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VERBAL AND WRITTEN COMMENTS ON: Draft Environmental Impact Statement: for the Construction and Operation of an Independent Spent Fuel Storage Installation of the Reservation of the Skull Valley Band of Goshute Indians and Related Transportation Facility in Tooele County, Utah (Docket No. 72-22) (NUREG-1714)

SUBMITTED BY: Cindy King, Environmental Health Committee, Utah Chapter of the Sierra Club, 2273 South Highland Drive, Suite 2D, Salt Lake City, Utah 84106-2832
Sept. 18, 2000 (Special Note: I will be providing a hard copy of these comments via the US mail)

(The following are verbal comments that were not allow to be stated because of the Agency's poor planning for an adequate public participation during the verbal comment period on the Draft Environmental Impact Statement on July 27, 2000, in Salt Lake City, Utah. It should be noted that I did make very limited verbal comments at the time. Ergo, would like these to be added to the verbal section of comment period.)

My name is Cindy King, I represent the Utah Chapter of the Sierra Club, Environmental Health Committee. The National Environmental Policy Act (1969), Title 42, section 43331 subsection (b) (1-6) states: "(1) [F]ulfill the responsibilities of each generation as trustee of the environment for the succeeding generations; (2) assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surrounding; (3) attain the widest range of beneficial uses of the environment without degradation, risk to the health or safety, or the other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of national heritage, and maintain, wherever possible, an environmental which supports diversity and variety of individual choice; (5) achieve a balance standard of living and wide sharing of life's amenities; and (6) enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources." The common understanding of the vide legalities are: (1) holist enlistment of public participation of the affected impacts of the proposed action. In other words, Due Process, (2) Environmental impacts of the actions, (3) Possible adverse environmental effects, (4) Possible alternatives, (5) the relationship between short and long term effects, and (6) Any irreversible commitment of resources. Let me briefly explore these areas in relations to this Draft Environmental Impact Statement.

(1) Responsibilities of each of the generations, or commonly known as the holistic enlistment of public participation.

This Area of NEPA has a two pronged status in this Draft Environmental Impact Statement; to date, this process is being ignored. (a) the Spent Nuclear Fuel Rods in their casks will be transported through 42 States and several communities. Yet, the only areas for public participation is Salt Lake City and Grantsville, Utah, while other parts of the State of Utah and their communities are being denied any due process. Due Process is guaranteed by the United States Constitution. The argument that it is too costly to hold public participation is a fallacy of the interpretation of the United States Constitution. Ergo, additional hearings for each of the affect communities are needed to comply with the constitutional rights, as well as the statutory requirements of NEPA.

The other prong: are there any other Native American Nations that would be affected. Ergo, intergovernmental relationships are to assure due process of the Native American People by the Bureau of Indian Affairs.

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(2) To assure all Americans safe, healthful, productive, and esthetically and pleasing surroundings, or commonly known as the environmental impact of the proposed action.

If I am not mistaken the term "...all Americans..." includes children for safe, health, productive, and esthetically and pleasing surrounding. Nowhere in the Draft Environmental Impact was there an analysis of Executive Order 13045 "Protecting Children from Environmental Health Risks and Safety Risks" addressed for the determination of health and safety of children. There are various federal health and environment agencies that have addressed health and safety risk of children. Ergo, how is the statutory requirement of NEPA to assure all Americans safe, healthy, productive and esthetically pleasing surroundings of children if there was no analysis for children?

(3) The widest range of beneficial uses of the environment without degradation, risk to health or safety or undesirable and unintended consequences, or commonly known possible of adverse environmental effects.

This proposed action is to ship most of all the commercial spent nuclear fuel rods to the Skull Valley Goshute Nation, crossing 42 states and numerous communities, large and small. Rail shipment for the maximum reasonable foreseeable release is 260 times the cesium released by the atomic bomb at Hiroshima. We need to remember that maximum reasonable foreseeable release can happen. A good example occurred here from the Tooele Chemical Demilitarization Facility, Deseret Chemical Depot, Tooele, Utah on May 8-9, 2000 with the release of GB/sarin into the ambient environment. Cesium replaces the calcium in bone tissues and biocummulates and biomagnifies in the food chain. Ergo, how does this benefit the environment and human health?

The economic consequences to Utah for maximum reasonable foreseeable truck scenario for cleanup using 2000 year dollars would be between 20 to 36 billion dollars. This cost does not include emergency response training, equipment, maintenance of the that equipment; medical response training, equipment and maintenance of the equipment; loss of business cost; relocation cost and/or possibility if not being able to return. The economic consequence to Utah for rail scenario using 2000 year dollars would be 145 to 270 billion dollars. The Atomic Energy Commission and how their bastard child the Nuclear Regulatory in 40 years of smoke and mirrors and lies is the only industry that I know of that does not have to address their waste issue, nor does the profiteering for environmental rape by nuclear industries. This does not take a rocket scientist to figure out that this would be degradation, risk to health or safety, other undesirable and unintended consequences like bankruptcy of the State of Utah for the mitigating an incident for mere profiteering of nuclear industries.

