignore those who  
9 stridently screech about risk where there are no risks  
10 of any consequence, and who prophecy of dire  
11 calamities where scientific and empirical evidence  
12 prove there is no significant hazard. Dismiss those  
13 who talk about environmental concerns when their real  
14 concern, besides keeping cushy jobs, is ignoring that  
15 the most environmentally benign power source is not  
16 being encouraged. Instead, it is being thwarted by  
17 the ignorant, the deceitful, the misinformation  
18 brokers, and the bias of journalists, and by officials  
19 who insist upon referring to engineered nuclear  
20 storage repositories with the pejorative word "dump".

21           Based on my past experience, the NRC will  
22 make the right assessments, stand up and be  
23 forthright, ignoring political influences, and make  
24 the timely and right choices for the country. I thank  
25 you.

1 JUDGE BOLLWERK: Thank you for coming and  
2 speaking with us today, sir.

3 The next speaker is Connie Jorgensen,  
4 J-O-R-G-E-N-S-E-N?

5 AUDIENCE MEMBER: She's not here.

6 JUDGE BOLLWERK: Then we will move to  
7 Stephen C. Barrowes, B-A-R-R-O-W-E-S. Dr. Barrowes.  
8 Member of the Scientist for Secure Waste Storage.

9 DR. BARROWES: I appreciate the  
10 opportunity to speak at this hearing. My name is  
11 Stephen Barrowes. My Ph.D. is in physics and I'm  
12 familiar with nuclear radiation, and I'm a member of  
13 Scientists for Secure Waste Storage.

14 I'm confident that temporary storage of  
15 spent nuclear fuel can quite safely be done, including  
16 safe transportation and safe handling. I'm convinced  
17 it will be a good business for the Goshutes and for  
18 other workers in Tooele County. The physics of  
19 handling this radioactive material is simple enough.  
20 Very many times simpler than the incineration of old  
21 nerve gas weapons. For example, a spent nuclear fuel  
22 storage cask has no moving parts. With this storage  
23 facility, the U.S. nuclear power industry can continue  
24 its record of no workers or nearby citizens ever being  
25 killed or seriously hurt by nuclear radiations.

1           Now, an exception to that safety record  
2 would be the early uranium miners who were not  
3 adequately protected before the dangers were well  
4 understood. Those uranium miners' deaths are most  
5 unfortunate. If we are forced to mine more uranium  
6 now, mining conditions would have to be much  
7 improved.

8           I want to focus now on global warming,  
9 which almost all scientists agree has begun to show  
10 its effects.

11           Even if we all reduced the burning of  
12 fossil fuels this year, down to the Kyoto levels, we  
13 would still get continued melting of ice caps and  
14 glaciers, continued rising of the sea level, continued  
15 hot summers, and continued disruption of weather  
16 patterns. In fact, all of these effects would still  
17 get worse, until the whole world stopped using coal-  
18 fired power plants for electricity and stopped using  
19 cars, trucks, trains, et cetera. But people are not  
20 willing to give up all the benefits of burning fossil  
21 fuels for these things. Thus we will be stuck with  
22 more and more global warming. And human beings are  
23 not the only ones who will suffer; global warming will  
24 cause the extinction of a number of plant and animal  
25 species, which will not be able to find a replacement

1 habitat soon enough.

2 The only way to reduce global warming  
3 significantly is to use energy sources that are either  
4 nuclear or renewable. We should continue to develop  
5 solar energy, but it is still about three times as  
6 expensive as what we now pay. Wind power should also  
7 be developed to bring the price down. But the only  
8 practical source of energy that can step in to reduce  
9 global warming is nuclear.

10 The storage of spent nuclear fuel is  
11 currently the roadblock that prevents nuclear power  
12 from growing to meet these needs. The political  
13 climate of "not in my backyard" and the exaggerated  
14 fears of transportation and storage are the problem.  
15 It's time for politicians to step forward and do what  
16 is right rather than what is simply popular.

17 The transportation casks that move spent  
18 nuclear fuel have been tested in 80 mile an hour train  
19 crashes without breaking open. When they are moved  
20 the a 30 mile an hour speed limit they are as safe as  
21 transporting large sections of concrete pipe. Again  
22 the political climate of fear and hype is the  
23 problem.

24 When the spent nuclear fuel storage  
25 problem is solved, at least temporarily, the power

1 companies can build more nuclear plants to help reduce  
2 the global warming problem. We need to double the  
3 nuclear power output from 20 percent to 40 percent of  
4 our electrical needs. Not only will that save many  
5 species, but make it better for humans. We don't want  
6 to breathe more smoke from fossil fuel burning.

7 The next step is to reprocess the nuclear  
8 fuel instead of burying it inside of the mountain.  
9 These rods still have over 90 percent of the energy in  
10 them. If we reprocess, we avoid the necessity of  
11 putting more uranium miners into the mines, and we  
12 reduce the storage problem of spent nuclear fuel.  
13 What is left after reprocessing only needs to be  
14 stored for 1,000 years, not 10,000 years. And there's  
15 far less radioactive material to store.

16 The idea of burying all of this energy  
17 deep inside Yucca Mountain is absurd. We should  
18 reprocess it, recovering its energy value and reducing  
19 the amount of time the final waste needs to be  
20 stored. We should not call this a nuclear waste dump,  
21 but a repository for nuclear fuel that need  
22 recycling. I thought environmentalists believed in  
23 recycling. If we recycle things worth only pennies,  
24 shouldn't we recycle nuclear fuel worth many millions  
25 of dollars?

1           To call this a nuclear waste dump makes  
2 about as much sense as calling a bank safety deposit  
3 box a diamond jewelry dump. There is tremendous value  
4 here for future use, and it should not be permanently  
5 buried. Thank you.

6           JUDGE BOLLWERK: Thank you for coming and  
7 speaking with us today, sir.

8           The next speaker is Rosemary Holt,  
9 H-O-L-T.

10          MS. HOLT: Good afternoon.

11          JUDGE BOLLWERK: Afternoon.

12          MS. HOLT: My name is Rosemary Holt. I am  
13 past president of Women Concerned/Utahans United and  
14 currently on their board. Women Concerned/Utahn  
15 United is a long-standing citizens' organization that  
16 has been involved in nuclear testing, Utah's downwind  
17 issues, the storage of 43 percent of the nation's  
18 chemical weapons in Utah, and with the problems of  
19 chemical and biological testing at the Dugway Proving  
20 Grounds. We do oppose, we are opposed to the  
21 temporary nuclear waste storage site on the Goshute  
22 reservation.

23                 At this point I would like to focus, put  
24 focus on the word "temporary". "Temporary" is  
25 constantly used by the Private Fuel Storage consortium

1 when they are promoting storing highly radioactive  
2 waste on the Goshute reservation. I brought something  
3 with me. This brochure published by PFS. This slick  
4 brochure is but a token example of the heavy-handed  
5 use of advertising and the misleading use of the word  
6 "temporary".

7 If I may just call your attention to --  
8 and perhaps you gentlemen are aware of this brochure.  
9 It states, "More jobs, more money, and a better future  
10 for your children are coming to Tooele County."  
11 Protection of the land, desiring to preserve it for  
12 future generations. Not one shred of scientific  
13 evidence that an above-ground spent fuel storage  
14 facility would jeopardize the health, the safety and  
15 the future livelihood of their families and those of  
16 neighboring communities. Hundreds of jobs. Economic  
17 security. A tremendous economic boom. The growth of  
18 dozens of existing businesses. Millions of dollars in  
19 educational and community funding to pave the way for  
20 an even better future for all families in Tooele  
21 County. And the word "temporary" is used six times in  
22 this brochure, never alluding to possible permanent  
23 storage.

