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Mark Delligatti, Senior Project Manager
 Spent Fuel Project Office
 Office of Nuclear Material Safety and Safeguards
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

February 24, 1999

J.O. No. 05996.02

Letter No. S-O-50

File No. R9.2B

**ATTACHMENT TO EIS RAI RESPONSE
 PRIVATE FUEL STORAGE FACILITY
 DOCKET NO. 72-22 / TAC NO. L22462
 PRIVATE FUEL STORAGE L.L.C.**

Reference: 1) PFSLLC Letter, Parkyn to Director, Office of Material Safety and Safeguards,
 Responses to EIS Request for Additional Information, dated February 18, 1999

Enclosed please find the following attachment that was referenced in the Skull Valley Band of
 Goshute response to EIS RAI 13-1 (b). The Band responses were included with the PFS EIS RAI
 responses (Reference 1). This attachment was inadvertently omitted from the RAI response
 package.

“Skull Valley Band of Goshute response to the Private Fuel Storage Site Selection
 Questionnaire”

We apologize for any inconvenience this may have caused. If you have any questions regarding
 this response, please contact me at 303-741-7430.

W. P. Hennessy
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February 24, 1999
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**Attachment to
EIS RAI 13-1 (b)**

**Skull Valley Band of Goshute
Response to the Private Fuel Storage
Site Selection Questionnaire**

EXECUTIVE SUMMARY

The Skull Valley Band of Goshutes, (Tribe), have been pursuing a Interim Spent Fuel Storage Installation (ISFSI) on the Skull Valley Goshute Reservation in Tooele County, Utah. Given the extensive proven experience of the Tribe's consultants in siting nuclear facilities and with the commitment from PFS, the Tribe believes a ISFSI could be licensed for construction within 24 months. The only caveat is the assumption that there will be no significant changes in the present Federal regulations that now control the process. With the surrounding presence of both NRC and State licensed nuclear waste facilities; two hazardous waste incinerators; the Dugway Proving Ground, and the Tooele Army Depot's nerve gas incinerator, which is about to begin continuous operation with the blessing of the State, the only credible opposition mounted to an ISFSI located on the Skull Valley Reservation will be on philosophical grounds. In addition, because of the extensive effort to characterize and remediate chemical warfare material (CFM) sites placed on the Skull Valley Reservation by the Department of Defense (DOD) in 1968, there could be substantial savings made, both in time and money, in the simultaneous siting of an ISFSI. This program, which is expected to begin within the next few weeks would allow for mimimizing early political exposure to the ISFSI siting process.

In addition to the many favorable site attributes of an ISFSI located on the Skull Valley Reservation, there are also some possible logistic advantages as well. The Tribe has previously determined that there is a complete capability locally to build all the necessary storage and shipping containers that would be required over the life of the project. Implicitly, this option would provide significant cost savings. Manufacturing the shipping casks locally, transporting the casks to the reactors and then returning them when loaded to the ISFSI would preclude the need for any "dead head" transport. Because the manufacture of the storage and shipping containers could also provide significant local employment, public acceptance of the ISFSI would probably be much greater than it would be otherwise.

A summary of some of the significant attributes that favor the siting an ISFSI on the Skull Valley Goshute reservation are:

* An extensive Environmental Impact Analysis prepared in 1987 by the State of Utah for their Superconducting Super Collider proposal, includes a major portion of the Skull Valley north of the proposed ISFSI site on the Goshute Reservation. (See Attachment A). In effect, the State of Utah has made a de facto determination that the Skull valley is suitable for locating engineered facilities that are far more complex and would have had a much higher Environmental impact than ISFSI. With the exception of the socio-economic analysis and a limited amount of site specific data, most all of the data in the SSC Siting Proposal could be used directly to satisfy Federal and State regulatory requirements.

* A Final Environmental Impact Statement for Envirocare of Utah's Section 11e. (2) radioactive waste storage site near Clive, Utah site was issued by the NRC in August, 1993 (NURB-1476), for the Clive, Utah site located in the middle of the proposed SSC site and just west of the north end of the Skull Valley. With the exception of depth to ground water (greater at ISFSI) and the ground water quality (poorer at Clive), site conditions at the proposed ISFSI site and the Clive site are essentially the same. The SSC Siting Proposal data were updated and used by Envirocare and the NRC as the principal source for preparing the EIS. The State of Utah concurred in all of the findings.

* Envirocare has also been, and is currently, licensed by the State of Utah (an agreement state) to dispose of Naturally-Occurring Radioactive Material (NORM) waste and low activity, low level radioactive waste (LLW) at the Clive site. In addition, Envirocare has a license from the State of Utah to dispose of mixed radioactive waste material, as regulated under RCRA. The NRC concurred in all of the findings.