(4) To preserve important habitat and maintain an environment which supports diversity and variety of individual choices or commonly known as the possibility of alternatives.

The Draft Environmental Impact Statement seems to be a joint effort by federal agencies; it does not mean that the federal agencies negate their individual federal agency's mandate. The Bureau of Indian Affairs in Ninth Circuit court in "Cady versus Morton" stated that the Bureau of Indian Affairs must do an Environmental Impact Statement for any significant action regarding Tribal interests. Again, this does not take a rocket scientist to know that Native Americans have significantly different interest that the common United states citizen. The Bureau of Indian Affairs has ignored their mandate by not addressing the significant interest of native Americans to assure their unique diversity and/or intergovernmental relationships.

The alternatives, to my understanding, was not to merely address the difference between half mile distance of the same proposed action, but to address the feasibility of different alternatives than the proposed action. Granted, some considerations are given, like economic, social, health and environmental justice issues to name a few, but the over riding consideration is to be the feasibility of the alternatives. This Draft Environmental Impact Statement ignored all other alternatives, including the feasibility of on-site storage of spent nuclear fuel rods which the Draft Environmental Impact Statement pointed out, but negated as an alternative. The reason given is the profiteering of the nuclear industries do not want to lose any amount of profits to their stock holders. Clearly, this statutory requirement has not been addressed.

(5) Achieve a balance between resource and wide sharing life's amenities, or commonly known as the relationship between short and long term effects.

Granted, there is a short term benefit to some of the members of the Skull Valley Goshute people and Tooele County by industrial profiteering for environmental rape from the agreements and/or lease of the proposed action. This does not outweigh the increase risks of cancer and other non-latency diseases to females, breasting infants and children to that of the Draft Environment Impact Statement on politically correct analysis of white males between the ages of 25 to 45, approximately 5 feet 10 inches to 6 feet 5 inches, weighing approximately 155 to 170 pounds, for the determination of acceptable risks. As I stated earlier, the Draft Environmental Impact Statement does not address the Executive Order 13045 "Protecting Children from Environmental Health Risks and Safety Risks," and the cumulative effects are significantly different to a developing fetus throughout childhood to that of the white male.

The Draft Environmental Impact Statement establishes blatant arrogance of the four federal agencies by not including the Department of Defense of their analysis of effects of storing spent fuel rod in open air casks adjacent to the Hill Air Force Bombing Range and the Wendover Bombing Range, and the effects to National Security if the use of them is limited. Last year there were two cruise missile that crashed outside the bombing ranges, and over the years several F-16's have crash outside the bombing ranges. There is no analysis in the Draft Environmental Impact Statement of the possibility of military use of the bombing ranges if spent fuel rod casks were hit and/or the effects of limited use to National Security.

(6) The quality of renewal resources to that of depletable resources, or commonly known as any irreversible commitment of resources.

The Draft Environmental Impact Statement bases the analysis of commitment of resources on scale models, computer programs and new casks. There is no mention of the fact that the casks are 10 to 15 years old and are now just being placed into use, that being the fact that the curing process takes 10 to 15 years. If the spent fuel rods are placed into a new cask, the spent fuel rods themselves give off too much heat, causing them to crack and break, not to mention the fact that the valves could not withhold the pressure, allowing nuclear isotopes to escape into the ambient environment. In fact, tests were done to demonstrate this very point.

There is no mention in the Draft Environmental Impact Statement that the spent fuel rods placed in the casks at the proposed site will not necessary be the same radioactive isotopes while waiting for permanent storage; ergo, questioning the possibility of not being able to move the spent fuel rods from the proposed site to a permanent site sometime in the future. Granted, this scenario

could happen if the spent fuel rods are stored on-site, but why are the on-site scenarios different than the Skull Valley Goshute site? Is it the fact that the Skull Valley Goshute, Tooele County, State of Utah, etc., don't have the necessary experience of nuclear industries. We have no experience in handling spent fuel rods.

In closing, the Constitution of the United States guarantees Due Process. The statutory requirement of NEPA requires Due Process in the form of public participation. Yet, only Utah, in two locations for a total of six hours will be granted limited due process. This process needs to open to all the affected states and communities as required by the Constitution and statutory requirements of NEPA, since this proposed action directly affects 42 states and their communities.

The Bureau of Indian Affairs is responsible to assure that significant interests of Native American Peoples are addressed and intergovernmental relationships are guaranteed to the Native American People; to date this has not been done.

Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" was blatantly ignored by the four federal agencies named on the cover of this Draft Environmental Impact Statement. The risk analyses are significantly different to a developing fetus through childhood than that of a white male. The analysis of accident remediation of the casks on rail and/or highway could bankrupt the State of Utah.

