

# SIERRA CLUB



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June 12, 1998

Dr. Edward Y. Shum  
Environmental Project Manager  
Nuclear Safety and Safeguards  
Nuclear Regulatory Commission  
Washington, DC 20555

Dear Dr. Shum,

Here are some of our concerns regarding the proposed Skull Valley Goshute Tribal Nation, high-level spent fuel rods temporary storage site in the west desert of Utah.

**SPECIAL REGULATORY CONCERNS:**

**Environmental Justice:** As a result increased awareness of environmental inequity and commitment that all communities and persons across the nation should live in a safe and healthful environment, on February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." This order directs federal agencies to incorporate environmental justice into its mission by "identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." Generally speaking, environmental assessment for environmental impact statements address socioeconomic conditions, cultural resources, etc. This Executive Order's intent is to address the issue of inequity to minority and low income populations.

**Protection of Children:** On April 21, 1997, President Clinton issued Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks." This Executive Order was issued in response to scientific evidence that the behavior of children (sometimes referred to as Pica Syndrome) often exposes them to greater environmental and safety hazardous than adults, and that children are more impacted by these exposures because of their small and less developed physical and neurological systems. Therefore this Executive Order directs federal agencies to identify and assess environmental health risks that might disproportionately affect children and ensure that "policies, programs, activities, and standards address disproportionate risks to the children that result from environmental health risks or safety risks."

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International Dumping Prohibition: It has been the United States' general policy not to dump hazardous or acutely hazardous waste on third world nations. The Skull Valley Goshute Indian Tribal Nation is a sovereign nation, with some similarities to a third world nation in terms of industrial development. This becomes a unique issue when addressing the ownership of the high-level spent fuel rods and how the United States is going to enforce their regulatory requirements on another nation. The issue of ownership needs to be determined such that this temporary site does not become a permanent site because of the sovereignty of the Skull Valley Goshute Indian Tribal Nation. At what point does the generators' responsibility of "cradle to grave" go to someones else, and where does the ownership change (i.e., at the entrance of the Skull Valley Tribal Nation, Rowley Junction, etc.). Another unique issue is sabotage from infringement groups on this sovereign Nation if ownership and safeguards are not in place because the ownership changed hands.

#### SAFETY, TRAINING, AND TRANSPORTATION ISSUES

Safety and Training: There is the question of the determination of how the necessary safety and training is going to be done to assure protection of the environment and human health. The unique sovereignty of the Skull Valley Indian Tribal Nation does not assure that safety and/training will be at the same standards that the United States requires.

Transportation: The means of transportation (i.e., truck or rail) needs to be determined. The route of transportation needs to be determined, to assure that the necessary contingency, preparedness and prevention plans from necessary hazardous material teams are in place. For example: first responders have a significantly different role than a hazardous materials team. There needs to be some certainty that along the transportation route there are the necessary trained hazardous materials teams, such that preparedness and prevention of contamination along the route will be assured and any accidents remediated quickly. There need to be safeguards in place to assure that sabotage shall not occur. Assessment of the community's right to know and emergency planning must be in place in case of accidents caused by problems with container integrity. Also, the determination of the number of containers that will be shipped in via truck and rail cars should be ascertained. The containers' useage needs to be determined and how they will be disposed of, once their life span is spent. Transport stations from rail to truck need to be determined in the precaution to incidents transferring material from rail to truck, and the training of the transferring operators from beginning to endpoint.

Container Integrity: The porosity of the concrete containers needs to be determined such that their integrity for shipment is assured. This integrity determination needs to be done on the same number of spent fuel rods that are planned to be shipped in each container shipment.

POPULATION, AND OTHER USAGE IN GENERAL AREA

Sprawl: The Wasatch Front communities have increased in population and sprawl; ergo the increase to more of the population using transportation routes is at risk. Sprawl is also a issues along the transportation routes.

Other Usages: The Utah Chapter of the Sierra Club leads hikes in the Stanburys Montains and the West Desert. These hikes have increased in popularity over the years. The Pony Express Trail, Hasting Pass and Donner Party tracks (in the Ceder Mountain Range) use the Skull Valley road; therefore other useages for the Skull Valley road need to be considered in the transportation to the Skull Valley Goshute Indian Tribal Nation temporary storage site.

Geological Risks: The assessment of geologic risks, such as earthquakes, fault lines, and the integrity of the site itself against seismic movement needs to be thoroughly assessed. Other risks which are either manmade or natural (like fires) also need to be addressed.

Thank you for this opportunity; ff you have questions about these comments please contact me at 801-486-9848.

Sincerely,



Cindy King,  
Environmental Health Committee