* The Nuclear Regulatory Commission issued a Final Safety Evaluation Report (NUREG-1486) in January, 1994, on Envirocare's Clive site. The site was licensed under Appendix A to 10 CFR Part 40. Appendix A to CFR Part 40 requires effective control for up to 1000 years, to the extent achievable, and in any case for at least 200 years. Since the lifetime of the proposed ISFSI will be considerably shorter than 200 years, there should be no difficulty in meeting the less stringent regulatory requirements imposed by 10 CFR Part 72 and Appendix A to 10 CFR Part 100.

* The DOD has built and tested a nerve gas incinerator at the Tooele Army Depot South in the Rush Valley, immediately to the east and south of the Skull Valley Goshute Reservation. With full support from the State of Utah and Tooele County, the facility is expected to begin continuous operation within the next few months. Complete emergency procedure and evacuation plans are in place and operable. These procedures and evacuation plans are far in excess of any possible requirements that would ever be necessary to license and operate an ISFSI. Because the State of Utah and the Federal government are willing to accept the risk of this operation to those citizens living nearby in the Skull Valley and the rest of Tooele County and the Wasatch front, it seems reasonable to expect that risk from operating a much less hazardous ISFSI would also be acceptable.

* The Dugway Proving Ground starts a few miles south and west of the Skull Valley Goshute Reservation. The Dugway Proving Ground has been operation since the mid 1940's and is the principal area used to test Chemical and Biological Warfare Materials. Test of the nerve gas VX in 1968 were considered to be the cause of thousands of sheep dying in the Skull Valley and the adjacent Rush Valley where the nerve gas incinerator is located. Approximately half of the contained sheep were buried on the Skull Valley Goshute Reservation. The remainder of the contaminated sheep were buried immediately to the west of the Goshute Reservation at the south end of Skull Valley. Although operations at Dugway Proving Ground have been reduced somewhat, with the encouragement of the State of Utah, the facility is expected to continue operating for

sometime to come regardless of the attendant risk to those living in the Skull Valley. Because the State of Utah and the Federal government are willing to accept the risk of future operations at Dugway impacting the citizens of Skull Valley and the rest of Tooele County, it seems reasonable to expect that the risk from operating a much less hazardous ISFSF would also be acceptable.

I. LOCATION:

The location of this proposed site is T5S, R8W on the Skull Valley Goshute Reservation, Skull Valley, Utah. This site will comprise approximately one section of land on the Skull Valley Goshute Reservation. The enclosed maps show the Reservation and the proposed site. Interstate 80 is approximately 26 miles directly north of the Skull Valley Reservation. Tooele County Skull Valley road travels north to south through the Reservation.

II. HOST JURISDICTION ACCEPTANCE

There will be no change in jurisdiction prior to or after licensing. The Skull Valley Goshutes are a "treaty tribe". Their separate political sovereignty is recognized by the United States government pursuant to federal law. The Skull Valley Goshutes went through the entire federal process under the Office of Nuclear Waste Negotiator and signed an agreement to enter into formal negotiations with the United States government to site, license and build a interim storage facility for spent nuclear fuel. The Tribe was successful in becoming the voluntary candidate site for the United States under the Nuclear Waste Policy Act of 1982 as amended in 1987. Once the Tribe completed the federal process, the entire federal program was canceled.

The Tribe has spent a considerable amount of resources, (both monetary and time), in studying this issue. Tribal members were given a tour of the Idaho National Engineering Laboratory. The Tribal Chairman has consulted with scientists in Japan, France, Great Britain, Sweden and numerous experts in the United States. The Tribal government has comprehensively studied this problem of safe transportation and storage of spent nuclear fuel. They produced a full report and video on this subject both of which have previously been made available to you. Enclosed is another copy of the Phase II video.

The Tribe has the permission of the Tribal members to build this facility on the Reservation. A General Council Resolution was passed which authorizes the Skull Valley Goshute Tribal government to build this project.

The surrounding community has a good working relationship with the Tribe. During the federal process, the Tribe was able to obtain a \$13,000 federal grant for Tooele County to properly study the social and economic impact of the proposed MRS.

This County has substantial experience with major waste issues. Tooele County has licensed a hazardous waste corridor. There are two hazardous waste incinerators, one major hazardous waste landfill and a low level radioactive waste dump in this corridor. The County is also the site of a nerve gas incinerator and a biological and chemical weapons laboratory with Dugway Proving Grounds. This top secret laboratory is located immediately next to the Reservation.

The people in Tooele County have extensive experience in working with major national weapons programs and difficult waste industries. They are not readily swayed with rhetorical arguments. This skilled labor force will welcome this project if the entities involved are honest and build this facility to world class standards of safety.