24 I believe this brochure is so patronizing  
25 and so misleading that it is deceptive and dishonest.

1           The promise of temporary storage in Utah  
2 raises these questions: Number one, when the highly  
3 radioactive spent fuel rods are placed in casks, will  
4 they not be permanent casks? Who, in 40 years from  
5 now, will be reminding us they said this waste was  
6 temporary?

7           Two, if the proposed permanent storage  
8 site in Nevada never comes on line, and we just heard  
9 the gentleman from Nevada speak to us, is it not  
10 possible the Goshute reservation will become a  
11 permanent site with the certain possibility of  
12 expanding on to the remaining 18,000 acres of Goshute  
13 reservation? Perhaps PFS should add to their sales  
14 brochure the old motto, "Build it and they will  
15 come."

16           Three, if Nevada comes on line as the  
17 nation's permanent storage site, would it not be  
18 feasible that other long-standing nuclear waste that  
19 has not received attention will become the priority  
20 waste over Utah's already permanently casked waste?  
21 Does it not make sense that nuclear waste in Utah will  
22 become permanent?

23           I believe for PFS and the Tooele County  
24 Commission and those on the Goshute reservation who  
25 support this travesty of land use to use the term

1 "temporary" is inaccurate and misleading to the  
2 people of Utah and to the nation.

3 We are requesting that you do not license  
4 the PFS to store radioactive waste in Utah. They  
5 should not be licensed in Utah because they have not  
6 been forthright in the disclosure that the site on the  
7 Goshute reservation in Utah may become a permanent  
8 storage site. We are asking that you require PFS to  
9 stop what we consider their false, misleading  
10 advertising. We in Utah do not want to be patronized,  
11 misled, misinformed, and deceived by PFS, some members  
12 of the Goshute tribe, nor the Tooele County  
13 Commission.

14 We are requesting that the NRC licensing  
15 board supported the Governor of Utah, the Utah state  
16 regulators, the citizens of Utah, and the nation in  
17 this endeavor. Thank you.

18 JUDGE BOLLWERK: Thank you for coming to  
19 speak with us that afternoon.

20 At this point we have been going a little  
21 over an hour. I think we will take a break and then  
22 we will reconvene.

23 (A break was taken.)

24 JUDGE BOLLWERK: If everyone can come to  
25 order, please. I would remind everyone that if you

1 wish to speak and you have not signed the signup heat,  
2 that you do need to do so, so we can get your name and  
3 put you on our roster of speakers.

4 If we can come to order we will begin  
5 again.

6 All right. The next speaker we have is  
7 Mr. Gary Sandquist. Dr. Sandquist.

8 Dr. Sandquist is back -- there he is.  
9 Sir?

10 DR. SANDQUIST: I apologize. It took me a  
11 while to find the men's room.

12 JUDGE BOLLWERK: Okay.

13 DR. SANDQUIST: I'd rather turn around,  
14 but I guess I should do it this way. My name is Gary  
15 Sandquist.

16 JUDGE BOLLWERK: Let me spell that.  
17 S-A-N-D-Q-U-I-S-T.

18 DR. SANDQUIST: I'm a professor at the  
19 University of Utah since 1964, and director of their  
20 nuclear engineering program. I have been there now  
21 for 36 years, and I thought I probably am not going to  
22 make a contribution on whether Utah should decide this  
23 or not but I thought it might be kind of interesting  
24 to hear a little about the history of nuclear energy  
25 and the programs at the University of Utah in your own

1 home state that your children participate and interact  
2 with.

3           Anyway, in 1959, that was the golden era  
4 of nuclear, when it was interesting to be in the  
5 field. The University of Utah acquired a small  
6 reactor called an AGN reactor. It was operated only  
7 at five watts, which was simply a research reactor.  
8 Students operated that. It operated from 1959 to  
9 1985, for about 26 years. It's been decommissioned.

10           Incidentally, the fuel has been sent away,  
11 the small amount of fuel. The fuel can be put on the  
12 table in one of those water glasses, the spent fuel.  
13 It went to, as I recall, Savanna River.

14           Then in 1975 we brought in a TRIGA  
15 research reactor. It's 100 kilowatts. It is  
16 operating, and is currently operating today. Recently  
17 renewed the license in 1985 for twenty years. So in  
18 2005 it will come up again for its licensing. It  
19 operated then and has been operating for 25 years.

20           Your children, or children of the state of  
21 Utah and other areas, operate that reactor. We have  
22 about a dozen graduate students. Half of them are  
23 women. Three of them are licensed reactor operators.  
24 Two of them are senior reactor operators. The NRC  
25 people will recognize that. SROs, as we call them.

1 These people operate the reactor, handle radioactive  
2 materials, and do it routinely. In fact, the director  
3 of our laboratory, a young women names, Melinda  
4 Krahlenbuhl, is the mother of three children, a Ph.D.  
5 in chemical engineering. She works with fissile  
6 materials in the laboratory. She is developing  
7 fission track analysis, which is a sensitive method  
8 for measuring uranium and plutonium in bodies. The  
9 method is so sensitive it can measure a few hundred  
10 atoms. That is an incredibly small amount of  
11 material. I know some of the people are chemists  
12 here, so they will recognize that.

13 I'm very proud of these students. Over  
14 the years we have perhaps had, I was estimating,  
15 probably 500 students have gone through the program.  
16 Many of them now are long gone in other areas. One of  
17 them is an admiral in the Navy, Pentagon, nuclear  
18 Navy. Many are at national labs, many in industry,  
19 many of them have worked for nuclear power plants and  
20 other facilities. And interestingly enough, they  
21 don't have the fear that our general public in Utah  
22 has about nuclear issues. They understand it, control  
23 it. They realize it is like many things we handle,  
24 electricity or such.

25 Would you feel comfortable changing an

1 electrical circuit in the room? I have to be  
2 careful. It's 110 volts and if I don't handle it  
3 properly, I can be harmed. But it is beneficial and  
4 useful. Electrical power is important for us.

5           Anyway, these reactors are used, among  
6 other things, besides producing electrical power,  
7 which the University of Utah doesn't do, it is  
8 strictly for research. What we do, we produce  
9 isotopes, tracers for artificial kidneys, which is an  
10 important component for kidney dialysis, using radio  
11 isotopes developed in our reactor to determine the  
12 regurgitation of the single needle dialysis and the  
13 ability to handle kidney patients.

14           The artificial heart, Barney Clark, maybe  
15 some of you remember, used plutonium 238. We didn't  
16 produce that, but our people had the skills. We  
17 licensed that material and had an operating facility.  
18 Unfortunately, the Congress, in its wisdom, closed the  
19 program.

20           The artificial heart was using plutonium  
21 as a small power supply, about the size of your thumb,  
22 which would support that artificial heart for -- the  
23 half life on plutonium 238 is ninety years. That's  
24 probably much longer than the patient's lifetime. But  
25 it was a promising potential that did not work out.

1 The artificial heart program, sad to say,  
2 unfortunately has not done as well.

3           Anyway, in some other areas, too. The  
4 Huntsman Cancer Center and the human genome program.  
5 Our understanding of the human genome and capabilities  
6 and such is heavily dependent on the use of radio  
7 isotopes and tracing and following them. In  
8 principal, I can follow the behavior of a single atom  
9 that is radioactive throughout a biological  
10 structure.

11           So what I guess I'm trying to say to you,  
12 in a sense here, is it's much more -- nuclear  
13 represents a much vaster area than simply spent  
14 nuclear fuel going into the Skull Valley Goshute  
15 reservation. We believe, and I still believe, maybe  
16 I'm biased, but nuclear is one of the options that we  
17 must have for producing electrical power over the next  
18 two to three decades, I should say, if we are going to  
19 reduce greenhouse gasses on this planet.

