

**OFFICIAL TRANSCRIPT OF PROCEEDINGS
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**Title: SCOPING MEETING FOR
PREPARATION OF AN EIS FOR THE
PRIVATE FUEL STORAGE FACILITY**

Case No.:

Work Order No.: ASB-300-315

LOCATION: Salt Lake City, UT

DATE: Tuesday, June 2, 1998

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 ***

5 SCOPING MEETING FOR
6 PREPARATION OF AN EIS FOR
7 THE PRIVATE FUEL STORAGE FACILITY
8 LICENSE APPLICATION

9 ***

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11 The Little America Inn
12 500 South Main Street
13 Salt Lake City, Utah

14
15 Tuesday, June 2, 1998

16
17 The above-entitled meeting commenced, pursuant to
18 notice, at 6:30 p.m.

19 PARTICIPANTS:

20 CHARLES HAUGHNEY, NRC

21 ERIC LEEDS, NRC

22 MARK DELLIGATTI, NRC

23 MURRAY WADE, NRC

24 HONORABLE MERRILL COOK, U.S. House of

25 Representatives

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1 PARTICIPANTS: [Continued]

2 JOHN DONNELL, Private Fuel Storage

3 HONORABLE MICHAEL LEAVITT, Governor, State of Utah

4 HONORABLE LEON BEAR, Chairman, Skull Valley

5 Goshutes

6 JOHN PAUL KENNEDY, Skull Valley Goshutes

7 CHIP WARD, West Desert Heal

8 MARGENE BULLCREEK, Skull Valley Goshutes

9 FERRIS GROLL, Utah

10 MARTIN HOEPNER, Coalition 21

11 DONALD COBB, Utah

12 LISA BULLCREEK, Skull Valley Goshutes

13 WAYNE BALL, Utah

14 R.J. HOFFMAN, Health Physics Society

15 LEE ALLISON, Utah

16 RALPH BECKER, Utah State Representative

17 SUZANNE WINTERS, Utah

18 BRIAN MEACHAM, Utah Peace Test

19 KATHLEEN CLARK, Utah

20 CYNTHIA OF THE DESERT, Utah

21 CHRIS CERNICH, Utah

22 STEVEN BARROWS, SSWUS

23 DIANE NELSON, Utah

24 STEPHANIE KESSLER, Wyoming Outdoor Council

25 DAVID TERRY, Utah

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1 PARTICIPANTS: [Continued]

2 NINA DOUGHERTY, Utah Sierra Club

3 BOB JAMES, Air Force

4 JERRY SCHMIDT, Utah

5 STEVE HOFFMAN, Hawk Watch International

6 BONNIE ROBINSON, Utah

7 DR. GREGORY THAYN, BLM Utah

8 CHRISTOPHER ROBINSON, Utah

9 VIRGIL JOHNSON, Goshute

10 CALVIN ANDREWS, Analogics Marketing & Consulting

11 ROSEMARY HOLT, Women Concerned Utahans United

12 JONATHAN HURD, Salt Lake Food Not Bombs

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P R O C E E D I N G S

[6:30 p.m.]

MR. HAUGHNEY: Let's go on the record.

Welcome. My name is Charlie Haughney. I'm the deputy director of the NRC's Spent Fuel Project Office. And as such, I'm one of the NRC persons who's responsible for the review of the proposed license for the private fuel storage facility. And more specifically tonight, for consideration of the scope of the environmental impact statement that the NRC must prepare in conjunction with its licensing process.

There's a number of NRC staff members with me. On my left is Eric Leeds, who's our licensing section chief. To my immediate right is Mark Delligatti, who's the project manager or the focal point for this particular project.

We also have representatives from our general counsel's office, one of whom, Mr. Sherwin Turk, is on my far right. Dr. Edward Shum is manning the front table. He's a senior environmental scientist. Sue Gagner is here from our office of public affairs for any immediate media contacts.

And we have representatives from our two main contractors who are doing the safety and environmental reviews. First, the Center for Nuclear Waste Regulatory Analysis, which is San Antonio, Texas, and the Oak Ridge

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1 National Laboratory. That is the contractor doing the
2 environmental impact statement. And they're of course from
3 Tennessee.

4 Some administrative items first. I'm going to
5 conduct this meeting almost non-stop. I will defer to our
6 single court reporter when he needs a break. But for the
7 rest of us, including myself, if you need a break, feel free
8 to take part of it. And I do that because we have a number
9 of presentations, and about 20 speakers signed up and
10 climbing at this point.

11 The speakers are asked to sign up in the back of
12 the room so we will control you in the order of the sign-up.
13 And it's interesting to note that prior to the meeting we
14 had four people sign up for this meeting. I think the
15 number we're getting is about typical for one of these.

16 This meeting is being transcribed. And staff will
17 review the transcription as a part of its consideration of
18 the scoping comments. We also ask that you consider sending
19 written comments to the staff. And I'll post the address on
20 the Viewgraph machine at this time, and we'll post it from
21 time-to-time throughout the evening. It's also listed in
22 the Federal Register announcement that advertised, at least
23 initially, this meeting.

24 These written comments can be extremely important.
25 I don't want to dismiss the importance of the transcript or

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1 anything we hear this evening, but the written comments also
2 are considered by the staff in deciding really exactly what
3 to consider in the environmental impact statement that we're
4 about to write.

5 One last thing, and I've got a few other remarks.
6 But I think this -- you need to view this meeting as very
7 unique. The government frequently spends all kinds of
8 energy working on a particular issue and then presenting a
9 decision, or a near decision, to the public.

10 At this stage, you're beginning to give us
11 literally some advice on how we should handle the
12 environmental impact statement for this facility. We're in
13 the early stages of conducting that review and we have not
14 yet formed any opinions, and we won't form any opinions
15 instantly tonight.

16 I'm not going to react to your comments or, in any
17 particular way, but I do want to listen and understand them.
18 So I may ask some clarifying questions after you're finished
19 if you're one of the speakers. But this advice is crucial,
20 and I think leverages our decision-making process because of
21 its timing. It occurs early in the process.

22 I've noticed that the Honorable Merrill Cook from
23 the Second District here in Utah has arrived.

24 And, Mr. Cook, I could do one of either two
25 things. Either continue for a few minutes with our

1 presentations or allow you to speak at this time. Your
2 preference, sir?

3 CONGRESSMAN COOK: Why don't you continue. I,
4 because of another commitment, would have to leave in
5 another 20 or so minutes. So if I could just -- any time
6 within that, if I could get four or five minutes would be --

7 MR. HAUGHNEY: Fine. Then we'll continue for
8 about another 15 minutes or so.

9 CONGRESSMAN COOK: Great.

10 MR. HAUGHNEY: And if you can signal me, I'll stop
11 the process. Thank you, sir. Appreciate that.

12 What is the purpose of this meeting? And I'm
13 going to read to you from the script a bit and then I'll
14 talk about it some more.