There are no jurisdictional restrictions which would prohibit or significantly restrict construction or operation of an ISFSI. The reason is, state law does not apply on this Reservation. What federal restrictions are imposed at a later date cannot be commented upon at this time. The neighboring communities do not have jurisdiction over the Tribe. They are separate political sovereigns. Although the people in Tooele County support this facility, even if they opposed it, they do not have the legal authority to stop this project.

The print media has been relatively even handed in accurately reporting this issue. The Tribe made it a point to maintain diplomatic media contacts. Most reporters in Salt Lake have at one time or another interviewed the Tribal Chairman and/or their attorney. The Tribe has issued press releases and been very careful not to make enemies with the media. The Tribe has co-sponsored charitable events and maintained a socially responsible position on important issues which affect members and others in the surrounding community. Most of the television and print media followed the MRS project. With regards to Yucca mountain, not all of the Utah media has been actively following this issue. The Tribe understands the importance of good media relations.

III. SITE OWNERSHIP

The Skull Valley Goshute Tribe holds title to the proposed site. The railroad transportation corridor, depending on where the railroad is located, is owned by the Bureau of Land Management. See enclosed map. The railroad which runs immediately adjacent to Interstate 80 is owned by Union Pacific. This company previously owned a hazardous waste landfill at Grassy Mountain and a hazardous waste incinerator. Both of these hazardous waste projects are located on the Tooele County Hazardous Waste Corridor. The title to the site will always remain with the Skull Valley Goshute Tribe.

IV. TRANSPORTATION ACCESS

The proposed site is 26 miles from a Union Pacific railroad. See enclosed maps of Tooele County, Utah. A offload facility could be built at the Timpie junction, where Union Pacific currently unloads hazardous waste containers. The casks carrying the spent

fuel could then be loaded on a trucks and hauled to the proposed site. The offload facility can save the costs and expense of building a railroad to the site. Transporting the casks from Timpie to the Reservation along the Tooele County Skull Valley road can be accomplished in a very short time frame.

A railspur could certainly be built over time. However, the Tribe would recommend first building an off load facility at Timpie and transporting the casks to the Reservation on certified truck haulers licensed by the Department of Transportation for Type A transports. This will allow the project to proceed without the delays of obtaining permission from the Bureau of Land Management for a rail spur. It will also save money. Under current federal law and the Interstate Commerce Clause of the US Constitution, other jurisdictions cannot stop the shipments of spent fuel to the Reservation.

The Interstate highway nearest to the proposed site is Interstate 80 which traverses east to west between Utah and Nevada. See Enclosed Map. This highway is 26 miles from the site. The road is capable of heavy hauls. Currently, the Skull Valley Road is used by Dugway Proving Grounds for hauling of heavy military equipment, i.e. howitzers, major battle tanks, etc. The Tribe also uses this highway to haul heavy rocket motors for testing on the Tekoi Rocket Test Facility on the Reservation.

The Skull Valley Road provides truck access to the site. The road should be upgraded with or without this project. Monies for upgrading this road might be available from the Department of Transportation, the Department of Energy, the Department of Defense and the Bureau of Indian Affairs. One of the considerations for approaching the federal government for funding for upgrading the road or for building a rail spur and other money which will be needed is an unsolicited proposal. This proposal will be for storage of spent nuclear fuel at this site in exchange for federal funding assistance with this project.

IX. DEMOGRAPHY

The permanent population within 10 miles of the proposed site is the Skull Valley Goshute Tribal Village and the town of Dugway, Utah. The Village has approximately 40 permanent residents. The town of Dugway, Utah has a population of approximately 2,000 when occupied full time. This town has lost some of its population due to the cutback in defense spending and transfers of missions from this military base to other parts of the country. The enclosed data on Tooele County specifically details this information. The labor for construction can be housed at **English Village located approximately nine miles south of the site.** This residential village was built for the military at Dugway. Presently, comfortable housing is available for a construction force to build this facility. Permanent housing can also be made available at English Village.

XIII. SOCIO-ECONOMIC CONSIDERATIONS

The availability of and proximity of a potential labor force is within 50 miles of the proposed site. Nine miles south of the Reservation is English Village, a residential complex for the labor and military for Dugway Proving Grounds. The town of Dugway has a public school system, including a high school and a small medical center for on base personnel and contractors. The Tribe has an excellent relationship with Dugway. Many Tribal school children attend public school at Dugway. Tribal members use the clinic and shop at the base. Due to cutbacks in the defense sector of the economy, Dugway Proving Grounds has lost some personnel and scaled back their mission. This project will be welcome by people in Dugway who work with chemical and biological weapons which are far more dangerous than spent nuclear fuel. The following data from Tooele County fully explains the physical, human and economic resources available for this project. Also included is a brochure on "The Tooele Chemical Agent Disposal Facility"