A placement of proposed action within half mile radius is not alternative. NEPA requires assessment of all feasible alternatives, such as on-site storage. Profiteering interests of nuclear industries stockholders should not be the overweighing factor to the overall economic consequence to the State of Utah and possibly other states and communities in the affected transportation routes.

The arrogance of no analysis on the two bombing ranges and the effects on the possibility of limited use on National Security issues needs to be addressed, if the bombing training ranges were limited in some way. This is not an acceptable balance between existing resources and the proposed action. Ergo, we are against the proposed action and in favor of the no-action alternative.

I will be submitting these comments along with written comments before the end of the comment period. Thank-you.

(The following is the written comments section)

WRITTEN COMMENTS:

General comments: The Draft Environmental Impact Statement was inaccessible to most interested people. Making additional copies of the Draft Environmental Impact Statement available at the public hearings on July 27 and 28, 2000 in Salt Lake and Grantsville limited due process.

On August 21, 2000 additional public hearings were held for an additional six hours (approximately) in Salt Lake City, Utah. The hearing official stated that the purpose of the Environmental Impact Statement was "...to only determine what is the impact..."; this seems to limit participation and analysis of the public to this Draft Environmental Impact Statement. Section 102 of NEPA states: "(1) [T]he Federal Government shall...(A) utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making which may have an impact on man's environment; (B) identify and develop methods and procedures... which will insure that presently unquantified environmental amenities and values may be given appropriate consideration along with economic and technical consideration..." The Draft Environmental Impact Statement was developed by: the Nuclear Regulatory Commission, the Department of Interior Bureau of Indian Affairs, Department of Interior Bureau of Land Management, and Surface Transportation Board. Each of these agencies are significant different from each other, yet nowhere in the Draft Environmental Impact Statement is there a description of what each of the agencies' responsibility will be in the decision making process for this proposed action. Ergo, the public's ability is limited on the determination of "what is the impact" of the proposed action. For example: the Bureau of Land Management, the Nuclear Regulatory Commission, and the Surface Transportation Board have regulations to assure that remediation of incidents will occur. Each of these federal agencies' regulations are significantly different on how remediation is to occur. The interdisciplinary approach of section 102 is to assure "... unquantified environmental amenities ...appropriate consideration ..." The Draft Environmental Impact Statement does not address the following Public law and/or Executive Order: (a) The contingency planning, remediation, and/or prevention of incidents whether on-site (i.e., the proposed site), the transfer station and/or transportation routes. As statutorily required in "Emergency Planning and Community Right-To-Know Act 1986 (42 U.S.C.A. sections 11001 to 11050); (b) Executive Order 13045 "Protection Children from Environmental Health Risks and Safety risks" --dictates that the agencies are to ensure that their policies, activities and standards address such risks; agencies are to assign a high priority in assessing such environmental, health, and safety risks (62 Federal Register) and, (c) There are international policies that prohibit the United States and/or its representatives from dumping hazardous and/or toxic waste to sovereign Nations that do not meet, as a minimum, the United States environmental standards. It is my understanding that the spent nuclear fuel rods are the property of United States and/or their representatives. The Skull Valley Goshutes are a sovereign Nation that does not currently have the available resources to meet the United States environmental protection standards. Ergo, this questions whether this four federal agencies that developed this Draft Environmental Impact Statement complied with NEPA section 4332 "Cooperation of agencies; reports availability of information; recommendations; international and national coordination of efforts [NEPA 102]" that states: "The Congress authorizes and directs, that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administrated in accordance with the policies set forth in this

chapter..." Ergo, the four federal agencies vided have failed in there responsibility in addressing the statutory requirement of NEPA by not assessing impacts in at least these areas mentioned in public law and polices. This makes the Draft Environmental Impact Statement incomplete in the determination of assessing the "what is the impact." It should be noted that during the scoping period I mentioned both the public law and polices.

This Draft Environmental Impact Statement's underlining assumption is that Yucca Mountain will be the permanent site, but in reality President Clinton has vetoed the Bill which would allow construction of Yucca Mountain to start; ergo, this questions if Yucca Mountain will be available as a permanent facility in the future. This could make the proposed Skull Valley Goshute site a permanent site.

There is no analysis on the Department of Defense's facilities, such as the two training, testing and bombing ranges. For example, what is the impact on the cumulative and socioeconomic affects to the State of Utah if one of the State's major employers was to limit their active and/or lay off employees, or the effect to National Security? There is no analysis of effects of incidents, either from the Tooele Chemical Demilitarization Facility, Department of the Army, Desert Chemical Depot, Tooele Utah, (a facility that is mandated to destroy chemical warfare nerve agent and mustard), or railroad incidents from the casks.