15 It's to give members of the public an opportunity
16 to provide comments to the NRC staff on information that you
17 believe should be considered during the development of the
18 environmental impact statement for Private Fuel Storage.
19 And they are applying to construct and operate an
20 independent spent fuel storage installation on the
21 reservation of the Skull Valley Band of the Goshute Indians.
22 So as I said, we're very interested in hearing what you have
23 to say about this particular matter.

24 Now prior to this, Private Fuel Services submitted
25 an environmental report as a part of its license

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1 application. This is in, at the present time, it's in one
2 three-ring binder. And a copy's available here in town at
3 the University of Utah's Marriott Library. Of course we
4 have copies in Washington. And so they're available for you
5 to examine directly.

6 We will be contracting principally with the Oak
7 Ridge National Laboratory to review that document, to
8 conduct the scoping process with us, and to produce a
9 document that is called a draft environmental impact
10 statement. And if you could remind me of when we expect
11 that will be due.

12 MR. DELLIGATTI: I'd have to check with Dr. Shum.

13 MR. HAUGHNEY: All right. I'll get you a date on
14 that in just a moment. It's months away, in any event.

15 The draft environmental impact statement is then
16 published. You'll all be able to see it and read it, and
17 comment on it officially. So there's a second round of
18 comments that we will attempt to gather to better focus the
19 appropriate description of the environmental impacts of this
20 proposed licensing action.

21 Now we are going to make three brief presentations
22 this evening. And one of these, Mark Delligatti of my staff
23 will talk about another major part of our review, which
24 involves safety.

25 Principally, the application consists of two parts

1 and then some other ancillary items, the two parts being the
2 environmental report and the safety analysis report. And
3 there's other things like emergency plan and quality
4 assurance plan. And I don't mean to dismiss those, but they
5 aren't as large in content or extent as these two major
6 documents.

7 So organizationally, the staff tends to divide
8 ourselves on a major case like this into a safety review
9 group and a environmental review group, and we have done
10 that. So Mark will explain the safety review.

11 He'll be followed by Murray Wade from the Oak
12 Ridge National Laboratory that will talk about what's
13 contained in the environmental impact statement. And we
14 hope that this will allow you to focus your comments for
15 this particular meeting. And you're free to say whatever
16 you like, but if you can focus them on the environmental
17 impact statement, it'll make this entire complicated
18 process, I think much more reasonable.

19 There's one other major player from the NRC side
20 in this. And there are many major players outside the NRC,
21 but there's another major player in part of the NRC, and
22 that's the Atomic Safety and Licensing Board.

23 The Atomic Safety and Licensing Board is an
24 independent panel of administrative law judges that are
25 considering whether or not to allow my staff to eventually

1 issue this license, when we're finally done with all the
2 safety and environmental reviews. And that proceeding has
3 just really gotten underway. It's been through ruling on
4 standing of parties that are now admitted to the proceeding.
5 And I believe we have about six parties in the proceeding.
6 We can clarify that in a moment, but the State of Utah State
7 Attorney General's office is one of the parties.

8 And we have also a ruling on contentions. Now
9 these are the matters that will be argued in this legal
10 proceeding before the three judge panel. And there's quite
11 a set of those, and they include both safety and
12 environmental issues. The -- that particular process has to
13 finish and the board must issue a decision before the NRC
14 staff can issue the license, and that will be some time
15 away.

16 At this point, I will -- let me mention one other
17 -- two other things. The scoping process itself will allow
18 us to issue a separate report called a scoping report. So
19 the first major piece of paper you'll see out of the NRC in
20 this environmental process will be the scoping report.

21 Any of you that are signing up this evening to
22 speak or showing interest will get a copy of that report in
23 the mail when we produce it. And this thing will be out
24 several months before the draft environmental impact
25 statement. And I also commit to mail you a copy of the

1 draft environmental impact statement for taking the time and
2 interest to speak this evening. And all those documents
3 will be publicly available as well.

4 The last thing I ask, and I'm going to do this
5 again, is to consider the fact that this matter is
6 oftentimes contentious, oftentimes emotional. And let me
7 ask that as an individual speaks, no matter who they are,
8 where they're from, that you listen courteously and reflect
9 upon their views and opinions. And if you are interested in
10 speaking, we have a sign-up procedure and you'll be able to
11 do that.

12 At this time, if, Mr. Cook, if you still have
13 time, I'll switch to another presenter, if you'd like to
14 speak at this time. I'm done.

15 CONGRESSMAN COOK: Yeah. As long as I'm out of
16 here by 7:00, that's just fine.

17 MR. HAUGHNEY: All right. Mr. Delligatti.

18 MR. DELLIGATTI: Okay.

19 MR. HAUGHNEY: Can we do that? I think we can
20 perhaps get two of them done. Thank you.

21 MR. DELLIGATTI: Thank you. I'm Mark Delligatti.
22 And as Charlie indicated, I'm the senior project manager
23 responsible for the review of the application submitted by
24 Private Fuel Storage.

25 What I'd like to talk to you about tonight is

1 really what is not the subject of this meeting. It's the
2 safety report, which is different from the environmental
3 report. And I'd like to tell you about the kind of
4 information that goes into the safety report. And if you
5 have any questions on that or you have any comments on that,
6 you can forward them to me; you can call me; I can provide
7 you with the appropriate information later in this meeting.
8 Could I have the next slide please.

9 If you look in our regulations at 10 C.F.R. Part
10 72, you'll see that the following kinds of information must
11 be presented if you want to apply for a license to store
12 spent nuclear fuel. This includes general and financial
13 information, technical information, technical
14 specifications, the applicant's technical qualifications,
15 financial assurance information, recordkeeping for
16 decommissioning, information on emergency planning, and an
17 environmental report. That's what the regulations say when
18 you want to send your application in to NRC, make sure
19 you've covered all that. Next slide.

20 And this is how it's usually organized when we
21 receive it. This is how it was organized by Private Fuel
22 Storage. We get five volumes. One is the license
23 application, one is the safety analysis report; that's the
24 technical report, the information of which we -- we're
25 focused on primarily in the safety review.

1 Then there is the emergency plan. We review that
2 very carefully to make sure that any applicant's emergency
3 plan meets our requirements in Part 72 for emergency
4 planning for a facility of this type. Then there is a
5 security plan, that is generally not released to the public
6 for obvious reasons, and there is the environmental report.

7 Those five volumes were all submitted to us. The
8 license application, the safety analysis report, the
9 emergency plan and the environmental report are all
10 available at the Marriott Library at the University of Utah.
11 And the folks there have been great.