20           I think the weather is changing  
21 dramatically. It is going to take a long time to  
22 resolve. But if you think solving or trying to store  
23 spent nuclear fuel safely, let me pose to you, and I  
24 will, if the greenhouse case is real and carbon  
25 dioxide buildup is true, how do you propose to process

1 the earth's atmosphere? What technology do you have  
2 to remove CO<sub>2</sub>? Is there anything available? I claim  
3 no.

4 Nuclear is one that releases no greenhouse  
5 gasses. There are others, too: Wind, solar. They  
6 have potential, but nuclear is here and available.  
7 And I think we have got to have it as an option. I'm  
8 appealing to you in a scientific manner.

9 The other thing, is it safe? Can we be  
10 around the nuclear materials and the rest? Over 500  
11 students from Utah and other areas handle these  
12 materials, they visited them, they know how to handle  
13 them. They have to handle them safely like you do  
14 chemicals in a chemical lab and the rest.

15 And also, interestingly enough, we have,  
16 over the last 40 years, we have had visitors to our  
17 laboratory. Students want to come and see what a  
18 nuclear reactor looks like. They are surprised to  
19 realize we have one in the state of Utah.  
20 Incidentally, that fuel belongs to the Department of  
21 Energy and where will that spent fuel - when we get  
22 through, and it's a very small mass - where will it  
23 go? To our friends in Idaho. The spent fuel belongs  
24 to the Department of Energy and it will be stored up  
25 there in Idaho at INEEL. That's where it will go.

1           Anyway, I have estimated here over the  
2 year we have probably had over a thousand students  
3 come in and look at that nuclear reactor. They are  
4 surprised, first of all, that they could see a  
5 reactor. It isn't operating when they are there, but  
6 to see what it looks like. We call it a swimming pool  
7 reactor. It's eight feet in diameter, 24 feet deep.  
8 And the reactor, of course, sits down at the bottom.

9           It has a lot of fine capabilities. It is  
10 used in research and medicine, other applications and  
11 such. It is amazing and impressive how much nuclear  
12 has had an impact on medicine. It is said that about  
13 one out of every three patients that goes into a  
14 hospital has an X-ray or some other radio therapy  
15 prospect associated with their medical treatment. Do  
16 we want to abandon that? Is it appropriate? Is it  
17 necessary?

18           Well, I would like to say that the state  
19 of Utah does have more commitment to nuclear than we  
20 think. It is important to us. I think it is a long-  
21 term venture for us, and to simply say, "Well, since  
22 we didn't produce the waste we shouldn't have to store  
23 it," is a little unreasonable. That material is used  
24 to make electric power. We use electric power in  
25 Utah. We use it in the United States. It is

1 important to our gross domestic product. Without it,  
2 this country simply could not survive and provide the  
3 kind of economic input and power and capacity it has.

4 I appeal to you to be rational about it.  
5 Talk to your students who go to the University and who  
6 are familiar with it, and see what scares and concerns  
7 and fears that they have regarding this. And I think  
8 perhaps they will educate you. And I would even like  
9 to invite some of the audience to come visit a  
10 research reactor. Come spend a little time with us.  
11 Look into the tank and see what we do. Talk to the  
12 students and get their opinions and words about the  
13 system. I think you might find it is much more  
14 friendly than you believe. Thank you.

15 JUDGE BOLLWERK: Thank you, sir, for  
16 coming to talk to us today. Our next speaker is  
17 Congressman Merrill Cook.

18 CONGRESSMAN COOK: Thank you. I  
19 appreciate the opportunity to be here for a few  
20 minutes. I just had a few notes I wanted to go over  
21 in regards to this public hearing on the Skull Valley  
22 Goshute proposed high level nuclear waste site.

23 I think it's obvious by today's turnout  
24 that we are all concerned about the subject and I'd  
25 like to thank everyone that has come out today to

1 discuss this really important issue. As you will  
2 recall, nearly three years ago I spoke out and  
3 addressed my concerns at the very first hearing for  
4 the proposed Skull Valley Goshute nuclear waste site.  
5 And over time those concerns have not diminished, but  
6 I think intensified.

7 As all of you are aware, the current  
8 management structure of this proposed waste site  
9 leaves our state government with no power to regulate  
10 the storage of this deadly waste in it's own state  
11 boundaries for at least twenty years, and quite  
12 possibly for the next forty years.

13 Private Fuel Storage continues to  
14 emphasize that their NRC license will only be for 20  
15 years and the lease for Skull Valley Goshutes is only  
16 for 25 years, with a 25 year renewal option.  
17 Additionally, PFS points out that under current law,  
18 only the U.S. can permanently dispose of nuclear  
19 waste. I have no doubt about PFS's sincerity and its  
20 intent to make this a temporary site. However, laws  
21 are often and usually amended, licenses can be  
22 renewed, and leases can be renegotiated.

23 Finally, as far as potential long-term use  
24 for the waste site, the government's plan to construct  
25 a permanent nuclear waste facility at Yucca Mountain

1 continues to be delayed. Now, representatives of  
2 Private Fuel Storage company will downplay the  
3 negative aspects of their nuclear waste site because  
4 during the application process they have to ensure  
5 that the necessary safety, environmental, and  
6 decommissioning plans are in place before a license is  
7 granted. We cannot afford to be that trusting.

8 We still don't and may never now know how many  
9 Utahans died as a result of the above-ground testing  
10 in Nevada in the 1950s or how many men who went in the  
11 uranium mines to bring out the uranium for the  
12 government's programs perished. But I'm certain in  
13 those days, appropriate plans to safeguard those men  
14 had been written and filed.

15 I found out that the plan to locate the  
16 nuclear waste to the proposed site involves going  
17 through Salt Lake City to the site. The possible  
18 catastrophe that could occur could be horrendous.  
19 Utah is known for skiing, hiking, beautiful  
20 landscapes, not as a national storage area for  
21 hazardous nuclear waste. I don't want to see the  
22 transportation happen and I will continue to do  
23 everything I can to stop this nuclear waste site from  
24 being developed in our state.

25 I want to thank you for your time and

1 attention, and finally just make the point that I  
2 understand there's a significant problem. I have been  
3 very active and I think the two bills that I have  
4 filed in Congress that really handles this problem on  
5 a reasonable basis, without trying to move this waste  
6 before there is a permanent waste site completely  
7 licensed and ready, and should have been done by now,  
8 is the way to go. It allows the utility companies to  
9 get the interest on the money they are sending to the  
10 Nuclear Regulatory Commission from the taxes they are  
11 charging, utility taxes, to use the amount to pay for  
12 the storage site until the permanent site is verified,  
13 is made ready, and is authorized under the law of the  
14 country. So again, I thank you for the opportunity to  
15 be here today.

16 JUDGE BOLLWERK: Thank you, Congressman  
17 Cook, for coming to address us today.

18 Our next speaker is Robert Hoffman, former  
19 chairman of Utah Division of Radiation Control Board.  
20 Mr. Hoffman? All right.

21 And then Mr. Calvin Andrus. A-N-D-R-U-S.  
22 No?

23 Mark Harris of EG&G defense. No?

24 How about Frank Carleson, C-A-R-L-E-S-O-N.

25 How about Jim O'Neal then. Mr. O'Neal.

1 MR. O'NEAL: Gentlemen, I thank you for  
2 the opportunity to comment on this issue, and I  
3 appreciated Judge Kline for helping me get on the  
4 docket here. I don't represent any particular group  
5 and so forth. I want to speak as a private citizen.

6 I would like to give just a tiny bit of  
7 background. I am conversant with this problem, having  
8 spent some time in the east recently. I worked with  
9 oversight boards at Oakridge and also with TVA on  
10 these particular issues. And we have discussed, at  
11 those, the various options such as the liquid storage,  
12 the dry storage, vitrification and so forth. So I am  
13 conversant with the issue.