My organization finds it ironic that the necessary data to determine safety impacts will not be addressed in the Draft Environmental Statement. The Safety Evaluation Report that is referred to throughout the Draft Environmental Impact Statement will not be available for review until after the close the public comment period for the Draft Environmental Impact Statement; ergo how is the public to make that determination?

The Draft Environmental Impact Statement makes the assumption that background radiation has the same effects as radioactive isotopes found in spent nuclear fuel. This is a fallacy in the determination for environmental and human health impacts.

The Utah Chapter of Sierra Club is in favor of the no-action alternative. We are against the temporary site of spent nuclear fuel rods at the Skull Valley Goshute Nation.

SPECIFIC COMMENTS: (pg. iii Abstract, Lines 5-11): This is misleading at best; there is no mention of the fact that this proposed action is to be a temporary facility. The determination of risks are different if this proposed action is temporary or permanent.

(pgs. xxix & xxx Executive Summary, lines 46-2): The parable "you make your bed you sleep in it"; the Atomic Energy Commission with the Nuclear Regulatory Commission is the bastard child and is only looking at the economic profiteering of the nuclear industry. Both the Nuclear Regulatory Commission and the nuclear industries, to date, is the only industry that is not responsible for the nuclear waste products.

(pg. xxx Executive Summary, line 4-11): The purpose seems to serve only the economic interests of Private Fuel Storage Facility and not the interests of general public and/or the residents of the State of Utah. This is misleading to the public in the determination of "what is the impact."

(pg. xxx Executive Summary, line 18-21): This bifurcates the responsible of nuclear utilities, and Nuclear Regulatory Commission from the waste they generate, to that of the public.

(pg. xxxii Executive Summary, line 29-30): This makes the assumption that there is a permanent repository which will be developed. If the assumption here is Yucca mountain, President Clinton vetoed the Bill that would allow construction to start, ergo, questioning if a permanent repository will be ready by 2010.

(pgs. xxxii thru xxxiv Alternative to Proposed Action): Alternatives 1 through 4 in reality are addressing the proposed action. It is not the intent of NEPA to claim as this Draft Environmental Impact Statement, alternative is what is within a half mile radius. (pg. xxxiii lines 30-31) Claims that this Draft Environmental Impact Statement applies to the Skull Valley location; while this is the proposed action, NEPA requires that feasible alternatives be assessed. The intended purpose of this requirement is to assist the public in its ability to determine "what is the impact." An Alternative that is not assessed is on-site storage of spent nuclear fuel by each of the utility companies.

(pg. xxxiv (dialogue box)): The determination of significance of potential impacts does not take in the Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks"; as stated earlier, this Executive Order dictates that agencies will assign the highest priority in assessing environmental and safety risk to children. This determination of potential Environmental Impact arrogantly ignores this policy, and by doing so is a violation of NEPA, as stated earlier. Also, the dialogue box does not take into account cumulative effects to ecological and health burden; it only addresses the single compound effect.

(pg. xxxv Potential Impacts, lines 16-19): The dialogue box on page xxxiv does not define unknown impacts, like the one mentioned here; ergo, how is the statement factual in the dialogue box?

(pgs. xxxvi thru xxxvii Potential Impacts, lines 44-2): This only talks about economic benefits, but states nothing about economic benefits lost.

(pg xxxvii Potential Impacts, lines 24-34): This does not take into account Executive Order 13045. Ergo, the radiological impact dose would have a more significant damaging effect on children and a developing fetus, compared to that of the common worker.

(pg. xxxviii Transportation Option, lines 26-31): 10 CFR are OSHA standards; it is not clear if the administrative controls are the same as Nuclear Regulatory Commission. Executive Order 13045 require the highest priority be given to children's health and safety risks; it is also not clear if the standard stated gives this priority.

(pg xxxviii, line 37-40): Nuclear Regulatory Commission does have the responsible to comply with NEPA, regardless of the location of a facility.

(pg. xxxix Table ES.1): The table fails to mention potential impacts on the following: Executive Order 13045 and Emergency Planning and Community Right-to-Know. The table is bias because it does not take into account those of the Skull Valley Goshutes who are against the proposed action.

(pg. xl, lines 37-40): This type of statement is in itself a violation of Environment Justice; this type of statement would not be made if the proposed action were to be placed in a wealthy community.

(pg. xli, No Action Alternative, lines 9-18): The impacts implied here are the responsibility of the nuclear industries. It is known in the business world "as the price of doing business." If this intent is going to be implied, then it would seem the responsibility of the four federal agencies to state that the nuclear industries are the only industries that do not have to be responsible for the waste they generate.

(pg. xli, No Action Alternative, lines 19-22): If the intended purpose of no action alternative means that the spent nuclear fuel will stay on-site, this is one thing; but if "dry casks" are used then it is similar to the Skull Valley proposed action. It seems to imply that it would be an alternative to Skull Valley. The termination of operation of nuclear reactor licenses and/or expansion of on-site storage are also alternatives to the current operations at these sites.