12 They have been designated as a local public
13 document room by the Nuclear Regulatory Commission. They
14 have hard copies of the license application and they have
15 all other docketed information, usually available within a
16 few weeks of our receipt of it on microfiche. And if you go
17 there and speak to Ms. Jill Moriarity, she is head of the
18 document section on the lower level of the library. She can
19 help you with anything like that.

20 Now what's the information, the actual kinds of
21 information that we get on a site? Well, there is a great
22 deal of technical information. In considering a site, it's
23 heavily in the area of geography, earth sciences. So we
24 request that the applicant submit geography, demography,
25 earth sciences. You can see the list up here. All of this

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1 information must be submitted to us.

2 Our technical staff, and in this case, with the
3 assistance of our contractors from the Center for Nuclear
4 Waste Regulatory Analyses, review the information that is
5 presented by the applicant. And we go through that process.
6 And if we believe that additional information is needed, we
7 prepare what we call a request for additional information.
8 And we send that to the applicant and the applicant must
9 respond to that.

10 In this particular application, we have already
11 sent one request for additional information to Private Fuel
12 Storage and they have responded to us on that. Next slide
13 please.

14 Now there's a second part to a safety review for a
15 facility of this type, and that is the review of the
16 information associated with the storage cask that will be
17 used at that facility. Now Private Fuel Storage has
18 referenced in their application two cask vendors, Holtech
19 (phonetic) and Sierra. And our staff at NRC is currently
20 reviewing those two applications.

21 Now they contain a whole different set of
22 technical information which the staff must review. The
23 topics there, as you can see, are on this screen:
24 structural thermals, shielding criticality, confinement, et
25 cetera. Until the staff has completed its technical of the

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1 site, its technical review of at least one of the casks and
2 gone through the appropriate regulatory procedures there,
3 and the final environmental impact statement has been
4 completed, that's when the licensing process ends.

5 So there are a lot of reviews going on here by the
6 NRC staff. We take them very seriously and we take your
7 interest and your concern very seriously. And I would
8 welcome any comments or concerns that you might have on
9 either the staff or the site -- on either the cask or the
10 site review. Please feel free to contact me.

11 If you could put that first slide up again with Ed
12 Shum's address. My address is exactly the same. You can
13 just mail any comments to the Spent Fuel Project office at
14 the USNRC, at Mail Stop 06G22, Washington, D.C., 20555, and
15 we will be happy to receive your input. Thank you very
16 much.

17 MR. HAUGHNEY: Okay. At this time, let me ask
18 Mr. Murray Wade of the Oak Ridge National Laboratory.
19 Mr. Wade will talk about the environmental impact statement
20 process.

21 MR. WADE: Thank you, Charlie.

22 As the first slide talks about, we're in the NEPA
23 process for this project. This proposal is a license
24 application under 10 C.F.R. Part 72. NRC has determined
25 that the proposed action is a major federal action. Oak

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1 Ridge National Laboratory is the subcontractor to NRC to
2 prepare the EIS. And I, Murray Wade, am the project manager
3 from Oak Ridge.

4 As far as NEPA background, just a real general
5 background. The National Environmental Policy Act of 1969
6 is where NEPA started. And CEQ, the Counsel on
7 Environmental Quality, put together their implementing
8 regulations. And as far as NRC's actions are concerned, NRC
9 10 C.F.R. 51 implements NEPA and CEQ.

10 The scoping process, as Charlie has mentioned, is
11 to inform the public of the proposed action; to identify
12 public and agency concerns; to focus the impact assessment
13 on important issues; to collect comments and suggestions on
14 the scope of the DEIS, or the draft environmental impact
15 statement.

16 The schedule, the notice of intent for this action
17 was sent out on May 1st, '98. We're in the middle of the
18 scoping process, which includes this meeting. And that
19 process will end on June 19th, where all oral and written
20 comments will be accepted. There'll be a scoping report
21 that should be out in approximately September. And this
22 report, as was mentioned, will summarize the comments and
23 will be distributed to each speaker. And then the tentative
24 schedules for the draft and the final EIS are 1999 and 2000.
25 As noted, they're tentative schedules at this point.

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1 And just very briefly on the DEIS outline, Section
2 1 will talk about the proposed -- the purpose and the need.
3 Section 2 will talk about the proposed action and
4 alternatives. Section 3 will describe the affected
5 environment, the natural resources and things that are part
6 of the site that's in question.

7 Section 4, or Section 3 continue, will cover, you
8 know, all the various issues we've got listed, including
9 environmental justice, cultural resources, and all the other
10 issues. And Section 4 is really where the impacts to all
11 these resources are assessed. And there's -- they're
12 assessed. The assessment is done for all the alternatives.

13 And then Section 5 includes a cost benefit
14 analysis, and Section 6 documents the federal and state
15 environmental requirements, all the laws and regulations and
16 permitting regulations to go along with the proposal.

17 And up to this point, the important topics that
18 have been identified. This is an alphabetical order: air
19 quality; cost and benefits; cultural resources;
20 environmental justice; geology and hydrology; human health
21 and safety; plant and wildlife ecology; socioeconomics,
22 including land use, aesthetics, traffic flow, noise;
23 transportation risk; decommissioning; and environmental
24 monitoring.

25 MR. HAUGHNEY: Thank you, Mr. Wade.

1 Congressman Cook, this is probably a good time for
2 you to take the podium.

3 Please welcome Congressman Merrill Cook.

4 CONGRESSMAN COOK: Thank you. My name is Merrill
5 Cook and I represent the Second District of Utah in the
6 Congress of the United States. I certainly appreciate this
7 opportunity to present testimony on the scope of the
8 environmental impact statement for the proposed high-level
9 nuclear waste site on the Skull Valley Goshute Reservation
10 in Tooele County.

11 I would also request that I be allowed to submit a
12 longer written statement. And my assistant, Debra Reed,
13 from our office, will leave copies of that on the seat here.
14 And I apologize for having to leave at about 7:00 because of
15 some prior commitments.

16 I have had grave concerns about this proposal
17 since it was first unveiled by the Skull Valley Goshutes and
18 the consortium of nuclear utilities known as Private Fuel
19 Storage, or PFS. In fact, the very first bill that I
20 introduced as a member of congress, HR 2083, would block the
21 storage of high-level nuclear waste at the Skull Valley
22 site. HR 2083 would accomplish this by imposing
23 prohibitively high fees on the transportation of waste to
24 the site.

25 My two primary concerns are, first, that PFS has

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1 refused to provide the State of Utah and its citizens with
2 sufficient information on this proposal; and second, that
3 the site, which is designed only for interim storage, may
4 turn into a de facto permanent site without any of the
5 necessary safeguards in place to protect the environment or
6 the people of Utah.