14 Despite a lot of the condescending remarks  
15 here today, there are some of us that are not  
16 professional nuclear people that understand the  
17 nuclear industry, and also some of us that oppose some  
18 aspects of it that aren't radical or unreasonable.

19 I looked through the research that you  
20 have done. Quite extensive, I suppose. It is about a  
21 foot thick. I got it at the University of Utah. And  
22 having some experience with this kind of thing and  
23 understanding your language, since I have a degree in  
24 languages, I was able to interpret it and go through  
25 it. It's well conceived, it appears to me, as far as

1 it goes. I found what I thought was a flaw, something  
2 that you missed that I thought was important, okay, in  
3 the emergency document, emergency preparation  
4 document, Chapter Two, Provision 4, Number 8.

5 We went through -- there's so many  
6 different options that they considered. For instance,  
7 you know, they considered a tsunami tidal wave. I  
8 hope that was a joke, that they considered a tidal  
9 wave. Maybe they have to do that. But anyway, this  
10 particular one, it said that a security breach of the  
11 facility was credible.

12 Now, about everything else that they  
13 mentioned wasn't credible: Earthquakes, lightning  
14 storms, airplanes crashing, you name it. Anything  
15 that can happen on the face of the planet, almost,  
16 that is naturally occurring or so forth, they covered  
17 almost everything. And the workable word was "not  
18 credible". In other words, they quote or have the  
19 good statistics there with the negative, huge negative  
20 statistical numbers.

21 Now, my background, besides knowing  
22 something about fuel storage, is I'm a veteran. I was  
23 in the military with an atomic-capable unit. Okay?  
24 Artillery unit. Long time ago in the cold war era,  
25 but that's beside the fact. Now, the security of this

1 private facility is very weak. The perimeter is  
2 weak. It could be penetrated.

3 One of the major concerns, is it not, in  
4 the world today is terrorism. And the biggest concern  
5 with terrorists -- there's two or three concerns. I  
6 have friends of mine that are in the military, and  
7 biological is probably the worst threat. But most  
8 people think the major threat is a portable nuclear  
9 weapon.

10 Now, you are scientists. You three  
11 gentlemen are scientists and I propose this to you not  
12 as a scare tactic but as a credible possible scenario,  
13 and will you consider this: If that perimeter were  
14 penetrated and a nuclear device was set off in the  
15 middle of that cluster of 40,000 metric tons of 90  
16 percent uranium. Now, is there any data that you can  
17 think of that you could postulate the results of  
18 that? It is a credible possibility.

19 I was just reading in the Time magazine  
20 today about they have groups among the Iranians and  
21 the Iraqis that are suicide groups. If you are going  
22 to do a suicide thing, you know, this is a huge  
23 target. We shouldn't have such a huge thing like  
24 this, all this in one place. It is a huge target, and  
25 that's my concern. It would be very, very, I think,

1 very, very tempting to some terrorist group.

2 Beyond this, I present that for your  
3 professional judgment. I suggest you talk to some  
4 military people and see. I suggest anyone in the  
5 audience to look at it carefully. I'm concerned about  
6 it. I'm concerned about not just the safety of the  
7 people in our state, but I don't know what such an  
8 event might do. I thank you for your time and I  
9 apologize I'm going to have to leave. I'm on my lunch  
10 hour. Thank you very much.

11 JUDGE BOLLWERK: Thank you, sir, for  
12 coming by. Just for the record, I'm a lawyer; but I  
13 hope you won't hold it against me.

14 MR. O'NEAL: I don't. I like lawyers.  
15 The last jury I served on, I changed my mind because I  
16 believe in the American justice system.

17 JUDGE BOLLWERK: The next speaker we -- I  
18 should mention, by the way, that we do have a signup  
19 sheet in the back. If you wish to speak and haven't  
20 signed up on the signup sheet back there, you need to  
21 do so, so we have your name.

22 The next speaker is Franklin Smith. Mr.  
23 Smith? All right.

24 How about Ray Wilcox?

25 MR. WILCOX: I do not wish to speak, sir.

1 JUDGE BOLLWERK: Do not. Okay. The next  
2 speaker then is Cherry Wong. W-O-N-G?

3 MS. WONG: That's correct.

4 JUDGE BOLLWERK: Okay.

5 MS. WONG: I'm a member of the United  
6 Nations Association of Utah, and a long time board  
7 member.

8 I took an opinion poll in the United  
9 Nations Association of Utah on February 22, 2000 on  
10 local nuclear issues. This was in response to an Op-  
11 Ed page editorial in the Salt Lake Tribune that  
12 indicated that the Utah Department of Environmental  
13 Quality would welcome public opinion. I sent the  
14 results of the poll to that department and to the  
15 governor.

16 I asked our membership to fill out the  
17 poll without any prior discussion of the issues in our  
18 organization. We had had no speaker or discussion on  
19 the proposed Goshute reservation site for nuclear  
20 waste storage. 85 percent of those polled do not want  
21 a storage site in Utah's desert.

22 When asked, "Do you support the proposed  
23 Private Fuel Storage high level nuclear waste storage  
24 facility on the Goshute Skull Valley reservation," 85  
25 percent said no.

1           Other questions in the poll included the  
2 level of concern over transporting nuclear waste in  
3 Utah and licensing other facilities in Tooele County.  
4 50 percent of the polled indicated that they were very  
5 concerned about transportation safety of nuclear  
6 waste. Only 10 percent indicated that they held no  
7 fear on this issue.

8           I submit to you the poll and its results.  
9 I urge you to not license this facility in Utah.  
10 Thank you.

11           JUDGE BOLLWERK: Thank you very much for  
12 speaking with us today.

13           All right. Our next speaker is Cindy King  
14 with the Utah Chapter of Sierra club.

15           MS. KING: My name is Cindy King. I  
16 represent the Utah Chapter of the Sierra Club,  
17 Environmental Health Committee. I will be discussing  
18 what seems to be a dueling ideology in whether or not  
19 Private Fuel Storage, the power plant consortium, can  
20 temporarily store spent fuel rods on the leased lands  
21 from the Skull Valley Goshute nation.

22           The Constitution of the United States has  
23 a clause for allowing for interstate commerce and a  
24 clause for states' policing powers. I'm addressing  
25 the follow issues: Does Private Fuel Storage have

1 adequate safeguard in the event of fire, incidents,  
2 terrorism, et cetera.

3 Two: Does Private Fuel Storage have a  
4 solid financial foundation?

5 Three: Will there be financial  
6 wherewithal to dismantle the facility when it is no  
7 longer needed?

8 And four: What type of restoration will  
9 there be of the site after use?

10 I will be discussing what is seemingly  
11 being touted as a dual competing ideologies, commerce  
12 and policing powers, in addressing these four wide  
13 issues.

14 In my research into these two ideologies  
15 as a person not representing the legal profession, I  
16 have established that the Supreme Court has clearly  
17 stated, in precedent-setting cases over time, that the  
18 Bill of Rights was not written in descending order.  
19 Recently there are cases on various court dockets  
20 addressing the issue of states' policing powers. Yet  
21 regulatory agencies seem to forget this when granting  
22 their approval for permitting, licensing, et cetera.

23 A good example is the Nuclear Regulatory  
24 Commission in granting the first licenses and permits  
25 to the nuclear power companies to develop energy. At

1 that time it was touted as too cheap to meter. To  
2 date, the Nuclear Regulatory Commission never  
3 addressed the issues of risk of transportation,  
4 storage, treatment and/or disposal of these different  
5 nuclear wastes, whether at the nuclear power  
6 facilities or somewhere else.

