

**CONGRESSMAN MERRILL COOK  
TESTIMONY BEFORE NUCLEAR REGULATORY COMMISSION  
EIS SCOPING HEARING  
JUNE 2, 1998**

**Introduction**

I am Congressman Merrill Cook and I represent the 2nd District of Utah. I appreciate this opportunity to present testimony on the scope of the Environmental Impact Statement for the proposed high-level nuclear waste site on the Skull Valley Goshutes Reservation in Tooele County.

I have had grave concerns about this proposal since it was first unveiled by the Skull Valley Goshutes and the consortium of nuclear utilities known as Private Fuel Storage or PFS. In fact, the first bill I introduced as a Member of Congress, H.R. 2083, would block the storage of high level nuclear waste at the Skull Valley site. H.R. 2083 would accomplish this by imposing prohibitively high fines on the transportation of waste to the site.

My two primary concerns are:

First, that PFS has refused to provide the State of Utah and its citizens with sufficient information on this proposal; and

Second, that the site, designed only for interim storage, may turn into a de facto *permanent* site, without any of the necessary safeguards in place to protect the environment or people of Utah.

It is my hope that the EIS review will be broad enough to adequately address these issues. It is critical that the federal government carefully and responsibly analyze the potential environmental impacts of this high-level nuclear waste site. Artificially curtailing or constraining this review would be an abdication of the federal government's most important responsibility: the protection of public health and safety.

**A Parking Lot?**

I hope that the EIS review will address the many unanswered questions about this proposal:

- Will the utilities have the money to pay for the costs of cleanup in the event of an accident?
- Have the utilities set aside any money for maintaining the site?
- Will the utilities be prepared to address the problems or accidents that occur during the transportation of the waste?

- Will the utilities be prepared to handle terrorist attacks or sabotage?
- Have the utilities addressed the threat of forest fires or range fires?
- What is the legal responsibility between the PFS limited liability members and their parent utility companies?

The PFS utilities failed to provide adequate answers to these questions or to describe the arrangements between PFS and the tribe. PFS argues that these issues involve proprietary information covered in the lease with the Skull Valley Goshutes. One PFS spokesman even claimed that, "it's like if you were to lease property in your backyard . . . for parking, or whatever, it's a private matter between the parties."<sup>1</sup>

With all due respect, siting high level nuclear waste is not like leasing property for a parking lot. It is not even like leasing property for a landfill, or even a hazardous waste disposal facility.

As to the safety questions, PFS has responded to those questions by insisting these casks will not leak, citing experts from the very industry that stands to profit from the transportation and storage of this waste. The current nuclear scandal in Germany underscores the inadequacy of those assurances. German newspapers have reported, and the German nuclear industry has confirmed, that deadly waste, identical to that proposed for Skull Valley, has leaked from similar casks. Casks both the German government and the nuclear industry insisted would not leak.

High-level nuclear waste is one of the most toxic, dangerous substances known to man. It will remain dangerous for thousands of years. I've worked in the explosives industry for over 20 years. We never take safety issues lightly. The PFS and the federal government should not take them lightly here.

### **Permanent Storage?**

It is imperative that the EIS analyze the implications of storing waste on the Skull Valley site beyond the proposed 40 year allowable license term. I and others have repeatedly warned that future economic and political pressures, which we cannot even imagine now, could strand the waste on the Skull Valley site. Laws can be amended. Licenses and leases can be renewed. There is nothing that guarantees that the waste will be removed at the end of the initial license term or the one-time only renewal.

Because of this very real risk of "permanent" storage at the Skull Valley site, the scope of the EIS should examine long-term storage issues. These should include, but not be limited to: long-term seismic risks; long-term cask performance and cask degradation; and long-term institutional controls. Review of seismic risks should examine the threat posed by the Stansbury Fault and other nearby faults.

These long-term issues parallel issues that the Nuclear Waste Technical Review Board recommended for study for the Yucca Mountain site.<sup>2</sup>

Analysis of cask performance over the long-term should include an assessment of the risk of cask burns similar to the incident that occurred at the Point Beach nuclear power plant in May, 1996.<sup>3</sup> In this incident, gas inside a high-level nuclear waste cask -- similar to the ones that would be on the Skull Valley site -- was ignited. The gas ignition created enough pressure to displace a nine-inch thick, 6390 pound metal lid. PFS has assured us repeatedly that there will be no welding or work performed on the casks during the planned "interim" storage at the Skull Valley site. While I believe they are sincere, I cannot feel completely assured that none of the thousands of casks will require repairs over a period of 40, 50 or 100 years, that they could be on the site.

### **The Bottom Line**

As I've explained, I hope that the scope of the EIS will be such that it will help address many of the concerns of the State and its citizens that have so far been unaddressed; and will thoroughly examine the implications of *long-term* storage at the Skull Valley site. In addition, I expect the EIS review to include the same type of issues mandated for review by law at a federal interim storage site. These issues include:

- an estimate of the amount of storage capacity at the site;
- an evaluation of whether the facilities are adequate for the amount of high-level nuclear waste to be stored;
- a description of any planned expansions or modifications to the site;
- an evaluation of the effect of storage on the public health and safety and the environment; and
- an assessment of the regional and local impacts of storing high-level nuclear waste at the site, including the impacts on transportation.<sup>4</sup>

These issues, however, should be the starting point, not the ending point, of the EIS inquiry. Public health and safety and the protection of our environment demand that the EIS inquiry consider all of these issues.

Thank you again for allowing me to testify this evening.

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1. The Deseret News, "N-Waste Files: Lots of Pages, Few Details," January 29, 1998.

2. U.S. Nuclear Waste Technical Review Board: 1997 Findings and Recommendations.
3. American Nuclear Society Nuclear News, "Point Beach: NRC Looks into Cask Welding Incident."
4. 42 U.S.C. 10155(c)(2)(A), 1995.