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Subject: Eureka Co., NV Comments on PFS Goshute DEIS

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Attached are the comments of Eureka County, Nevada, regarding the NRC's DEIS on the independent spent fuel storage installation on Goshute land (NUREG-1714, Docket # 72-22).

If you have questions about this email, please contact Abby Johnson at 775/882-0296.

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ERIDS-03
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September 18, 2000

Chief
Rules Review and Directives Branch
Division of Freedom of Information and Publications Services
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Mail Stop T-6D-59
Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: NUREG-1714 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

To Whom It May Concern:

Eureka County, Nevada is an "affected unit of local government" under Section 116 of the Nuclear Waste Policy Act as amended. In early 2000, we submitted detailed comments to the U.S. Department of Energy (DOE) concerning their Yucca Mountain Draft Environmental Impact Statement (DEIS). According to that document, DOE is considering constructing a rail line from the Union Pacific tracks in northern Eureka County, southwest through Crescent Valley and into Lander County on its way to the proposed repository. One of our primary focuses and concerns is the potential impacts to our county from transportation.

We are commenting on the NRC's draft EIS for an independent spent fuel storage installation to be built in western Utah because we are concerned and interested as to how that project could affect transportation decisions and routing to Yucca Mountain and to Tooele County, Utah through Eureka County.

We have several general comments, and then specific comments related to the text of the document.

GENERAL COMMENTS

Public Involvement

The creation of a private facility to store nuclear waste near Nevada's border, involving a national shipping campaign, demands national and region public involvement, including DEIS hearings in Nevada and California, and nationally.

Lack of Communication and Consultation with DOE

NRC appears to have developed this EIS, and to be encouraging the private utilities to go forward with their plans without adequate (or any) consultation with U.S. Department of Energy (page 10-1). It is perplexing to us, that on the one hand, NRC did not even consult DOE in the preparation of this document, and on the other hand NRC staff meet with DOE staff on a regular basis to resolve key technical issues related to the site characterization of Yucca Mountain. Both projects relate to the challenge of managing spent nuclear fuel, and both projects affect and involve both agencies.

It is the expectation of Eureka County that the NRC and DOE should be communicating about the implications of a private fuel storage facility in western Utah. For example, how does the location of 40,000 metric tons of spent fuel in rail canisters affect DOE's plans? Shouldn't the planning of the private facility be done in coordination with DOE since the decision to have only rail casks at the facility affects DOE?

If over half of the waste scheduled to come to Yucca Mountain is rail-ready and in the west already, there should be significant impacts on transportation decisions. This document does not acknowledge that at all. And it leaves rural counties scratching their heads wondering how NRC's decision about the private fuel facility could affect DOE's decisions about modes and routes. Bottom line: these agencies should be communicating more regarding this matter.

Another example of the disconnect between NRC and DOE is evident with NRC's description of the Secretary of Energy's testimony before Congress (page 2-32) when he "presented a proposal that would have the Federal Government take title to utilities' spent nuclear fuel (SNF) at reactor sites until a repository is opened." NRC dismisses this alternative as not worthy of evaluation, finding it similar to the no action alternative, and finds that the Secretary's proposal is not "ripe" for evaluation. This is unacceptable. NRC appears to be making a determination not to evaluate DOE's proposal because it is somewhat speculative and all the details aren't worked out. What part of the nuclear waste transportation and disposal program isn't a guessing game? The DEIS should analyze the Secretary's proposed alternative rather than dismissing it.

Environmental Justice

The document asserts that there are not disproportionate impacts from construction or normal operations, and therefore the effect of the facility on environmental justice concerns is small.

(6-38). The assertion is also made that impacts from the proposed facility would add little to the indirect and cumulative impacts, and are small. These conclusions defy common sense logic. The analysis is deficient because it does not take on the real issue of rural disadvantaged communities accepting projects that no one else wants due to economic desperation.

Cumulative Impacts

The cumulative impacts analysis is lacking the insight that was addressed in the scoping hearings as summarized in section 2.2.3 of the Scoping Issues Summary. The DEIS does not adequately evaluate the proposed facility in the context of the collective, interrelated and cumulative impacts of the facilities in the region, as identified in scoping, and is therefore inadequate.

Emergency Response

The discussion of emergency response impacts was minimal and inadequate for the nature of the facility and the kinds of problems that have the potential to occur. Section 3.5.2.4 discusses public health and safety on page 3-43 of the potentially affected environment. No corresponding discussion of public health and safety is found in 4.5 under environmental consequences. We know from observing a day of NRC's licensing hearing of Private Fuel Storage, L.L.C. (PFS), that public health and safety is a major concern, and that the location of a large facility of this kind brings unique challenges and costs to the local emergency services network, including its volunteers. There should be a full discussion of this in the EIS, including the liability issues related to the involvement of volunteers responding to a radiological emergency.