7 The Nuclear Regulatory Commission caused  
8 the development of a commercial product, that being  
9 nuclear waste, but never addressed the issues relating  
10 to the policing powers regarding the protection of the  
11 environment and human health and/or the limitation of  
12 states' policing powers.

13 The issue of the lack of storage room  
14 and/or safeguards of storage at the nuclear power  
15 plants has become to light. Some of the nuclear power  
16 companies have formed a consortium to tout the product  
17 of nuclear waste to the various interest groups, in  
18 this case the Skull Valley Goshute nation, as a  
19 commerce product but totally ignoring the issues of  
20 states' policing powers and/or the limitation of these  
21 powers.

22 The four wide issues of safeguards,  
23 financial stability, the wherewithal for dismantling,  
24 and the restoration of the site, are all forms of  
25 states' policing powers. I will address each of these

1 four vide issues.

2           Safeguards. The state of Utah needs to  
3 assure its citizens that they have the safeguards to  
4 protect the citizens in the event of a fire,  
5 incidents, terrorism, et cetera from this proposal  
6 facility. One way this is done is by the state is to  
7 ensure that the necessary policing protections are in  
8 place. In the 14 years that I have been addressing  
9 hazardous issues for the Utah chapter of Sierra Club  
10 in the state of Utah, contingency and preparedness  
11 plans across the state are lacking, and are currently  
12 still lacking in the state's ability to assure  
13 safeguards and protection of the citizens of Utah from  
14 any hazardous and/or nuclear disposal facility.

15           Allow me a moment to illuminate on this  
16 point. Over the last 14 years I have had the  
17 opportunity to review several hazardous and nuclear  
18 facilities' contingency and preparedness plans,  
19 focusing just on the facilities in Tooele County for  
20 now. The permits that the various divisions of the  
21 Department of Environmental quality (state of Utah)  
22 have approved, state that arrangements and/or  
23 memoranda of understanding are in place. The  
24 arrangements and/or memoranda of understanding which  
25 are in place are a fallacy of the ability to assure

1 necessary protection of the citizens of Utah through a  
2 policing action.

3           The truth is that there is no ability of  
4 Tooele County to protect the citizens of Utah from  
5 hazardous and/or nuclear incidents in their county.  
6 To address this question of how is this allowed by the  
7 state of Utah, this goes back to the dueling force  
8 commerce and policing powers, but this time it was by  
9 the state of Utah.

10           The facilities are to make some form of  
11 arrangement and/or memorandum of understanding with  
12 the hazardous material teams in the case of the  
13 possibility that the facility cannot contain the  
14 incident to their property. Tooele County has no  
15 hazardous material team; Tooele County has only the  
16 first responders.

17           The difference between the first  
18 responders and a hazardous material teams are first  
19 responders are usually the first to respond to the  
20 incident. Their function is to prevent access to the  
21 area in question. The hazardous material team's  
22 function is to remediate and prevent further  
23 contamination. Hazardous material teams are first  
24 trained as full-time fire fighters. Tooele County has  
25 a volunteer fire department; ergo, cannot be part of a

1 hazardous material team according to the Uniform Fire  
2 Code.

3 My research into any arrangements and/or  
4 memorandums of understanding from the various  
5 hazardous an/or nuclear facilities in Tooele County,  
6 with the nearest hazardous material teams in Salt Lake  
7 County area, has established that there are no  
8 arrangements and/or memoranums of understanding with  
9 any hazardous material team and/or Tooele County to  
10 assist in a hazard and/or nuclear incidents. This  
11 questions the safeguard of the citizens of Utah.

12 Also, in my research the Bureau of Land  
13 Management does not have any hazardous material team,  
14 again questioning the lack of safeguards in the form  
15 of policing powers.

16 The issue of financial stability of  
17 Private Fuel Storage is two-pronged: Does Private  
18 Fuel Storage have financial stability, or is the  
19 financial stability part of the consortium? The  
20 answer to both prongs is no. Both the consortium and  
21 Private Fuel Storage have limited financial  
22 stability. The issue of is there financial stability  
23 for this project, this question cannot be answered  
24 just by the private agreements that Private Fuel  
25 Storage has made with the Goshute nation, and Tooele

1 County, and/or anyone else, because of the limitation  
2 of the difference states' policing powers in the  
3 transportation-related issues, storage, treatment, and  
4 disposal of spent fuel rods.

5 At this time, it's not clear if the Price  
6 Anderson Act will address the issue of financial  
7 stability when it comes to risks of this type of  
8 project. It could be that of federal emergency  
9 management; but this, too, is unclear. Regardless of  
10 the limited financial stability of Private Fuel  
11 Storage and/or the consortium, ultimately the cost  
12 will be that of the taxpayers in addressing the costs  
13 of the state's policing powers.

14 At this time, I'm going to combine the  
15 last two issues: The financial wherewithal for  
16 dismantling when no longer needed, and restoration of  
17 the site. The financial wherewithal for dismantling  
18 is assumed in part that Private Fuel Storage and or  
19 the consortium will post significant bond for a  
20 dismantling to occur. This begs the issue of whether  
21 or not this site is temporary and/or if there are  
22 plans to expand the site of the facility in the  
23 future.

24 At most Superfund sites, the responsible  
25 companies are long gone or are in negotiation for the

1 determination for the responsibility of liability.  
2 The issue of restoration of the site after use is  
3 questionable at best. The question of what degree of  
4 restoration is always an issue. There is no  
5 restoration of nature after the fact.

6 In closing, the Supreme Court has ruled on  
7 numerous cases that the Bill of Rights has not been or  
8 was not to be enforced in descending order. Yet  
9 regulatory agencies seem to approve permits, licenses,  
10 et cetera by only addressing the commerce clause,  
11 while ignoring the clause on states' policing powers.  
12 There are several court case dockets that are in the  
13 process of addressing states' policing powers.

14 To date, contingency and preparedness  
15 plans of the hazardous and/or nuclear facilities in  
16 Tooele County lack the ability to remediate an  
17 incident. To my knowledge, Tooele County doesn't have  
18 any agreements and/or memoranda of understanding with  
19 any hazardous material teams in Salt Lake County  
20 area. Tooele County does not have a hazardous  
21 material team because they have a volunteer fire  
22 department. The Uniform Fire Code will not allow  
23 volunteers to be on hazardous material teams because  
24 of liability concerns; ergo Tooele County is only  
25 allowed the ability to be first responders.

1           The issue of the financial stability of  
2 Private Fuel Storage and/or the consortium is  
3 questionable at best for the completion of this  
4 project. Also, the following issues and the state of  
5 Utah's ability to police are: The use of the Price  
6 Anderson Act is unclear at this time; the issue of the  
7 wherewithal for dismantling is unclear; the issue of  
8 expansion is unclear; the length of "temporary", and  
9 the issues of going from a temporary site to a  
10 permanent site is unclear, to name a few.

11           The purpose of my discussion today is not  
12 to determine whether or not private companies can make  
13 deals with sovereign nations, but whether or not the  
14 states' policing powers have the same consideration as  
15 a products for commerce does. Thank you.

16           JUDGE BOLLWERK: Thank you very much for  
17 coming and addressing us today.

18           At this point, I think we will take  
19 another break and perhaps if new individuals have come  
20 in and want to speak, you can sign up on the sheets if  
21 you have not already done so. Why don't we take a ten  
22 minute break and go back and see if we have any  
23 additional speakers. Thank you.

24           (A break was taken.)

25           JUDGE BOLLWERK: Why don't we come to

1 order again and start making it toward your seats. I  
2 will remind anyone who might be here again that if you  
3 just walked in and you wish to speak, you need to sign  
4 up on the signup sheet in the back. You need to have  
5 your name on the list so we make sure we have an  
6 opportunity to hear from you. If you are in the room  
7 for whatever reason and you haven't signed up and wish  
8 to speak, please do so. Thank you.