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

15 I hope that the EIS review will address the many
16 unanswered questions about this proposal. For example, will
17 the utilities have the money to pay for the costs of cleanup
18 in the event of an accident? Have the utilities set aside
19 any money for maintaining the site? Will the utilities be
20 prepared to address the problems or accidents that could
21 occur during the transportation of the waste? Will the
22 utilities be prepared to handle terrorist attacks or
23 sabotage? Have the utilities addressed the threat of forest
24 fires or range fires? And what is the legal responsibility
25 between PFS limited liability members and their parent

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1 utility companies?

2 The PFS utilities fail to provide adequate answers
3 to these questions or to describe the arrangements between
4 PFS and the tribe. PFS argues that the arrangement with the
5 tribe involved proprietary information covered in the lease
6 with the Skull Valley Goshutes.

7 One PFS spokesman even claimed that, quote, "It's
8 like if you were to lease property in your backyard for
9 parking or whatever. It's a private matter between the
10 parties," end of quote.

11 With all due respect, siting high-level nuclear
12 waste is not like leasing property for a parking lot. It's
13 not even like establishing a hazardous waste disposal
14 facility.

15 As to the safety questions, PFS has responded to
16 those questions by insisting these casks will not leak,
17 citing experts from the very industry that stands to profit
18 from the transportation and storage of this waste. The
19 current nuclear scandal in Germany underscores the
20 inadequacy of those assurances.

21 German newspapers have reported, and the German
22 nuclear industry has confirmed that deadly waste, identical
23 to that waste that's proposed for the Skull Valley, has
24 leaked from similar casks, casks both the German government
25 and the nuclear industry insisted would not leak.

1 Now high-level nuclear waste is one of the most
2 toxic, dangerous substances known to man. I've worked in
3 the explosives industry for over 25 years. We never take
4 safety issues lightly. The PFS and the federal government
5 should not take them lightly here.

6 It's imperative that the EIS analyze the
7 implications of storing waste on the Skull Valley site
8 beyond the 40 year allowable license term. I and others
9 have repeatedly warned that future economic and political
10 pressures, which we cannot even imagine now, could strand
11 the waste on the Skull Valley site. Licenses and leases can
12 be renewed. There's nothing that guarantees that the waste
13 will be removed at the end of the initial license term, or
14 even after the one-time only renewal option.

15 Because of this very real risk of permanent
16 storage at the Skull Valley site, the scope of the EIS
17 should examine long-term storage issues. These should
18 include but not be limited to long-term seismic risks,
19 long-term cask performance and cask degradation, and
20 long-term institutional controls. These long-term issues
21 parallel potential problems that the Nuclear Waste Technical
22 Review Board recommended for study at the Yucca Mountain
23 site.

24 I hope the EIS will address many concerns Utah and
25 its citizens have expressed about this proposal, concerns

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1 that simply haven't been addressed yet. Please thoroughly
2 examine the implications of long-term storage at the Skull
3 Valley site. Please include in the EIS the same issues
4 mandated for review by law at a federal interim storage
5 site. Now I have listed some of these issues in my written
6 testimony.

7 And again, I want to thank you for allowing me to
8 testify this evening. Thank you very much.

9 MR. HAUGHNEY: Thank you, Congressman Cook. I
10 found your comments very helpful. Appreciate it.

11 And in response to your first request, your longer
12 statement will be included in the record. Thank you.

13 We've got one more presentation to set the stage
14 and then we'll get into the other speakers. Mr. John
15 Donnell of Private Fuel Storage is going to talk about some
16 changes and alterations that are intended for the
17 environmental report that was originally submitted as part
18 of the application.

19 Mr. Donnell.

20 MR. DONNELL: Good evening. My name is John
21 Donnell. I'm the project director of the technical and
22 licensing activities for the Private Fuel Storage project.

23 This project will provide temporary, centralized
24 storage for some of the nation's spent nuclear fuel. This
25 storage facility utilizes a start-clean stay-clean approach

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1 to provide a safe, cost-effective, interim solution to a
2 problem of national concern and importance.

3 The Private Fuel Storage project was begun in 1994
4 by a group of electrical utilities who recognized that the
5 federal government would not honor its obligation to begin
6 taking spent nuclear fuel by January 31, 1998. By 1995, an
7 agreement had been reached between the utilities to move
8 forward with a formal project.

9 A number of prospective sites, including the Skull
10 Valley Band of Goshute Indian Reservation, were offered to
11 the project in early 1996 for consideration as potential
12 siting areas. Through the use of a screening process, the
13 site offered by the Skull Valley Band of Goshute Indians was
14 selected as the primary siting location.

15 A business agreement was reached with the tribe in
16 late 1996, and the Private Fuel Storage project began the
17 task of completing the necessary studies and preliminary
18 engineering. These initial activities provided the
19 necessary information to prepare an application for
20 submission to the Nuclear Regulatory Commission for a
21 storage facility license.

22 The facility is located on the reservation in
23 Tooele County. The purpose of the facility is to store
24 spent nuclear fuel that has been discharged from U.S.
25 commercial nuclear generating plants. The maximum capacity

1 of the facility is 40,000 metric tons, and it will be sited
2 on approximately 100 acres of land within the reservation.

3 The spent fuel will be transported to Utah by rail
4 using certified shipping casks. Two transportation
5 alternatives have been identified for moving the fuel
6 between the main line railroad and the facility on the
7 reservation. The shipping casks will either be off-loaded
8 at an intermodal transfer point at the main line and loaded
9 onto a heavy-haul tractor-trailer for transport to the
10 facility, or the casks will be transported using a new
11 railroad spur connecting the facility directly to the main
12 line.

13 The canisters will be stored at the facility,
14 inside concrete storage casks, which will be located on
15 concrete pads within a secured area of the facility.
16 Multi-purpose canisters containing the spent nuclear fuel
17 will be utilized for both the shipping casks and the storage
18 casks.

19 The initial license for the facility has a 20 year
20 life, and can be extended for an additional 20 year term.
21 No handling of bare fuel will occur at the facility since
22 the operations will be limited to the handling of sealed
23 canisters. The facility will operate under a
24 contamination-free, start-clean stay-clean philosophy, which
25 will utilize and minimize the possibility of transporting to

1 the facility any externally contaminated canisters.

2 Tonight's meeting focuses on the environmental
3 aspects of the project, which are documented in the project
4 environmental report. This report is being reviewed by the
5 NRC staff and will provide a basis for the preparation of
6 their environmental impact statement.

7 The project environmental report specifically
8 covers the local region and the specific site offered by the
9 band to the project for the storage facility. Field studies
10 and surveys have been performed to characterize the existing
11 environment. The impacts associated with the construction
12 and operation of the facility are provided in this document.