SPECIFIC COMMENTS

Page xxix The first sentence of the executive summary states that Private Fuel Storage (PFS) is a limited liability company owned by eight U.S. power utilities. What does this mean in the context of nuclear waste transportation and storage? It is disconcerting to learn in the first sentence of the document that their liability is limited. If something goes wrong, who is liable if not the utilities? The issue of liability for accidents, health effects, and property values is huge, and should be thoroughly addressed in this document.

Page 2-19 The DEIS states that PFS would employ a "start-clean/stay-clean" philosophy meaning that the proposed facility would be intended to be a radiologically contamination-free site. "In the event contamination above acceptable levels were discovered, the canister would be returned to the shipper." The DEIS does not adequately address the impacts of a leaky container should it occur. The document only says that it will be returned to the shipper and that it is the shipper's responsibility. Is that Union Pacific or the utility of origin? (Union Pacific is not listed as being consulted for the preparation of the document on page 10-1.) The document does not deal with the practical realities of discovering that there is a leaky canister. Sending it back to Wiscasset, Maine in its leaky condition is not a practical or safe solution to an immediate radiation leakage problem. What steps will be taken to ensure that leaky containers are

dealt with on-site? What would the shipper do? Where would the cask go? These kinds of questions should be addressed in the DEIS. The current explanation is deficient.

Page 3-42 The DEIS states that the only communities with centralized wastewater systems in Tooele County are Tooele, Grantsville, Lake Point, Stansbury Park and at the military facilities at Tooele Army Depot and Dugway Proving Grounds. "The rest of the county is served by individual septic tank systems." We believe that this is inaccurate, because Wendover, Utah has centralized wastewater collection.

Page 4-3 In table 4.5, potential impacts are identified, with the economic impact being called "small but beneficial". If the impacts are to be characterized, they should be described both ways. That is, if it is necessary to identify this impact as beneficial, then perhaps the other impacts could be identified as "small but detrimental". By singling out some impacts as small but beneficial, and not describing in similar terms those that are detrimental, it makes it appear that NRC as the author of the document is trying to slant the information.

Page 5-37 We are thoroughly confused about when and whether the State of Nevada and its residents are considered by NRC to be impacted by this proposal. Pages 5-37 and 5-39 refer to radiological impacts, and analyze only as far as the Nevada-Utah border, at the most likely entry point for rail. The document does not address the impacts on the other side of the border that can be caused by the facility locating in Utah. At the same time, page C-2 states, "After the proposed repository at Yucca Mountain opens, SNF stored at the Skull Valley site will be transported to the repository." Whether or not the NRC has prematurely determined that the waste will be moved to Yucca Mountain, the EIS analysis should include impacts in and on Nevada. This is a major flaw in the document. NRC justified the absence of analysis by stating that DOE is doing their own route analysis within Nevada. Yet the DOE is not even listed as an agency consulted in the preparation of the document. In addition, in its own review of DOE's Yucca Mountain DEIS, NRC raised serious concerns about the adequacy of DOE's transportation analysis. By its own admission, NRC knows the Department of Energy's Yucca Mountain DEIS is flawed, and yet is relying on the DOE to do the Nevada analysis. Ironically, because NRC will adopt DOE's Yucca Mountain EIS "to the extent practicable" at the time of Yucca Mountain Licensing, it will be NRC's EIS and will likely still be a flawed analysis of transportation impacts in Nevada.

Page 10-1 The list of agencies consulted indicates inadequate consultation. Other agencies and organizations that should have been consulted include the State of Nevada, DOE, Union Pacific, and the trade associations for the railroad industry.

SUMMARY

Eureka County is concerned that this DEIS does not analyze the impacts on Nevada of locating 40,000 metric tons of spent nuclear fuel in western Utah, and is therefore inadequate. Referring to DOE's Yucca Mountain DEIS for this analysis is not acceptable. We believe the project would

impact transportation, emergency management, land use, property values, and have other major impacts in Nevada, and we believe that this DEIS should address those effects.

We believe that the lack of planning and coordination on the issue of nuclear waste storage and disposal is evident in reviewing this site-specific document. Any proposal that generates a draft EIS in the name of the Nuclear Regulatory Commission should acknowledge and address the larger impacts of locating 40,000 metric tons of spent nuclear fuel within 100 miles of Nevada's border.

It is unacceptable to defer that analysis to the DOE or to depend upon them to analyze the impacts created in Nevada by this project.

We urge you to hold hearings on this DEIS in Nevada. The residents of Nevada should be informed about a proposed project to bring 40,000 metric tons of spent fuel to their doorstep, and should have the opportunity to comment at public hearings in Nevada.

Thank you for considering our comments.

Sincerely,

Leonard J. Fiorenzi
Program Director

cc: Eureka County Commission
Abby Johnson
Nevada Nuclear Waste Project Office
AULG representatives

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