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September 20, 2000

David L. Meyer, Chief
Rules and Directives Branch
Division of Freedom of Information and Publications Services
Office of Administration
Mail Stop T-6D-59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Comments on the Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah
Docket No. 72-22 - Private Fuel Storage, LLC

Conclusions and recommendations of the environmental staff from the Nuclear Regulatory Commission, Bureau of Indians Affairs, Bureau of Land Management and Surface Transportation Board are based upon error and incomplete data presented in the Draft Environmental Impact Statement (DEIS). The DEIS does not address requirements of the National Environmental Policy Act of 1969 (NEPA).

The DEIS is incomplete. Environmental impacts of the proposal can not be adequately evaluated without a thorough review of the safety of the facility and operations. The Safety Evaluation Report (SER) and Safety Analysis Report (SAR) have not been made available to the public, there was no public notice about how to obtain the reports and a copy of the report has not been provided although requested at the beginning of the comment period. The public will not be allowed to address safety concerns if the SER will not be available until the Final EIS has been released. The public comment period for this DEIS should be extended until the SER is made available as an amendment to the DEIS.

Significant potential environmental impacts of the project are not represented in the DEIS. Site security and safety problems will impact the environment. Without the SER, the general representations about the safety of the facility are conjecture that is unsubstantiated in this DEIS. Due to the long-term hazards of the waste material being managed, this is a serious injustice to the public, particularly the impoverished ethnic minority people of the Skull Valley Band.

The public does not have the opportunity to evaluate the safety of the proposal and potential threats to public health and the environment. Many significant issues are not addressed.

- What are the quality control procedures for insuring that construction of the storage casks is adequate to support claims in the DEIS that they are of high integrity and there is no threat of release?

ADM03

Template - ADM-013

ERIDS-03
Add Scott Klanders
(SCA)

- Under what conditions are the particular storage casks to be used by PFS demonstrated to withstand:
 - Earthquake with liquefaction of sediments beneath the storage site
 - Impact with explosion
 - Wildfire
 - Direct lightening strikes
 - Tornadoes
 - Corrosive salt and atmospheric deposits
 - Mechanical forces from snow, ice, abrasive sands
 - Overheating internally or externally
- Will the casks withstand impact from a missile or jet crash?
- What is necessary to effectively control sabotage at the storage site and along the transportation routes?
- What are the characteristics of decay heat; what is the temperature and how does it affect the integrity of the storage casks, particularly if the vents are blocked?
- How are releases controlled from the ventilation system of the building for transferring wastes between the transportation and storage casks?
- There is no clear demonstration to support the claim that neutron flux levels generated by the spent nuclear fuel would be too low to activate the storage casks or pads.
- Could dust or other materials accumulated near the vents on the casks become activated by the irradiation?
- What is the procedure and regulatory limits for decontaminating transportation casks?
- What is the exposure to the public of returning contaminated shipping casks to the originator?

The economic benefits for the Skull Valley Band are not substantiated in the DEIS. There is no information to compare the economic benefits of the alternatives evaluated in this DEIS, including the no-action alternative. At the public meeting, July 27, 2000, a representative of the Skull Valley Band indicated that the payments to the tribe made by Private Fuel Storage, LLC (PFS) would not be available to every member of the Skull Valley Band that is impacted by the proposal. Injustices created by a large family influence, threats, and bribery were asserted. If the DEIS can not provide specific information and quantify the economic benefits available to the entire Skull Valley Band, this is also conjecture. The environmental staff should not represent economic benefits to the Skull Band as being part of the overall benefits of the project without providing any foundation for such a claim.

Significant potential socioeconomic impacts to Dugway, Tooele, Salt Lake City and Ogden are not addressed in the DEIS. There is legitimate concern about financial impacts from reduced property values, negative stigma on recreational opportunities and tourism, and closure of Hill Air Force base due to restrictions on flights and test bombing that would be imposed at the Utah Test and Training Range.

It is unclear what benefit this project has and why it is necessary. The no-action alternative has the greatest merit and the least environmental impact. Page 9-9 of the DEIS states that the NRC has made a generic determination that spent fuel generated in any reactor can be stored without significant environmental impacts for at least 30 years

beyond the licensed life for the operation of that reactor in on-site storage facilities. The NRC issued a generic license for storage of spent nuclear fuel at reactor sites. Environmental assessments completed for the storage of spent nuclear fuel at the reactor sites resulted in findings of no significant impact. Significant potential environmental impacts and loss of cultural resources at the Skull Valley storage site and along the preferred transportation route are presented in the DEIS for the PFS proposal.

Compared to the no-action alternative, the proposed action will result in a greater release of radioactivity from the extra handling required to transfer waste into transport casks and then storage casks and in transportation across the country. Waste minimization obligations are disregarded. More waste will be generated from spent transportation casks, waste concrete from the batch plant, and demolition wastes under the proposed action. There are more emissions of air pollutants with the transportation of wastes across the country, compared to the no-action alternative. Transportation of wastes from the reactor sites to the proposed storage site has the greatest distances and greatest potential impacts compared to all of the alternatives analyzed.