9 Why don't we go back on the record, then.  
10 First of all, let me just check. We had some  
11 registered speakers who I called the first time and  
12 they did not respond. I will go through list one more  
13 time to make sure we are not missing anybody that's  
14 come in late.

15 Connie Jorgensen? No.

16 Robert Hoffman? All right.

17 Calvin Andrus? All right.

18 Mark Harris?

19 And Frank Carleson, C-A-R-L-E-S-O-N. All  
20 right.

21 Then we have a few other speakers. There  
22 was also Franklin Smith that signed up and did not --  
23 Mr. Smith? No? All right.

24 Let's go next to speaker is it Arlene  
25 Bear? Am I pronouncing the first name correctly?

1 B-E-A-R?

2 MS. BEAR: My name is Arlene Bear. I'm  
3 Skull Valley Goshute. Shoshone. And I have been  
4 living in Skull Valley almost all my life. And I was  
5 born and raised there by my mom and dad and raised by  
6 my grandfather and grandmother. And I don't know what  
7 to say but I'm just going to say what I feel.

8 When this PFS come to us -- well, from the  
9 beginning it was MRS came to us. That was a long time  
10 ago. I don't know what date or month, what year it  
11 was. And I was against it. That MRS, I was against  
12 it. And then this came in about five years after this  
13 came. And I felt in my -- the way I felt, I wanted  
14 that to be here, because it felt different. To me it  
15 felt different. So I thought, I live there, I don't  
16 have nothing. My reservation looks so poor and  
17 everything. So I thought it would be good for us to  
18 have something and be proud to have it there and work  
19 on it. Work with the people who's going to run it.

20 I think it's -- I don't think it is  
21 dangerous. We lived -- nobody looked at us when we  
22 had that nerve gas came upon us. Nobody never helped  
23 us. Right now I don't know why these white people are  
24 saying it's dangerous. I don't think it's dangerous.  
25 I live, I'm going to live about a mile or two from

1 there. And I have been through all the facilities  
2 where they have it, where they have this nuclear rod.  
3 I don't call it waste. It's not waste. I call it  
4 nuclear rod. But people calls it waste. The waste is  
5 where you dump your trash. That's waste. That's what  
6 you call waste. This isn't waste.

7           People learn and do whatever. When it  
8 comes there, it is going to stay there for a little  
9 while and it is going to go on wherever it is going to  
10 be. But people think it is going to be there for the  
11 rest of its -- for a long, long time. No, it isn't.  
12 It is not going to be there that long. It is going to  
13 go on, move on to its own facility. I don't know why  
14 they are making a big thing out of that. It is  
15 nothing to me. But just give us our license and we  
16 will deal with that when it comes.

17           You white people know how to run this  
18 nuclear stuff. Not like us Indians. You white people  
19 call us savages, too. But you white people stole our  
20 land and now they are fighting us for it. And all  
21 these people live around us, they don't come and help  
22 us with nothing. We stay there ourselves and we  
23 provide what we can for ourselves. When there's jobs  
24 there, we work there. I work there for almost  
25 twenty-five years at the test range on my

1 reservation. Nobody come and say this is no good.  
2 They even fire rocket motors there. Nobody said  
3 nothing. Now all of the sudden they want to make a  
4 big thing out of this. But I don't think there's  
5 nothing wrong with it. To me, it isn't.

6 We don't live on this world forever  
7 anyways. One day we are all going to leave. That's  
8 how I look at it. If God don't want me to have this  
9 nuclear rod there, he will show us. He will show us  
10 not to have it. But I know it is going to come. It  
11 is going to come whether anybody likes it or not.  
12 That's how I feel. That's my feeling. But I just  
13 hope you guys give us the license so we will see what  
14 is ahead, what us Indians are going to do when it  
15 comes.

16 We like to have a lot of things like you  
17 white people, drive nice cars and nice homes and have  
18 a lot of things, a lot of food and all that in our  
19 homes. But on our native culture, that's not nothing  
20 to do with our native culture. Our native culture  
21 goes on and on just like everybody else. It's got  
22 nothing to do with that.

23 But I think it's best that we do have it.  
24 We want to know how it feels to have something of our  
25 own, to have on our own reservation. But I think if

1 you guys give us a license then we will all deal with  
2 it. I know that PFS will help us along, too. I have  
3 a confidence in them. I have been everywhere, like I  
4 said. I have been all over where they take us. I  
5 have been there. I have been to Yucca Mountain. I  
6 have been to Perry Island. I have been up to ARCO,  
7 Idaho. And I seen a lot. And I think it is very nice  
8 to take us there and show us what was going on around  
9 the world. And I see my brothers. They went to Japan  
10 to see what is going on over there when they went over  
11 there. I think it is interesting. I see them when  
12 they bring all the pictures back. I seen them. They  
13 talk about it. They telled us what's going on.

14 But a lot of us people that signed a  
15 paper, I think they are for it. Not like these other  
16 people say. Mostly people signed that? No, they  
17 didn't. A lot of people signed that petition, that  
18 paper that we have. Just very few, maybe 25 signed  
19 Margene's papers. But mostly all of us signed that  
20 paper. And I thank you for listening to me at this  
21 time.

22 JUDGE BOLLWERK: Thank you very much for  
23 coming to speak with us today.

24 The next speaker is Maryann Webster.

25 W-E-B-S-T-E-R.

1 MS. WEBSTER: My name is Maryann Webster,  
2 I'm an artist and a parent. I live in Salt Lake  
3 City. I'm not unfamiliar with the kind of aspects of  
4 this material or the way it is stored. My father was  
5 offered a job at Lawrence Livermore Radiation  
6 Laboratories where I grew up in California. He turned  
7 it down, and I take my cues from him.

8 With all due respect to you gentlemen, I  
9 say how dare you try and foist the nuclear garbage  
10 from the east coast upon the people of Utah? We do  
11 not generate this type of waste. We do not use  
12 nuclear power plants. Utah has been forced to take  
13 more than its share of environmental waste from other  
14 states, already. Many times more than it generates.

15 I'm thinking about my children's children  
16 and on for generations for 10,000 years. This  
17 substance is toxic. Anti-nature. It is the filthiest  
18 garbage on this planet. I have no confidence in the  
19 processes that have come to bear here. I know very  
20 intimately the experiences of the downwinders in  
21 southern Utah. We have had more than our share of  
22 this kind of treatment from the Federal Government,  
23 and I feel it is inappropriate.

24 There's also an issue of environmental  
25 racism here. I listened this week on Pacifica Network

1 News. It was broadcasting that Goshutes are claiming  
2 that their leaders were bribed. Not all Goshutes want  
3 this.

4 I urge you to consider a more fair  
5 process. Those who generate this type of waste should  
6 bear the responsibility, not the citizens of the state  
7 of Utah. What the Goshutes do on their land is their  
8 business as long as it doesn't affect us. But this  
9 affects all the surrounding areas. Salt Lake City is  
10 what, 82 miles away? This affects all of us. This is  
11 not just a sovereign issue here. I respectfully urge  
12 you gentlemen to consider my statements and consider  
13 the wishes of the citizens of the state of Utah, the  
14 parents, the mothers, because our safety for 10,000  
15 years is going to be put at risk. No one here who is  
16 receiving money or being bought off has the right to  
17 jeopardize future generations. This land belongs to  
18 them, not to us. Thank you.

19 JUDGE BOLLWERK: Thank you for coming to  
20 speak with us this afternoon. Our next speaker is  
21 Wayne Springer, S-P-R-I-N-G-E-R.