(pg. xli, No Action Alternative, line 24-45): If this statement is true that the Nuclear Regulatory Commission examined the environmental impacts of the operations of independent of spent fuel storage installation and made the generic determination that spent fuel generated in any reactor can be stored "...without significant environmental impacts for lease 30 years beyond the licensed life operation of the reactor at on-site..." On July 18, 1990, the NRC published a final rule on "Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites" (55 Fed. Reg. 291818-29190).... The "finding of no significant impact states that: [T]he Commission concludes that this proposed rule making, entitled "Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites" will not have a significant incremental effect on the quality of the human environment." This alternative would seem to have favorable cost benefit compare to the transportation, necessary radiological remediation team, training of such a team, etc. for proposed Skull Valley Goshute site.

(pg. xlii, lines 5-8): This is a typical environment injustice statement by pointing out the low-economic, minority people will have "...positive economic benefits..."; yet, this same type of analysis is not used for on-site storage of spent nuclear fuel rods. Ergo, how is the statement not a violation of "Environmental Justice" ?

(pg. xlii, lines 30-47): There is significant difference between environmental benefits and risk to that of economic benefits and risks. This statement blurs these significant differences.

(pg. xlii, lines 40-41): This statement makes the assumes that there would be no economic consequences to the State of Utah and/or Tooele County. The Draft Environment Impact Statement does not address economic consequences cause by the proposed site to the State of Utah, Tooele County, and/or another other community in the transportation routes.

(pg. xlii, lines 43-47): This statement has fallacy, since the generation of nuclear power does produces waste that is much harder to treat, store, and/or dispose of, and is the only industry that is not responsible for their waste from "cradle to grave," like producers of hazardous waste have to be.

(pg. xliii, lines 14-17): This statement is misleading. It implies that acceptable risks (i.e., risk which we as human beings choose to take) to those that are unacceptable. (i.e., risk that need some form of mitigation).

(pg. xliii, lines 30-35): The displacement of cost for decommissioning of a temporary site needs to be assessed.

(pg. 1-1, line 6): The term "limited liability" needs to be defined; for example limited to that? What happens if more liability is needed; who will pick up the cost?

(pg. 1-6, lines 11-12): This statement seems to be inconsistent with statement made on pg. xli lines 14-44.

(pg. 1-7, lines 13-15): The Nuclear Regulatory Commission does not address the issue of: Does temporary storage allow the nuclear utilities to continue producing more waste, without really addressing the issue of what to do with the waste?

(pg. 1-12, lines 22-25): There are two testing and training bombing ranges within impact of the proposed site and transfer station. There is no analysis on the cumulative and/or socioeconomic impact if there is limitation and/or no use of these testing and training bombing ranges; nor is there any analysis of how the non-use would affect National Security.

(pg. 1-12, lines 43-44): The Nuclear Regulatory Commission Safety Evaluation needs to be part of this Draft Environmental Impact Statement. The Public Hearings that were only held in Salt Lake City and Grantsville had numerous speakers point out how hard it was to get the necessary information to make informed determination of impacts. The National Environment Policy Act was not intended to be an agency or agencies whitewash on necessary information.

(pg. 1-17 Table 1.2.,line 10): The section regarding paleontological has fallacy; if there is no surveys, how can a determination be made?

(pg. 1-17, Table 1.2., line 18): This statement if in error. The proposed action is directly in the flight path for migration of riparian species; there are eagles that have nested in this area.

(pgs. 1-18 thru 1-21, Section 1.6.1.1 Federal Laws and Regulations): National Environmental Policy Act (42 U.S.C.A. sections 4332) states:" The Congress authorizes and directs that, to the fullest extent possible: (1) the polices, regulations and public law of the Untied States shall be interpreted and administered with the polices set forth in this chapter..." Nowhere in this section is mentioned the following regulations and/or policies Executive Order 13045 "Protecting Children from Environmental Health Risks and Safety and Risks" and Emergency Planning and Community Right-To-Know (42 U.S.C.A. sections 11001 thru 11050).

(pg. 2-19, lines 20-22): There is no analysis of impacts of double shipment.

(pg. 2-25, lines 29-36): The philosophy of "start clean/ stay clean" is good on paper, but common sense tells us that it is impossible. What is the contingency plan if the philosophy cannot be maintained for the life of the proposed facility?

(pg. 2-28, lines 5-7): This is an assumption; there is no data to support it. There is just as much chance of water being radioactively contaminated as there will not be. Ergo, some analysis is necessary to determine impacts.

(pg. 2-29, lines 1-2): Decommissioning is part of the process of determining impacts; some general analysis is necessary.

(pg. 2-29, lines 13-17): There is no analysis of what the impacts of decommissioning would be if there is limited liability. Analysis is needed.

(pg. 2-32, lines 4-5): This seem to be saying something different then pg. xli lines 38-41.

