

Citizens Against Radioactive Waste

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Chief, Rules and Directives Branch
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Mail Stop T-6D-59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Richard A. Meserve, Chair
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Tom Fry, Director
U.S. Bureau of Land Management
1849 C Street, NW Room 700-LS
Washington, D.C. 20240

Kevin Gover, Assistant Secretary
U.S. Bureau of Indian Affairs
1849 C Street, NW
Washington, D.C. 20240

Linda J. Morgan, Chair
U.S. Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423

Re: NUREG-1714, Draft Environmental Impact Statement (DEIS) for the Proposed
Private Fuel Storage LLC (PFS) Independent Spent Fuel Installation (ISFSI)

Dear Messrs. Meserve, Gover, Fry, and Ms Morgan:

On behalf of our organization, "Citizens Against Radioactive Waste in Utah," we respectfully request additional public hearings to be held as well as a six month extension to the September 21st public comment period for the above referenced DEIS on the Reservation of the Skull Valley Band of Goshute Indians and the related transportation facility in Tooele County, Utah, (NUREG-1714, Docket No. 72-22, Private Fuel Storage, L.L.C., June 2000).

This proposed facility would impose enormous consequences on the State of Utah. Due to the significance of this facility our local public officials and citizens expect more than the NRC minimum requirements for public hearings, notifications and accessibility to the Draft Environmental Impact Statement. The public needs to have a fair amount of time to review the DEIS and receive other pertinent information addressing emergency preparedness, risk factors on the transportation corridors, and financial information guaranteeing long-term financial stability of this proposed site. We have grave concerns regarding damage perception issues. Effected industries need time to conduct public surveys calculating potential economic losses. For example, to what extent would real estate values along the transportation route to the Goshute Indian Reservation be effected? To what extent would the tourist industry be effected by a general public perception that Utah was the radioactive waste

dump of the United States? To what extent would storing radioactive waste near the Hill Air Force bombing range impact the mission at Hill Air Force Base?

We also, have grave concerns on how the NRC hearings were conducted. The general public did not receive adequate notice of the hearings. The hearings were conducted away from towns and cities that will be effected by the transportation corridors. Many people in such towns were not able to attend and participate. Because the hearings were overcrowded, comments were restricted to two minutes, many people left thinking their comments would not be heard or that they would not have time to speak and address issues appropriately.

In addition, we are concerned that the NRC has not taken into account the concerns raised in Representative James Hansen's letter to the Atomic Safety and Licensing Board dated June 23, 2000, concerning of alleged irregular financial arrangements between the PFS and members of the Skull Valley Band of Goshutes. It is also our opinion that the NRC has overlooked the failure of the Bureau of Indian Affairs to ensure that all aspects of this proposal comply with federal law. It is our intention to inform the Committee on Environment and Public Works of these concerns and of our request to extend the public comment period.

We have enclosed a copy of Representative James Hansen's letter for your convenience. In addition you will find enclosed herewith copies of petitions we have received from concerned citizens from all around the state opposing the storage of radioactive waste on the Goshute Indian Reservation and asking for an extension of time to express their concerns on this matter.

Sincerely,



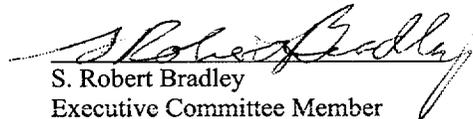
James McConkie
Chairman, Executive Committee



Bradley H. Parker
Executive Committee Member



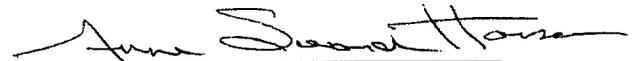
Former U.S. Attorney Brent D. Ward
Executive Committee Member



S. Robert Bradley
Executive Committee Member



Rocco J. Navarro
Executive Committee Member



Anne Sward Hansen
Executive Director

cc:

Governor Michael O. Leavitt
Senator Orrin G. Hatch
Senator Robert F. Bennett
Representative James V. Hansen

Representative Merrill Cook
Representative Chris Cannon
Senator Bob Smith /Chairman of the Environment Public Works Committee

NOTE

A copy of the Petition was not included with your letter due to its voluminous nature. However, a copy of the Petition has been provided to Mr. David Meyer.