22 MR. SPRINGER: My name is Wayne Springer.  
23 I am an assistant professor of physics at the  
24 University of Utah. And what brought me here was a  
25 little trivial problem that we could perhaps have with

1 an installation located in Skull Valley. I work in an  
2 experimental site that is located on Dugway Proving  
3 Grounds. We are observing cosmic rays and basically  
4 we are overlooking that area. And we would like to  
5 have noted in the public record that such an  
6 installation, we have no problem with it  
7 intrinsically, but we would hope that you would  
8 discuss with us certain issues concerning lighting.  
9 That's the trivial issue that I'm coming here to bring  
10 to bear.

11 Obviously you are going to need to have  
12 perimeter lighting and such things. Mercury vapor  
13 lights would put us out of business.

14 As a private citizen, while I'm here, I am  
15 also somewhat concerned about how this process could  
16 short-circuit the solution, the long-term solution to  
17 the storage waste problem. Yucca Mountain has been in  
18 the workings for, what; two decades? I remember  
19 hearing it when I was in -- hearing about it when I  
20 was in junior high school. Having a private company  
21 in charge of storing, what is it, 40,000 metric tons  
22 of nuclear waste, which is the ultimate responsibility  
23 of the U.S. Government, storing it on territory that  
24 is not part of the sovereign United States seems kind  
25 of strange to me. And being lawyers, I'm amazed that

1 it has even been considered.

2 But anyhow, that's neither here nor  
3 there. The main point that concerns me is this  
4 temporary solution of a problem that is real. And as  
5 the nuclear engineering professor so eloquently put  
6 it, we do need power. We have a problem with  
7 greenhouse gasses and whatnot. Nuclear power can  
8 provide energy without these side effects. However,  
9 the other side effects of what happens if we lose  
10 control of a waste is another issue that is of  
11 concern. Otherwise, we would not be here meeting  
12 today.

13 Anyhow, that's all I want to say. Thank  
14 you.

15 JUDGE BOLLWERK: Thank you, sir, for  
16 coming to speak was.

17 The next speaker is Lawrence  
18 W-I-E-N-C-H-E. Did I pronounce that correctly.

19 MR. WIENCHE: Hello. Thank you for your  
20 time. My name is Lawrence Wienche. I'm an assistant  
21 research professor with the physics department at the  
22 University of Utah here in Salt Lake. I'd like to  
23 talk to you first in my capacity representing a  
24 research group called the High Resolution Fly's Eye,  
25 and then after that I will speak as a private

1 citizen.

2 Our group operates a unique high-energy  
3 astrophysics observatory on Dugway Proving Grounds  
4 about 100 miles southwest of here. We measure the  
5 highest energy particles that have ever been seen in  
6 the world, and our experiment is up and running now.  
7 We have located our experiment out in a remote area  
8 for a reason. It's because we need a place that is  
9 very dark and away from man-made disturbances.

10 We are very concerned about the potential  
11 of the perimeter lighting for a facility like this.  
12 This could really put us out of business. And  
13 speaking on behalf of the group, I would like to  
14 reiterate my colleague's request that we be allowed to  
15 consult on the perimeter lighting. Mercury vapor  
16 lights, for example, would really shut us down.

17 Now, speaking as a private citizen, no  
18 longer speaking for the university or for the group,  
19 just for myself, it just doesn't seem to me that this  
20 facility could be temporary. Once it is there, it is  
21 an expensive, big facility. The momentum is there.  
22 More waste will just keep going, and the Yucca  
23 Mountain facility could just be put on hold forever.  
24 I find it very difficult to believe that this would  
25 just be temporary.

1           Another safety concern I would have with  
2           it is its location next to Dugway Proving Grounds,  
3           which is a base that operates with the Air Force,  
4           where airplanes, missiles are tested there. That's a  
5           matter of public record. And not all experiments go  
6           as planned. There are also, in the public record,  
7           airplanes and missiles that have not landed where they  
8           intended but landed off base. And I think the  
9           combination of a site like this next to such a  
10          facility is really asking for trouble.

11                   Thank you for your time.

12                   JUDGE BOLLWERK: Thank you, sir, for  
13          coming to speak with us. All right. At this point I  
14          think those are the speakers that we have listed. Let  
15          me just check again the names that we had. Are there  
16          any additional names? Yes, we do have one name on the  
17          signup sheet. If anyone wishes to speak and hasn't  
18          signed up, now would be a good time to do on. We have  
19          come to an end of the list of speakers. If you are  
20          here in the room and have been thinking of speaking,  
21          now would be the time to move forward unless you are  
22          planning to come back this evening and speak to us.

23                   All right. We have two additional names.  
24          The first one is Miranda Walls? Is it Walsh? With my  
25          handwriting, I never criticize anyone else's. Is it

1 Walsh?

2 MS. WALSH: Walsh. My name is Miranda  
3 Walsh. I'm an enrolled member of the Skull Valley  
4 Goshutes and I have been living out there for a while,  
5 like 15, 20 years. I have been living out there  
6 before. I'm living here now in town because there's  
7 no jobs there. But PFS, if you approve it or  
8 whatever, it will bring a lot of jobs to our  
9 reservation and help us out a lot with the income and  
10 everything.

11 And they talk about all the environmental  
12 stuff that is around us. There is a lot of other  
13 companies that have a lot of nuclear waste or  
14 radiation and all that. Like Tooele has already had  
15 how many interruptions with their thingies of whatever  
16 plants they have out there, like twice already. And  
17 then Dugway, too. And plus, on our reservation there  
18 was some sheep situations that they had in the past  
19 before, when my mom and them were younger. And I  
20 didn't see any people helping us out or giving us any  
21 kind of income to take those off the reservations.

22 No one or anybody else has been around  
23 there. All of the sudden this thing has come up, all  
24 these people that want to come to our reservation and  
25 look at our reservation and bring their cameras and

1 stuff on our reservation. But before this even came  
2 up, they didn't even look at us or want to know who we  
3 are.

4 And I'm for it. And I hope they bring  
5 it. I hope you guys approve whatever you guys need to  
6 do to bring it out there so I can move back to my  
7 reservation and maybe get a job out there, too. And  
8 like that lady said, people were paid off? Our counts  
9 were paid off? I don't think that is possible because  
10 if it was, we would know about it because they keep us  
11 informed on whatever goes on. So they must have been  
12 misquoted or misunderstood or I don't know where they  
13 got the information from. But I don't think that is  
14 very true. So I just want to come up and say that,  
15 and let you guys know how we feel. And that's it.  
16 Thanks.

17 JUDGE BOLLWERK: Thank you very much for  
18 coming to speak with us.

19 All right. The next speaker is Helge  
20 Gabert? I think -- how do you spell the last name?

21 MR. GABERT: Helge Gabert. You had it  
22 almost right.

23 JUDGE BOLLWERK: All right.

24 G-I-A-B-E-R-T? H-E-L-G-E?

25 MR. GABERT: G-A-B-E-R-T. I came a little

1 late here, but I just wanted to reiterate a point I  
2 think that was already made a couple minutes ago, and  
3 that is that although this proposed facility will be  
4 on Goshute reservation, it really affects everybody  
5 here in the state of Utah. And I just wanted to bring  
6 home a simple point. The state of Utah does not use  
7 nuclear power and I don't really see why the people of  
8 Utah should be subjected to nuclear waste. And it  
9 seems to me also that the transportation issue might  
10 be a problem. Waste has to be transported here all  
11 the way from the east coast, and I'm not sure how the  
12 safety issues are going to be handled. So that's all  
13 that I have. So thanks for your time.

14 JUDGE BOLLWERK: All right. Thank you,  
15 sir, for coming to speak with us.

16 All right. At this point why don't we  
17 take one more five minute break and allow anybody an  
18 opportunity to sign up that hasn't had an opportunity  
19 to do so. We will check the list one more time and  
20 see if we have any more speakers. Let's take about a  
21 five minute break. Thank you.

22 (A break was taken.)