(pg. 2-32, lines 21-31) The National Environmental Policy Act's intended process is not to determine "ripeness"; but the feasibility of the alternative in the case of Federal Government control of spent nuclear fuel. This type of argument of "ripeness" could also apply in other areas, like Yucca Mountain; therefore analysis on the feasibility of alternatives is needed.

(pg. 2-33, lines 4-5): It is a fallacy of this Draft Environmental Impact Statement not to address the other current dry storage system design under the criteria of the National Environmental Policy Act's alternative requirement.

(pg. 2-33, line 31-32): It is not clear why the licencing process is being done prior to the National Environmental Policy Act process, Unless it is the Nuclear Regulatory Commission's policy to "decided and defend" and placate the necessary and regulatory requirements of incorporating public participation.

(pg 2-42, lines 2-4): There is no analysis of the impacts that heavy haul trucks will have on the Skull Valley Road to assure the safety of the road itself.

(pg. 2-43, lines 38-48): The no-action needs to have some analysis, such that comparisons to the proposed action can be done by the public.

(pg. 3-3, lines 36-37): To determine the impact data is necessary. It has been determined that there is seismic active in the area of the proposed site, ergo analysis is necessary.

(pg. 3-27, figure 3.8): Why is not Indian Hickman Creek shown in figure 3.8. if it is mentioned on pg.3-9 (lines 37-40), which mentions that the Reservation water supply and feeds to the reservoirs?

(pg. 3-35, lines 12-15): There is no analysis of Executive Order 13045 "Protecting Children from Environmental Health and Safety Risks" considering that the majority of the members of Skull Valley Goshute are under the age of 18.

(pg. 3-36, lines 9-12): This statement implies that Tribal government has no long-term financial security. The reference is requesting additional information for this Environmental Impact Statement. This makes the assumption that currently the Tribal governmental has no long-term financial security. Is it not the responsible of the Bureau Indian Affairs to secure feasibility of the Native Americans culture, diversity, etc., and in doing so, to assure security of the Native America Nations?

(pg. 3-39, lines 10-11): This is not a true statement. Bureau of Land Management owns lands that are adjacent to the Skull Valley Goshute Nation; ergo, all of the lands that are adjacent are open for recreational purposes.

(pg. 3-43, line 1-4, section Public Health Safety): Granted, there is the Tooele County Fire District, which is a volunteer fire department. The problem is that volunteer fire departments, under the Uniform Fire Code they cannot remediate as hazardous materials teama. Regardless of the ability of hazardous materials teams, they cannot remediate and/or possibly not be available to respond to radiological incidents.

(pg. 3-49, Table 3.17.) This table is lacking generally known cultural information in the Skull Valley Region; this whole table needs to be redone. For example, the Fremont Indians were not around in the 1300s. There is a lack of information on the Spanish and Mexicans in the area prior to the Europeans, and lack of information on other Native Americans in the region prior to the Skull Valley Goshutes.

(pg. 3-51 Lines 34-35 & lines 43-44): If in 1908 and 1913 Ralph Chamberlin give the name and use of several hundred plants and plant parts, then the statement on line 43-44 is in error. Ergo, it makes the assumption that Bureau of Indian Affairs has not protected the culture and traditional interests of native plants used by the Skull Valley Goshutes.

(pg. 3-54, line 45-46): If the public is to determine the different impacts, then here is a good example of no data to make the determination for cumulative effects.

(pg. 3-56, Table 3.20.): This data is dated and does not take into account cumulative effects, nor does it take into account the Envirocare proposal to increase its waste stream to include Class A, B, & C.

(pg. 3-5, Radiation Dose Assessment Terminology): There are other non-cancer effects of exposure to radiation; there needs to be dose assessment of non-cancer effects. The analysis on latent cancer fatality has fallacy in the assumptions, it only assesses latency in accordance to a male in adulthood. The following information needs to be included: In BEIR V report by the Nation Academy of Science p.175. For non-leukemia cases, if 100,000 males are exposed to 10 REM each at the age 5 verse age 45, the expected number of latent cancer fatalities is 1165 and 492, that is the ratio is 2.4

to 1; in females, the latency cancer fatality are 1457 and 468, for a ratio of 3.1 to 1. For specific types of cancer in females, e.g., breast cancer, the number of latency cancer fatalities are 655 and 71 for a ratio 9.23 to 1. As you can see, receiving a radiation exposure at an earlier is more likely to lead to cancer fatality. This is true for a couple of reasons. Children have actively growing cells, and children live more years than adults and there is, therefore, more time for the cancer to develop.

(pg. 4-1, lines 42-44): How is the statement true if there is a half mile radius between Site A and Site B, and throughout the Draft Environmental Impact Statement it states that there is "...no distinguish between Site A and Site B"?