13 The environmental report also evaluated the
14 transportation corridor from the main line railroad to the
15 facility on the reservation using the existing Skull Valley
16 Road corridor. This corridor was evaluated for heavy-haul
17 using the existing road. In addition, the corridor could
18 provide rail service with the addition of a new rail spur
19 adjacent to and parallel to the road.

20 As noted in the project environmental report and
21 mentioned in prior NRC meetings, the project has continued
22 to develop and evaluate alternate transportation options
23 from the main line railroad to the facility location. A
24 transportation study was begun in late 1997 and completed in
25 early 1998.

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1 This study developed several potential alternate
2 transportation corridors for both heavy-haul and rail, and
3 also determined additional intermodal transfer point
4 locations near the main line railroad. The study concluded
5 that an alternate corridor should be evaluated in more
6 detail along the western side of Skull Valley, as well as an
7 alternate intermodal transfer point location.

8 Now that the weather has improved, detailed field
9 surveys were begun recently and are in progress on the
10 proposed corridor and alternate intermodal transfer point.
11 It is anticipated that this work will be completed soon. If
12 ultimately the pursuit of the proposed corridor or the
13 alternate intermodal transfer point is authorized by the
14 Private Fuel Storage LLC, a revision to the license
15 application will be submitted to the NRC staff to include
16 this new information.

17 The Private Fuel Storage project is looking
18 forward to working with the NRC, other regulatory agencies,
19 and other interested parties in pursuing and licensing a
20 facility which addresses a concern of national interest.
21 Thank you.

22 MR. HAUGHNEY: Thank you, Mr. Donnell.

23 Okay. At this point, that's the conclusion of our
24 presentations. We have two other elected officials that are
25 listed to speak. And the first, the Honorable Michael

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1 Leavitt, our governor, can't be with us this evening, but he
2 was kind enough to send a tape of his remarks, and I'd like
3 to show them at this time. And then after the tape, we'll
4 have the Honorable Leon Bear, chairman of the Skull Valley
5 Band of the Goshute Tribes.

6 MR. LEAVITT: (Via Videotape) I want to thank the
7 United States Nuclear Regulatory Commission for providing
8 this opportunity for public comment regarding this proposal.

9 Private Fuel Storage, or PFS, a limited liability
10 corporation, proposes to store high-level nuclear fuel rods
11 on the Skull Valley Goshute Indian Reservation. They would
12 store up to 40,000 metric tons of spent fuel 40 miles from
13 Salt Lake City. This is the largest temporary storage
14 facility ever proposed. It represents 25 percent more spent
15 fuel rods than have been generated in the past by the entire
16 nuclear industry.

17 We've been told by PFS that the proposed
18 high-level nuclear storage is safe. They say it's safe
19 because it is stored now at nuclear power plants in the east
20 and midwest and California. If it is so safe, it can stay
21 right where it is.

22 The impacts of the proposed facility reach far
23 beyond the borders of this, of the reservation. Therefore,
24 the scope of the environmental impact statement, of the EIS,
25 which the NRC proposes under the -- under NEPA, has to be

1 extended beyond the impacts of the reservation as well. The
2 EIS must consider the cumulative impact of the proposed
3 storage site and the numerous other facilities and
4 activities that take place in the West Desert.

5 This is an area that already is the storage site
6 for 43 percent of the United States' stockpile of chemical
7 weapons, weapons that are being destroyed to reduce public
8 risk. The malfunction and the crash of a cruise missile in
9 an adjacent Dugway Proving Grounds, as well as the crashes
10 of F-16's on maneuvers over the adjacent Utah Test and
11 Training Range, are well documented, and good examples of
12 the problem. These existing operations and previous
13 accidents have to be considered in the EIS.

14 Now you have a responsibility under NEPA to know
15 and to evaluate and to mitigate the cumulative impacts of
16 those activities, or to disapprove the proposed storage
17 facility. Utah and the Skull Valley Reservation are not
18 safe places to store lethal radioactive waste that come in
19 the form of fuel rods.

20 Transportation impacts have to be evaluated as
21 well during this process and review. Major transportation
22 corridors in the west are critical, not only to the states
23 and communities they connect, but to the economic viability
24 of local, national and international businesses and
25 governments. Interstate 80 and the Union Pacific Railroad

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1 through Salt Lake City and Tooele counties are critical
2 east-west transportation corridors.

3 This is a corridor that PFS has to use, whether it
4 transports the nuclear fuel rods by truck or by rail. Any
5 accident resulting from the release of radioactive material
6 would be devastating to public safety. But even an accident
7 that blocks the east-west transportation for hours or days
8 would have the equivalent impact on commerce, on business,
9 and on the public. There is no nearby equivalent
10 transportation corridor.

11 When the Great Salt Lake, for example, was
12 threatened to be flooded, this -- the State of Utah spent
13 more than \$50 million developing pumps that would allow the
14 Great Salt Lake to be -- have its level protected so we can
15 protect this very same corridor. We expect no less
16 commitment from the Nuclear Regulatory Commission and from
17 PFS.

18 Furthermore, this transportation corridor has been
19 proposed for another high-level nuclear waste shipments.
20 And none of the safeguards or assistance that's provided by
21 the U.S. Department of Energy shipments are required or
22 provided by the NRC and PFS. Existing NRC regulations, as
23 well as provisions in the PFS license application, are well
24 short in mitigating the impacts of accidents in this
25 transportation corridor.

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1 The so-called temporary designation of the
2 facility is also within the purview of the IR -- of the EIS.
3 This facility is being proposed and evaluated as a temporary
4 storage facility. However, there is no way to insure that
5 the spent fuel rods will ever be removed after they're
6 shipped here. There's no permanent facility. And Yucca
7 Mountain remains under study.

8 Furthermore, the license application clearly
9 states that one of the objectives for constructing this
10 temporary facility is to enable fuel rods to be shipped to
11 off-site nuclear power plants so that they can be
12 decommissioned. Now once again, when this is done, the fuel
13 rods could not be restored to the power -- returned to the
14 power plant.

15 The NEPA process requires an evaluation of the
16 facility for a proposed operation. A temporary facility.
17 It requires that it be a temporary facility, and this one
18 clearly will not be temporary. If the facility cannot be
19 demonstrated as temporary, then the facility would operate
20 beyond the scope of the license and beyond the scope of the
21 EIS. Both the EIS and the license would be flayed.

22 Tonight I've identified a few of many issues and
23 concerns and questions that have been addressed in the EIS.
24 More extensive written comment will be submitted before the
25 scoping process and the public comment deadline has been

1 arrived. As PFS provides additional information in response
2 to deficiencies and omissions in their license application,
3 I would expect that there would be additional issues that we
4 will raise as well.

