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June 23, 2000

NORTH AMERICAN WATER OFFICE

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211

September 20, 2000

Mr. David I. Meyer, Chief
Rules and Directives Branch
Division of Freedom of Information and Publications Services
Office of Administration
Mailstop T-6D-59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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**RE: Comments of the North American Water Office
Regarding 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, L.L.C.**

Dear Mr. Meyer:

These comments are submitted on behalf of the North American Water Office (NAWO), a 501 (c) 3 organization located in Lake Elmo, Minnesota. NAWO has an extensive history related to Northern States Power Co. (now Xcel Energy Corp.) nuclear operations, particularly as they pertain to operations of the Prairie Island Nuclear Generating Plant (PI). As project sponsor of the Prairie Island Coalition (PIC), and independently, NAWO has a vital interest in this proceeding. It is NAWO involvement with NSP's Prairie Island nuclear operations that led, in significant part, to NSP leadership of Private Fuel Storage (PFS) and the pending application for a high-level nuclear waste dump on the Skull Valley Goshute Reservation in Utah.

NSP wants the Skull Valley dump, and provides leadership for PFS, because of the irradiated fuel storage capacity constraint at Prairie Island. That constraint exists because state authorities did not authorize the full contingent of 48 TN-40 dry storage casks that NSP applied for in 1988. Instead, after protracted administrative proceedings that included NAWO/PIC participation, the Minnesota Public Utilities Commission



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(MPUC) authorized only 17 casks. PIC and the Prairie Island Mdewakanton Dakota Community appealed this decision, and prevailed because state law allows only the legislature to site a permanent high-level nuclear waste dump in Minnesota. The legislature took up the issue in 1994, and the storage capacity limit was codified in statute.

Ever since, NSP (Xcel) has been leading nuclear industry efforts to get a dump, and those efforts now focus on Skull Valley. Throughout the entire process, NAWO has been involved from the perspective of how to provide electric utility services most equitably, with the most environmental protection.

If the objective of this proceeding is to ensure the safe and equitable management of irradiated fuel, this Draft Environmental Impact Statement is not adequate. The intent of this comment is not to be exhaustive in its discussion of the multiple failings of the Draft EIS. Other parties are performing that function with the full and complete support of NAWO. Rather, the intent of this comment is to register our extreme disgust and disappointment that a project such as the PFS proposal may go forward in the face of glaring inadequacy.

For example, the cask system to be employed by PFS to transport waste to Skull Valley and to store waste at Skull Valley has not been tested to failure. Without testing to failure, failure modes are not known and protocol to manage failure scenarios cannot be devised. Testing to failure is common engineering practice, and should be part of irradiated fuel management programs. The Draft EIS is not complete until cask failure modes are understood and management protocol for cask failure scenarios are included.

Degradation modes of waste stored in casks are not adequately examined. The Draft EIS assumes that the waste in casks will sit passively in the casks until the casks are removed from the site upon decommissioning. In reality, the waste may undergo degradation in a variety of ways, including the potential for fuel assembly cladding failure due to various combinations of faulty fabrication, corrosion, metal creep, liquid metal embrittlement, and perhaps other phenomenon such as biodegradation and helium penetration. Were cladding to fail, passive cask shielding systems may also fail. There is no reasoned analysis in the Draft EIS of the potential for such failure, or of irradiated fuel management protocol in the event of such failure.

In fact, the proposed storage installation even lacks facilities to manage casks in the event of such failure, as there is no pool or "hot cell" included in the proposal. The idea that casks with degraded fuel assemblies in them will be shipped back to the utility that produced the waste is simply preposterous.

The Draft EIS is not complete until it includes a reasonable analysis of waste assembly degradation during storage, and management protocol during such failure events.

Problems with cask failure and waste assembly degradation are compounded by the fact that cask fabrication quality assurance and quality control protocol do not exist. And even if they did, there is no oversight mechanism in place to ensure that the casks to be employed by PFS at Skull Valley are up to design specifications. In the event that they are not, there is no discussion in the Draft EIS of protocol to manage situations that may arise as a result.

Utterly profound moral and ethical issues raised by this proposal would properly be included in a Draft EIS for a centralized, private high-level nuclear waste dump, but they are not. There are several.

By what right are people in Minnesota and other states who enjoy the benefits of "cheap" nuclear energy allowed to dispose of the resulting nuclear wastes in a state that is adamant in its opposition to being used as a dumping ground?

What foul substance is in the soul of a nation that disenfranchises a whole segment of its people, and deprives them of sustenance, and then uses "economic development" as the justification for dumping on them irradiated fuel that no other jurisdiction will take? Regardless of the legitimacy or intent of the Skull Valley Goshute tribal leadership, the Draft EIS fails to account for considerations required by Environmental Justice Executive Order No. 12898.

What are the long-term implications of the privatization of nuclear waste management, relative to the reasons why the federal government has historically been intent on managing irradiated fuel?

The cavalier, "happy-go-lucky" approach of the Draft EIS is not acceptable. This sham and farce is designed to ensure that the commercial nuclear industry will continue to profit at the public's expense, both in terms of health and safety damages caused by commercial nuclear operations, and in terms of maintaining "market share." It is not a document suitable for basing sound public policy for the management of irradiated fuel. If it is not rejected, more seeds of social strife will have been sown.

Sincerely,



George Crocker, Executive Director
North American Water Office