(pg. 4-12, lines 41-43): The above ground tanks will also have to comply with Community-Right-To-Know and Emergency Planning (42 U.S.C.A. sections 11001 to 11050).

(pg. 4-13, lines 33-36): This statement implies that Private Fuel Storage voluntarily monitor groundwater. Both Federal and State statutes and regulations require prevention of impacts to groundwater.

(pg. 4-18, lines 15-22): Crested Wheat grass is not native to the area. It is native to eastern and central Asia. It might be fire protection. There is no analysis of what it will do to the native plant species in the area; ergo, analysis is needed.

(pg 4-18, lines 30-40): The Draft Environmental Impact Statement states that Crested Wheat grass can retard succession of native vegetation and result in loss of wildlife habitat. Thus when planted in Skull Valley, it might spread outside the area where it is planted and compete with native vegetation growing there. How is this protective of the environment?

(pgs. 4-42 thru 4-45, section 4.7.2.1, Estimated Dose to the General Public): Has several fallacies and ignores a large proportion of the general public. The maximally exposed individual is typically a "pure white male approximately six feet and approximately 155 to 170 pounds, who stands for 70 years"; this defies common sense. Nowhere in the analysis is there data for breast feeding infants, a developing fetus, females, ethnic people, and/or children. Ergo, the estimated dose to the general public assumes that a large proportion of the general public do not exist. This make the data dubious.

(pgs 4-45 thru 4-48, section 4.7.2.3. Estimated Doses from Off-Normal Operation and Accidents): This section has ignored at least three scenarios for "off-normal operation": (a) casks are not upright. It has been stated that the operators have 48 hours to upright the casks before containment problems occur. What happen if the 12 workers can not upright the casks within the 48 hours? (b) The proposed site is within the testing, training and bombing ranges; what would happen if a cruise missile went off course and hit the casks? It should be noted that numerous cruise missiles have gone off course through the years. (c) Terrorist act destroys the cask(s).

(pgs 4-52 & 4-53 Figure 4.2): The Draft Environmental Impact Statement mentions two bodies of water, Horseshoe Springs and Skull Valley Indian Reservation. Granted, this does not fall within the

limited word usage of river, lake, pond; It does fall within the description of the existing visual environment.

(pg. 5-35 & 5-36 lines 43-12, section 5.7.1.3. Latent Health Effects): This statement makes the assumption that there will be no train derailments which could cause shipping casks valves to open, allowing the content to be lost into the ambient environment.

(pg. 5-39 & 5-40, lines 41- 30): The assumption that Yucca Mountain will be a permanent repository is false. Currently, the funding to start construction at Yucca Mountain has been stopped. Even if Yucca Mountain is build it would only hold part of the spent nuclear fuel rods that are proposed to be stored at the Skull Valley Goshute site.

(pgs. 5-44 thru 5-52, section 5.7.2.4 Incident-Free and Accident Dose Risks from the SNF Shipment to the Proposed PFSF): This section has two fallacy: (1) Remediation can occur to have a incident-free dose. (2) There is an ability to remediate. In my resources for remediation for radioactive material and/or waste, these teams have special radiological training for prevention and remediation. There are very few area that have such a team and Utah is not one of them.

(pgs. 6-10 thru 6-14, section 6.1.5. Socioeconomic and Community Resources): This section makes the fallacy the Native Americans are indistinguishable from those remainder of residents of Tooele County for socioeconomic, cultural, and community. Native Americans have significantly different socioeconomic, culture and community. The Draft Environmental Impact Statement fails to address these unique differences and the hardship most Native American have had to face because of the arrogance of United States concerning these unique differences.

(pg. 6-31, lines 21-27): The definition of Environmental Justice, the positive socioeconomic impacts as defined here are somewhat arrogant. Granted, if there is no economic development in an area, then any form of economic development would be positive, but the issue here is the placement of this type of storage being propositionally more in an Environmental Justice defined area? If so, then the positive socioeconomic impact are not there.

(pg. 6-36, section 6.3.6 Cultural Resource, lines 9-19): This section makes the determination that proposed rail corridor would beneficia, and also makes the assumption that construction will not damage any significant historic property. Also, this section make the assumption the Skull Valley Goshutes have no significant cultural resources, yet no data was established to make determination of culture impacts.

(pgs. 6-36 & 6-40, section 6.3.7. Human Health Impacts, lines 22-8): This section neglects to determine impacts to the largest segment of the Skull Valley Goshute population, that being the children under the age of 18. Child have actively growing cells and children live more years than adult and there is, therefore, more time for cancer to develop and non-cancer illness to occur. This section lacks compliance with Executive Order 13045 "Protecting Children form Environmental Health and Safety Risks," making this Draft Environmental Impact Statement not in compliance with 42 U.S.C.A. section 4332 National Environmental Policy Act.