5 Therefore, I'd request that the public be allowed
6 to submit additional scoping issues for evaluation as the
7 license process proceeds. The public will need to have
8 notice and access to those additional submissions. Time to
9 evaluate them will be necessary so that we can -- that the
10 NEPA process can be conducted in the way it was intended.
11 We need to have -- be noticed of opportunity to submit
12 additional comments.

13 The administrative license procedure and the
14 activities of the licensing board and admitted parties are
15 separate from the NEPA process and cannot constitute or
16 supplant the NEPA process and public review. As an
17 alternative, the NEPA process could be postponed until the
18 license is complete and all information necessary for the
19 NEPA analysis to be available to the public.

20 If there are any questions or clarifications
21 regarding my comments, I'll be happy to respond in writing.
22 Again, I'd like to thank you for the opportunity to present
23 these comments as part of the scoping process. As you know,
24 this is a matter of grave importance to our state. So
25 important, in fact, that our state legislature acted almost

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1 unanimously to oppose to put into place safeguards, to
2 oppose the actual placing of this and to put in safeguards
3 for any kind of waste.

4 We expect the same kind of care on the part of the
5 federal government, and we look forward to working with you
6 to be sure that that occurs.

7 MR. HAUGHNEY: Thank you, Governor Leavitt.

8 For your information, we're going to be
9 transcribing that tape. It'll be part of the transcript of
10 this meeting. In addition, we'll get some copies made and
11 have them in the docket file, the tape. So it'll be
12 available as part of the environmental impact statement
13 record.

14 And at this time, let me welcome the Honorable
15 Leon Bear, Chairman of the Skull Valley Band of the Goshute
16 Tribe, for your remarks.

17 MR. BEAR: Thank you. My name's Leon Bear. I'm
18 the Chairman of the Skull Valley Band of Goshute Indians.

19 I guess one of the things I'd like to say today is
20 that the Skull Valley Band of Goshutes has been around this
21 country for a long time, over 10,000 years. We were an
22 environmentalist at the beginning and we're -- we continue
23 to be environmentalists today.

24 The traditions of the band are put into place
25 through our governmental regulations which we are applying

1 to this process. And the band also recognizes the fact that
2 the scoping is being done and the EIS' are being done, which
3 the State of Utah has made mention and wants required.
4 These issues are -- these -- all the issues are being
5 answered through this EIS.

6 The thing about the Skull Valley Band of Goshutes
7 is that the Skull Valley Band has a treaty since 1863. We
8 have executive orders that were put into place in 1917 and
9 1918 reserving the property that we now own, which we have
10 sovereignty over, which we regulate and have our laws and
11 orders on.

12 So the fact that the Skull Valley Band is into
13 this issue and has come together with PFS to license or to
14 put a lease together for the land is appropriate. We feel
15 that the economic development is appropriate for us because
16 of the facilities already surrounding us. So everything is
17 -- will be in place and we hope that we will also be
18 involved in the EIS' as out on the reservation.

19 So the only other thing that I have, and my
20 concern, which is mentioned before, was this agent's fuel,
21 spent fuel coming through Utah. You know, the fact remains
22 is that the DOE is going to transport this stuff through
23 Utah and we should have the same scoping EIS involved before
24 they do this through Utah to make sure the safety factors
25 are in place. And that's about all. Thank you.

1 MR. HAUGHNEY: Thank you, Chairman Bear.

2 Appreciate your remarks.

3 At this point, we're ready to start the public
4 comment portion of the scoping meeting. Just a couple of
5 administrative items.

6 We're going to use the microphone in the center
7 aisle. That will broadcast over the speakers in the room
8 and also will be fed into the court reporter for
9 transcription. So please use that particular microphone.

10 We've got, at this stage, about 30 people signed
11 up for speaking. And I expect that'll continue to grow a
12 bit more as the evening goes on. We're less than an hour
13 into the meeting and some people may continue to come in, as
14 they're welcome to. And I'm going to ask that you do the
15 following:

16 I'm going to ask that you limit your oral comments
17 to about five minutes. If you have more to give, please
18 supplement them in writing, which we can receive this
19 evening or on the address on the -- that will be shown on
20 the screen and turn upside -- turned right-side up at this
21 time.

22 And we are trying to receive all the comments by
23 15 June so we can keep the schedule going on the scoping
24 process. I'll tell you that if we get them by 15 June,
25 they're certain to be considered in the scoping process. If

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1 you send them later, we'll do our best, but I won't
2 guarantee that anything we get, you know, 20 June or 15 July
3 will be incorporated, but we'll do our best to consider them
4 throughout this EIS process.

5 And I think at that point, just a reminder again,
6 please allow courtesy to each speaker so that their voice
7 can be heard in this open American unique style of exchange.
8 And we'll get started.

9 Mr. Delligatti, if you would announce the first
10 speaker.

11 MR. DELDIGATTI: Yes. The first speaker on our
12 list is Mr. John Paul Kennedy of the Confederated Tribes of
13 the Goshute Reservation.

14 MR. HAUGHNEY: And you just walked past the
15 microphone.

16 MR. KENNEDY: I'd like to use yours, if I could.

17 MR. HAUGHNEY: You may. And as you do it, would
18 you state your name and location. Thank you.

19 MR. KENNEDY: Thank you very much. I am John
20 Kennedy. I am the general counsel for the Confederated
21 Tribes of the Goshute Reservation, which is a federally
22 recognized Indian tribe sometimes confused with the Skull
23 Valley Band of Goshutes. Indeed, the tribe which I
24 represent are sort of first cousins, the older cousins and
25 larger cousins of the Skull Valley Band.

1 The Goshute Tribe has a reservation which
2 straddles the Utah and Nevada border. It's approximately 65
3 miles west of the Skull Valley area. While the Skull Valley
4 Band has only about 120 members, approximately 30 of whom
5 actually reside on the reservation, the Goshute Tribe has
6 approximately 450 members. Approximately half, 250 or so,
7 little more than half, reside on the Goshute Reservation.

8 A substantial group of members of the Goshute
9 Tribe at Ibapah, which is my client, actually lives in
10 Wendover, in Tooele County. These two tribes have, as I
11 mentioned, established a federally recognized status. The
12 Goshute Tribe from Ibapah has been in existence since 1914
13 as a federally recognized group. The Skull Valley Band, on
14 the other hand, has only been recognized in relatively
15 recent years.

16 Members of the two groups are literally first
17 cousins. They have common grandparents; they have common
18 ancestors going back, of course, for generations; and they
19 share the same aboriginal area. The Goshute aboriginal area
20 extends roughly from the Okert Mountains on the east to the
21 Ruby Mountains on the west, from the Great Salt Lake on the
22 north to approximately Delta on the south. It's an area
23 consisting of approximately 5 or 6 million acres, depending
24 on which study you rely upon.