23 JUDGE BOLLWERK: Let's go back on the  
24 record. Mr. Silberg apparently is working with the  
25 University of Utah now. He is talking with them about

1 their lighting problems.

2 All right. Let me go now, I guess we have  
3 one other speaker that signed up. Senator Ron Allen  
4 from District 13. Senator Allen.

5 SENATOR ALLEN: Thank you. I'm glad you  
6 are still going. I had other meetings to attend  
7 today, and I really appreciate you inviting the public  
8 to speak on this important issue.

9 My name is Ron Allen. I serve as the Utah  
10 State senator in Salt Lake and Tooele County and this  
11 area includes the area surrounding the Goshute  
12 reservation. I also served for nearly ten years  
13 before the Senate as the Fire Thief to the fire  
14 district, which provides fire suppression for much of  
15 the unincorporated county.

16 Over the past several years, I have made  
17 every effort to get as much information as possible  
18 concerning the storage of the fuel rods on the Goshute  
19 land. I have met with people from both sides of the  
20 issue and understand and can even empathize to some  
21 degree with both positions.

22 After some deliberation, I have come today  
23 to voice my opposition to the program and its location  
24 in Utah.

25 Although I have a number of concerns, I

1 will restrict today's comments to two issues that seem  
2 to have received the least amount of scrutiny, unless  
3 it's the part I missed today. I hope that's not the  
4 case.

5 My first contention is that the placement  
6 of the fuel rods represents a long-term financial  
7 detriment to the economic well-being of Tooele  
8 County. Proponents tell us this will benefit the  
9 county with millions of dollars in fees and taxes from  
10 wages. The truth of the matter is it only creates 50  
11 permanent jobs and presents Tooele County as probably  
12 the only place in the world willing to take this  
13 material.

14 This presents a direct economic  
15 disincentive for other companies considering locating  
16 there, and this is why: I own a technology  
17 consulting firm that supports nearly 600 businesses  
18 with consulting, sales, and service. In this  
19 capacity, I meet with business owners on a regular  
20 basis. Without any prodding from myself, several of  
21 these owners told me they will never consider bringing  
22 their business to Tooele County.

23 The concerns I have listened to have  
24 centered around two main issues: That Tooele County  
25 has only one function in life, taking in hazardous

1 waste, or Tooele County has offered their support for  
2 the site when transportation and safety issues affect  
3 the entire state. Thus, some of the business owners  
4 feel Tooele County has greatly overstepped its bounds  
5 of good citizenship.

6           The second issue is that of public safety  
7 and fire suppression. As I have mentioned, I served  
8 as the fire chief for nearly ten years and frequently  
9 fought fires in Skull Valley. Because the area is dry  
10 and often experiences high winds, it is very common to  
11 have range fires in this area in which thousands of  
12 acres burn. These wind-driven fires typically travel  
13 at speeds of over 30 miles per hour and sparks and  
14 embers often travel as much as a half mile in front of  
15 the active fire line. This often sets fires on  
16 ranches and lands that would normally be protected by  
17 roads and fire breaks.

18           The most common procedure in fighting  
19 these fires in the Skull Valley area has been to  
20 evacuate all persons at risk as quickly as possible,  
21 miles ahead of the fire. If PFS were to promote the  
22 security of the area by planning to have a fire  
23 brigade on site, in front of the advancing flames, it  
24 would violate the basic wildfire training of every  
25 firefighter in the fire service: That you never get

1 in front of a wind-driven advancing wildfire; you  
2 fight from the area already burned. I'm wondering if  
3 PFS is willing to completely evacuate and abandon the  
4 site for what could be a period of several days. I  
5 have not seen a plan to deal with site evacuation and  
6 abandonment in an area where the fires occur nearly  
7 every fire season.

8 In terms of providing fire assistance to  
9 the site, I have talked to the county and city fire  
10 chiefs in this area that would provide support, and  
11 not one of them has been contacted or asked about  
12 potential aid agreements to the site. Fire chiefs and  
13 medical crews have been completely left out of the  
14 planning process. Interestingly enough, I have heard  
15 proponents talk about the excellent level of fire  
16 service available to the area.

17 This is simply not true. In fact, the  
18 departments are all staffed by volunteers who are very  
19 highly trained but many of them have expressed their  
20 intention to not assist in fire suppression in an area  
21 that contains nuclear material, regardless of how safe  
22 it may be. The primary concern is it takes them out  
23 of their area of protection.

24 Several also offered their observations  
25 that they just finished some training concerning

1 nuclear hazards in the fire service and were informed  
2 of the fact that all the firefighters brought in to  
3 Chernobyl later died. When I reminded them there's a  
4 big difference between a reactor accident and  
5 materials stored in casks, they said they would not  
6 respond anyway. As a volunteer, the risks are just  
7 not worth it.

8           So to summarize, we are creating a major  
9 economic disincentive for others business that would  
10 otherwise locate in Tooele County, and fire  
11 suppression and public safety have not been addressed  
12 at a practical operational level. Those providing the  
13 service have not been included at all in the process  
14 and we are now aware of the fact that many volunteers  
15 are reluctant to respond to a fire in the area.

16           I believe when it comes to fuel rod  
17 storage, the residents of Tooele County may be selling  
18 their birthright for a mess of storage. Thank you.

19           JUDGE BOLLWERK: Thank you for coming to  
20 speak with us today.

21           Let me review the list one more time to  
22 see if anybody came in late that has already signed  
23 up.

24           Connie Jorgensen?

25           Robert Hoffman?

1 Calvin Andrus?

2 Mark Harris?

3 Frank Carleson? All right.

4 Franklin Smith?

5 Let me just ask, are there any additional  
6 signups in the back? Can anyone look at the list back  
7 there so we can see?

8 No. All right.

9 At this point then we will adjourn this  
10 session. I would very much like to thank everyone who  
11 came and spoke with us this afternoon and provided  
12 your views. We very much appreciate you coming and  
13 talking with the Board and we will be here this  
14 evening again from 7:00 to 9:30, and also tomorrow  
15 afternoon from 1:00 to 4:00, back in this same  
16 location, to hear views from any additional  
17 individuals that wish it come by and talk with us  
18 about their concerns about the project.

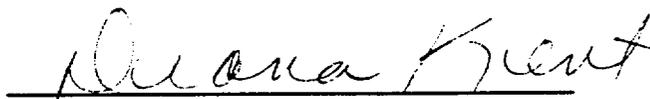
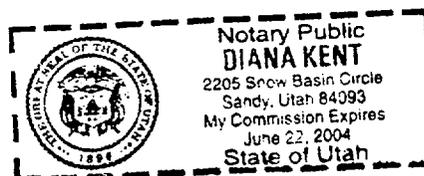
19 Thank you. Anything you want to say,  
20 Judge Lam?

21 JUDGE LAM: No.

22 We stand adjourned and we will be back at  
23 seven o'clock. Thank you.

24

25 (The proceeding was concluded.)

1  
2 **REPORTER'S CERTIFICATE**3  
4 This is to certify that the attached  
5 proceeding before the United States Nuclear Regulatory  
6 Commission in the matter of:7  
8 **NAME OF PROCEEDING:** Private Fuel Storage,  
9 L.L.C., (Independent Spent Fuel Storage Installation).10 **CASE NO:** 72-22-ISFSI11 **PLACE OF PROCEEDING:** Salt Lake City, Utah  
12 were held as herein appears, and that this  
13 is the original transcript thereof for the file of the  
14 United States Nuclear Regulatory Commission taken by  
15 me and thereafter reduced to typewriting by me or  
16 under the direction of the court reporting company,  
17 and that the transcript is a true and accurate record  
18 of the foregoing proceedings.19  
20   
2122 **Court Reporter**

Diana Kent, C.S.R., R.P.R.

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