JAMES V. HANSEN
1ST DISTRICT-UTAH

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June 23, 2000

Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, DC 20240

Dear Atomic Safety and Licensing Board Members;

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

I believe strongly that it is bad public policy to consider any "temporary" high level storage facility before final determination of the permanent depository location is concluded. Moving this waste twice will greatly increase both the costs and the risks of the entire program. In addition, there is no guarantee that this facility will be temporary and as such any determination should be made with the full rigor of a permanent depository. The Skull Valley proposal cannot and does not meet that much higher standard.

Locating a high level nuclear waste storage facility under a critically important and very active military test and training range, that is not already burdened with such restrictions, is harmful to national security and dangerous to the local population. The Secretary of the Air Force and the Air Force Chief of Staff have repeatedly testified that the Utah Test and Training Range (UTTR), including the airspace over the proposed facility site, is an irreplaceable testing and training area. The continued, unrestricted availability to this unique national asset is critical to the Air Force's military readiness. With this in mind, I was shocked to see that the agencies consulted for the Draft EIS did not include the Department of Defense or the Department of the Air Force. The NRC did consult the Census Bureau, but not the Pentagon! I find this to be a gross oversight and reason enough to reject the entire Draft.

With or without airspace restrictions, the nature of the proposed facility creates an unacceptable risk that the Air Force will be forced to curtail operations in the area in the future.

Any loss of access in this area will have a significant and negative impact on the United States Air Force mission and military readiness. For instance, if the area is identified on an Area Planning Guide, thereby requiring the Air Force to implement special flight restrictions, then it would likely result in an "avoidance" standing order. While the NRC would not technically have restricted the airspace, the Air Force would restrict use to ensure compliance.

In addition, tests of unmanned, long-range cruise missiles and other emerging, large footprint weapons are permitted, and have been conducted, within 1 mile of the site. By the nature of these tests accidents do happen. Just last year, a cruise missile crashed in the same Military Operating Area beneath which the PFS facility is proposed. Over the last decade, there have been over a dozen crashes of F-16 fighters, and other military aircraft, within the UTTR. Nuclear waste storage and military bombing and test ranges simply should not be mixed.

I passed a law in 1999, section 2815 of the National Defense Authorization Act, which directed the Secretaries of Defense, Interior, Air Force and Army to conduct a study to evaluate the impact upon military training, testing and operational readiness of any proposed changes in land management of the Utah national defense lands, which includes all of the land beneath the UTTR. That study has not been completed, and as such, no planning by the Department of Interior for any purpose can proceed on these lands. I have attached a letter from the Department of Interior's Office of the Solicitor which clearly states this legal opinion.

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

As many others have pointed out, this proposal is risky and unsafe. The combination of nearby military ranges, questionable seismic data, and its vicinity to the chemical weapons storage and demilitarization facility in Tooele is a recipe for disaster. Dry cask storage at the generating reactor sites until a permanent storage solution, such as Yucca Mountain, can be completed is clearly the safer and less expensive alternative.

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

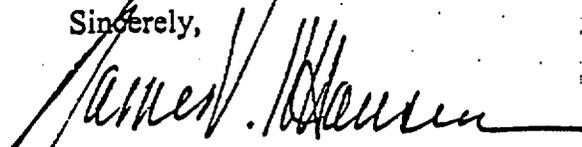
Atomic Safety and Licensing Board

June 23, 2000

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

Sincerely,

A handwritten signature in black ink, appearing to read "James V. Hansen", written over a horizontal line.

James V. Hansen
Member of Congress

Attachment