25 The -- as Chairman Bear indicated, the Goshute

1 people, as a people, have historically been very concerned
2 about environmental issues. And as a result, my client has
3 looked at this matter very carefully; and disagreeing with
4 their cousins at Skull Valley, have taken a position in
5 opposition to this development.

6 We recognize the sovereign status of the Skull
7 Valley Band. We recognize that they have authority with
8 respect to their tribal lands, just as any Indian tribe
9 would have. But at the same time, we emphasize that all
10 Indian tribes, in exercising their sovereign rights, also
11 need to be careful about their sovereign responsibilities.
12 And we feel that in this instance, that has not been the
13 case.

14 And we are particularly concerned about the lack
15 of information. And I think it's been alluded to here in
16 the governor's comments, and also I'm sure you'll hear it
17 alluded to by many others. Congressman Cook of course
18 alluded to the same thing.

19 There are really two substantial governmental
20 actions that are taking place here. One is the approval of
21 this license application. But secondly, there is another
22 governmental action that's being taken, and that is the
23 approval of the lease between the Skull Valley Band and PFS.

24 It is my understanding that the normal process for
25 approving a Indian tribal lease would be to go through the

1 Bureau of Indian Affairs, which would ordinarily conduct or
2 have conducted for it an environmental impact statement. In
3 this case, however, the BIA, as I understand it, has
4 deferred to the Nuclear Regulatory Commission and its
5 preparation of the environmental impact statement for the
6 license.

7 The problem is, we submit, that there are two
8 different sets of standards involved. And the standards
9 involved for the Bureau of Indian Affairs necessarily
10 involve a consideration of the trust responsibility that the
11 United States government has for the tribal beneficiaries,
12 not just a tribal government, but all of the tribal
13 beneficiaries.

14 Consequently, we feel that the interests of not
15 only the tribal government as a government needs to be
16 considered, but the individual interests of all of the
17 members to whom this trust responsibility extends needs to
18 be taken into account. Likewise, because of our continuing
19 interest in the aboriginal area, we feel that that trust
20 responsibility extends to the Confederated Tribes of the
21 Goshute Reservation at Ibapah.

22 One of the problems that I would like to focus on,
23 and I will also submit a written statement for the record,
24 deals with the difference in standards that the NRC follows
25 versus the standards that the BIA should follow. And let me

1 try to illustrate that with respect to the issue of
2 financial responsibility.

3 In the initial presentation, it was indicated by
4 the gentleman from Oak Ridge that the financial information
5 is a part of the safety report. We submit that the
6 financial information is also an integral part of the
7 environmental report itself. And the two are tied together
8 in the process of decommissioning the site and also in
9 maintaining the site.

10 Consequently, if the lessee, in this case PFS, is
11 incapable financially of handling the decommissioning of the
12 site, the tribe would be left, and all of the people who are
13 members of the tribe, would be left with a situation where
14 they would be responsible for 40,000 tons of high-level
15 nuclear waste, waste that is lethal for generations, as many
16 as 400 generations, thousands of years.

17 MR. HAUGHNEY: Excuse me, Mr. Kennedy.

18 MR. KENNEDY: Am I running over my time?

19 MR. HAUGHNEY: Yes, you're a little --

20 MR. KENNEDY: All right.

21 MR. HAUGHNEY: -- bit over. And if --

22 MR. KENNEDY: Thank you. Let me just summarize in
23 30 seconds, if I can.

24 MR. HAUGHNEY: That would be wonderful.

25 MR. KENNEDY: Thank you. I apologize.

1 The point is that at this juncture, there is no
2 alternative site to remove these materials.

3 Secondly, even the plans for an alternative site,
4 which have not been approved, even if they were approved, it
5 is impossible physically for the new site to be created and
6 up and running and able to handle the acceptance of the
7 transfer of this material within the 20 year period of the
8 lease. So consequently, this lease cannot be performed. We
9 know that as we stand here today. It's impossible to be
10 performed in 20 years because this site cannot be
11 decommissioned within that period of time.

12 Secondly, because we don't know where the site
13 where the material will be transferred, we don't know how
14 much it will cost. And because we don't know how much it
15 will cost, we cannot possibly say at this time that PFS is
16 capable to handle those costs.

17 For these and many other reasons, my client, the
18 Confederated Tribes of the Goshute Reservation, opposes this
19 project and urges the government, as a part of the
20 environmental scoping process, to take into account these
21 kinds of issues and to find another alternative. Thank you
22 very much.

23 MR. HAUGHNEY: Thank you, Mr. Kennedy. Next.

24 MR. DELLIGATTI: Next, Chip Ward.

25 MR. HAUGHNEY: Thank you, Mr. Ward.

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1 MR. WARD: My name is Chip Ward and I'm here as a
2 spokesperson for West Desert HEAL. I'm also a member of the
3 Citizens Against Chlorine Contamination and the Chemical
4 Weapons Working Group. All three groups are engaged in
5 environmental issues near the proposed PFS facility.

6 I hope that the range of issues and concerns I
7 describe will convey to you that those of us who live on the
8 West Desert already suffer poor health and endure to many
9 cumulative risks and adverse impacts from what's out there
10 already. These risks and impacts must be included within
11 the scope of the EIS on this project if that EIS is to be
12 meaningful and meet the requirements of the National
13 Environmental Policy Act.

14 West Desert Healthy Environmental Alliance, a
15 local grassroots community group concerned with the impact
16 of environmental degradation on health, conducted a survey
17 in 1966, which I'll submit to you, of Grantsville, the
18 nearest largest community to the proposed PFS facility. We
19 believe that survey revealed high rates for cancer and birth
20 defects, an MS cluster, widespread respiratory ailments and
21 other chronic illnesses.

22 We believe ill health is already too common in our
23 community and may be attributable to the cumulative impacts
24 of downwind exposure to radiation testing during the 50's,
25 downwind exposure to open air nerve agent tests at Dugway

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1 Proving Grounds just west of Skull Valley, decades of
2 episodic exposure to chlorine gas and other toxic pollution
3 from MagCorp magnesium refinery just north of Skull Valley,
4 as well as occupational exposures from solvents and
5 pesticides.

6 In Tooele County, we have learned the hard way
7 that health risks and impacts are cumulative. The EIS must
8 account for the health of Tooele County citizens and
9 consider current health conditions and existing risks and
10 impacts when calculating further risks and impacts.