(pgs 6-43 & 6-44, section 6.7 Potential Impacts of the No-Action Alternative): On lines 27-28 (pg. 6-43) it claims that if PFSF is not constructed this would lead impacts at the no-action alternative site(s), but line 13-26 (pg. 6-44) seems to counter the statement vide on pg. 6-43; clarification is needed.

(pg. 7-2, Table 7.1): Out of the 19 potential host sites, 13 (or over 50%) are with Native American Nations; this develops a disproportional environmental injustice.

(Chapter 8 Benefits and Cost of The Proposed Action): This chapter fails to address economic consequences of the proposed action, as in the following examples: what would happen if the limited liability of Private Fuel Storage is not enough? What happens if the cleanup costs of an incident bankrupts the State of Utah annual budget? What happen if within the permit of the "temporary" storage license and/or permit, the Nuclear Regulatory Commission and/or Congress decides to make the proposed facility permanent?

(pg. 9-1 section 9.2.2 BIA Action, lines 41-44): It is not clear that the Bureau of Indian Affairs is complying with the decision in *Cady v Morton* (527 F.2nd 786). To my understanding of this case, the Bureau of Indian Affairs must do an Environmental Impact Statement for any significant action regarding Native American interests. It seem to me that would include the conditional lease between Private Fuel Storage and Skull Valley Band. This Draft Environmental Impact Statement has done no analysis of the significance of lease agreement regards Skull Valley Goshute interests.

(pgs. 9-2 & 9-3, section 9.3 Comparison of Potential Impacts, lines 18-14): Throughout the Draft Environmental Impact Statement. analysis has established that there is no significant difference between proposed site and site B. Ergo, common sense would say there are the same site. Ergo, the only analysis on alternatives are the proposed site and "No-Action", (there was little to no data for the determination of "impact" of the Wyoming site; therefore, this Draft Environmental Impact Statement could be in violation of not complying with analysis of feasible alternatives, as required by National Environmental Policy Act).

(pg. 9-14, lines 18-21): If Bureau of Indian Affairs' primary responsibility is to assure the protection of native American culture, historical, interest, etc., which are significant unique to that of the general United States, then the issue of storing spent nuclear fuel rods on Native America lands, using the comments of the public, implies that economic profits of the nuclear utilities can be misleading on the impacts of the established Environmental Justice requirements.

(pg. D-5, lines 11-16): This statement makes the assumption that the person exposed would be between the age of the average worker (i.e., 20-45). There is not analysis for children and/or the elderly. Analysis is needed.

(pg. D-7, lines 2-3): Variation of frequency and population density is available by local Sheriff office and/or local Emergency Planning Communities, ergo, the statement is in error.

(pg. D-17, lines 32-33): This statement make the assumption that isotopic decay in storage will be

same as the original isotopes, there is data to support this assumption. Necessary data is needed.

(pg. F-3, section Public Acceptance): The answer to the second question is misleading. There is ongoing litigation with some of the Skull Valley Goshutes that claim they are not in favor of the proposed action of the Nation.

In précis, the Utah Chapter of the Sierra Club is in favor of the "No-Action" alternative. The National Environmental Policy Act requires that the proposed action will fill a necessary purpose for the federal action. The Nuclear Regulatory Commission states, in the Draft Environmental Impact Statement, that there will not be significant impact for continual storage at Nuclear Power reactor Sites, ergo, begging the question of the purpose and need. The Draft Environment Impact Statement clearly places nuclear power industries' profits over environment impacts and human health. By doing this, the regulatory agencies are only displacing the problem of addressing a National Nuclear Waste Policy.

This Draft Environmental Impact Statement is not in compliance with 42 U.S.C.A. section 4332 of the National Environmental Policy Act, by not including the following: Executive Order 13045 "Protecting Children from Environmental Health Risks and Safety Risks" and 42 U.S.C.A. section 11001 to 11050, "Emergency Planning and Community Right-To-Know." Ergo, this questions the cumulative impacts to the environment and human health. There is some question whether United State government and/or facilities can ship hazardous or radioactive waste to sovereign nations that do not have the ability to protect their environment and human health to the standards of the United States.

There is also the question if the Due Process of National Environmental Policy Act has been complied with, since there were limited public hearings. The transport routes travel through several communities and affect other States, questioning the Due Process clause.

The Draft Environmental Impact Statement also did not address economic consequences of the proposed action to that of on-site storage. Also, other economic consequences such as liability, and the ability to respond to incidents weren't adequately addressed. The Draft Environmental Impact Statement didn't clearly define the regulatory responsibility of each of the Federal agencies as they relate to the National Environmental Policy Act compliance.

The Safety Evaluation Report would not be available until after the public comment period ends; this questions how the public is to make the determine on safety impacts issues.

The use of non-native plants questions how the Bureau of Land Management plans to protect native plants, and the animal habitats which are dependent on them.

The Bureau of Indian Affairs failed in addressing significant interests of the Native Americans, and how these interest would or would not be impacted by the proposed action.

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