Water supply shortages can not be mitigated by permit conditions if the groundwater regime at the proposed site has not been studied adequately. Page 3-14 of the DEIS references anecdotal information from the Skull Valley Band for the seasonal groundwater fluctuations in their community well. Using the potable water supply from the Tribe and removing more groundwater from the additional water wells drilled in the area would increase the seasonal fluctuations further, however serious depletion would progress unchecked if there is no credible baseline information for comparison. The impermeable surfaces covering most of the project area and removal of water from the catch basin will reduce the recharge potential and further diminish groundwater resources in the immediate area. Additional study is warranted to validate current conditions and support the 1968 geo-hydrologic estimates of groundwater availability. Details about the availability of water rights need to be provided in the DEIS to assess the potential impacts from the additional water wells proposed.

The water needs of the proposal have been under represented. Water usage by the cement batch plant and plant wash-down water usage is not included in the estimates. There are no estimates for water usage from decommissioning. Worst case water usage requirements for revegetation plans need to be estimated and evaluated in the DEIS.

The revegetation plans have not been established or approved, however there are assertions throughout the document regarding the benefits of the revegetation plan that includes introducing crested wheatgrass as a fire retardant species. This is misleading. Revegetation with native plant species is important for this area and required under the Executive Order 13112. The introduction of non-native species increases competition, decreases the forage diversity, and decreases wildlife habitat and general rangeland quality even further.

There are potential impacts to Pohl's milkvetch from encroachment on it's habitat, introduction of non-native species, reduced habitat, restricted rangeland, increased roads and dust. The only mitigation proposed, preservation of a relic population, is inadequate.

Potential wildlife impacts are underestimated and may also go undetected under the current proposal without an adequate monitoring plan. Methods for scaring wildlife off the storage casks are not described. The effectiveness of the methods needs to be studied for stress, winter impacts, migration impacts, nesting impacts and population surveys. The radiological impacts to wildlife also need to be monitored. There is no mention in the DEIS of the potential for bioaccumulation of radiation in wildlife feeding on insects and other invertebrates living around the storage casks. The site is located along the migratory routes for many bird species.

Cumulative effects to public health and wildlife from the other radiation sources along the transportation routes and in proximity to the storage site need to be evaluated and presented in the DEIS (i.e., operations associated with Envirocare could contribute to cumulative impacts).

The DEIS needs to address the full range of potential impacts along the transportation routes from the reactors to the storage facility. Seismic risks along the transportation routes need to be determined. The level of emergency preparedness for responding to a release or threat of sabotage along the transportation routes needs to be ascertained. Special radiological response training must be provided for the local emergency responders in Tooele county and along the transportation routes.

With increased rail transportation and traffic along the roadways, there is increased risk of fire. There will be greater demands on the local volunteer fire department which are not addressed in the DEIS.

The sections in the DEIS describing flood potential at the storage site and along the transportation routes are inadequate. The site elevations are not provided for direct comparison to flood zones. Critical information is obscured or not provided in the DEIS.

Potential impacts from decommissioning the site need to be incorporated into the DEIS. Provide detail on the methods for dismantling the contaminated parts from the storage casks and transfer building. Specify what is the fate of the storage casks at decommissioning? What level of radioactivity is considered safe for unrestricted use/disposal of decontaminated materials?

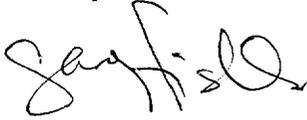
The extent of decommissioning is left to the direction of the Skull Valley Band, therefore the DEIS can not make any representations other than the worst case scenario, it will become a permanent above ground repository for highly radioactive waste.

NRC license conditions, specific terms and minimum specifications for the "decommissioning fund" and permit conditions in the case of business dissolution should be presented for evaluation of their adequacy in the DEIS.

What mitigation measures are in place for in the event that the L.L.C. dissolves or becomes bankrupt? Most mitigation measures for controlling levels of radioactivity and maintaining the integrity of the storage casks are administrative controls that are dependent upon adequate resources for effective implementation. The DEIS should evaluate all potential impacts as worst case scenario in the event that the L.L.C. can not uphold any of the commitments or permit conditions and the waste remains on site in the above ground storage casks indefinitely, unattended.

NEPA requires that the proposal and all alternatives be rigorously explored and objectively evaluated regardless of whether the alternatives are desired or not. The alternatives presented in the DEIS were not thoroughly evaluated. The DEIS is not objective. Alternative B is not significantly different from the proposal. The Wyoming alternative has not been studied sufficiently to make comparisons. The no action alternative did not receive the level of consideration warranted. The no action alternative is the safest, most technically feasible option.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Fishler". The signature is written in a cursive, flowing style with a large initial "S" and a distinct "F".

Sandy Fishler