11 I'm also a member of the Chemical Weapons Working
12 Group, a national umbrella organization for numerous local
13 community groups that are challenging the wisdom of burning
14 chemical weapons in our backyard. The lion's share of the
15 chemical weapons arsenal is bunkered just east of Skull
16 Valley. The stockpile is being destroyed using a
17 controversial method in a program that is already 14 years
18 behind schedule and 900 percent over budget. A meaningful
19 EIS must consider what it means to add a nuclear waste
20 depository next to a chemical weapons arsenal that is being
21 burned.

22 I'm also active in the Citizens Against Chlorine
23 Contamination, now a working committee of the Utah chapter
24 of the Sierra Club. The CACC has been working for almost
25 two years to challenge the Magnesium Corporation of America

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1 to clean up what is arguably the dirtiest industrial
2 operation in America. Each year, MagCorp's magnesium
3 refinery just north of the -- of Skull Valley emits 85
4 percent of the point source chlorine gas emitted in the
5 nation, as well as thousands of tons of other toxic
6 pollution. Because of MagCorp, more than 33 pounds of toxic
7 pollution per capita is emitted each year in Utah, compared
8 to a national average of just under 6 pounds per capita per
9 year.

10 The CACC recently convinced state regulators to
11 start a thorough program of testing MagCorp for dioxin
12 emissions. We are particularly concerned about the impact
13 of dioxin exposure to millions of migrating birds that pass
14 through the Great Salt Lake ecosystem. The EIS must
15 consider the toxic burden we already bear from MagCorp and
16 must consider the consequences of adding more adverse
17 impacts to those that are already suffered by Great Salt
18 Lake wildlife.

19 Transporting radioactive waste through a narrow
20 transportation corridor bounded by a lake and mountains
21 could have an obvious and powerful negative impact on our
22 local economy should an accident happen, but transporting
23 that waste along the shores and wetlands of the Great Salt
24 Lake could also lead to a wildlife holocaust.

25 In addition to the risks and impacts I have just

1 described, an inventory of West Desert risks and impacts
2 would also have to include two commercial hazardous waste
3 incinerators, the massive hazardous waste landfill, the
4 radioactive waste landfill, and the open burning and
5 detonation of conventional munitions. And then there is the
6 -- then there are the F-16's from Hill Air Force Base that
7 crash into the West Desert and Salt Lake on a fairly regular
8 basis. And then there is the occasional missile that comes
9 our way.

10 Finally, the EIS should assess the economic
11 consequences to our communities if we in Tooele County are
12 perceived as an environmental pariah. Because if the PFS
13 facility is added to what we already endure in the West
14 Desert, that is surely how we will be perceived. Thank you.

15 MR. HAUGHNEY: Thank you very much, Mr. Ward.

16 MR. DELLIGATTI: Margene Bullcreek.

17 Either one. Up to you.

18 MS. BULLCREEK: Thank you. Gives me great
19 pleasure to be standing here before you to be able to tell
20 you who we are. We are -- we belong to an organization
21 opposing the nuclear waste storage on our reservation, and
22 we are called the Ohngo Gaugadeh Deva Awareness. And it's a
23 traditional name for a timber setting community that had
24 been named by our forefathers.

25 And it's important to stand here before you and to

1 let you know as a traditionalist, as a Native American, that
2 this nuclear waste that's proposed for our reservation is a
3 mockery to Native Americans. It's a mockery to who we are
4 as Goshutes.

5 Because of the fact that we had belonged to a
6 large group of Shoshone Indians Nation and we had broken
7 off. We didn't want to travel with them during their
8 seasonal travels. We decided to stay in Grantsville. We
9 had lived in Grantsville for a while, until there was a
10 treaty developed, a reservation where our grandfathers had
11 decided to stay. We could have went to another place like
12 with the Ute tribe or with the Ibapah, which Mr. Kennedy had
13 stated, we are very close. Our grandmothers are from there.

14 And it's the only piece of land that we have. As
15 Native Americans and as a traditionalist, I want to be able
16 to say that we ought to protect where we're from and not to
17 destroy it. Because we need to strengthen our reservation;
18 we need to strengthen our government to be strong, to be
19 able to have a government to govern ourselves. I say this
20 because right now we do not have a strong government. We do
21 not have traditionalist on our council. If we did, they
22 would oppose this.

23 And another thing that I want to say is that we
24 don't have any law, we don't have any tribal code. The only
25 tribal code we have is a criminal code. The criminal code

1 that we had signed a contract with the state, with the
2 sheriff's department, the county sheriff's department, to
3 detain and arrest people on our reservation. We do not have
4 any remedy, we don't have any courts. And so looking at
5 this, this is -- there's something wrong with our
6 reservation.

7 We need to have our own tribal courts; we need to
8 have our own resource developments. We -- our reservation
9 improvements that we spend money on every year, we don't
10 have that. Our houses needs a lot of fixing. We need to
11 standardize our homes; we need to have jobs on our
12 reservations. We don't have any -- if there are jobs, we're
13 not -- they don't notify us of this openings. Only certain
14 family are the only ones that fills these positions.

15 And that certain family are the ones that wants
16 the nuclear waste on our reservation. They are in that
17 political council. They have that position to represent all
18 of the members of the Goshute on the reservation, Skull
19 Valley Reservation. There are 124 members. There are 69
20 voting members and the rest are minors. And the people that
21 are supporting our council are all one family.

22 And there are those of us, a third of us that are
23 opposing this. We do not want this nuclear waste on our
24 reservation. We live there. We're going to be waking up
25 every morning wondering when this thing is going to be

1 contaminating the -- our land. We need to protect our water
2 and our air; we need to protect our mother earth. And I say
3 this as a traditionalist. We don't want to be able to go
4 and buy water, maybe in the future. We don't want to go out
5 and buy water because our water is contaminated.

6 They say this is all guaranteed. I mean this is
7 all safe, but it's not guaranteed. Look what happened to
8 the Las Vegas fallouts. My aunt was one of the people that
9 was compensated when she had died of cancer. Now her son
10 also has cancer.

11 Indian land has always been targeted for nuclear
12 testing, for uranium mining, for other -- for Hanford
13 (phonetic) Testing Facility, Yakima Reservation, Arizona
14 Navajos, three -- there's only three surviving miners out of
15 that, the Navajos that had mined in that area. And we have
16 cancers down in Arizona where they had come in for uranium
17 mining there also.

18 There had been people -- they had been promised
19 the same thing as the NSB had promised us, that there would
20 be plenty of money for everybody, but now some of them do
21 have cancer.

22 And we cannot argue against -- our organization,
23 OGDAs, cannot argue against the Bureau of Indian Affairs,
24 Secretary of Interior, and NSB, who has all the money. It
25 is not OGDAs' fault, our members that are against the

1 nuclear facility's fault, because the tribal council had
2 never ever come up with an economic resources in the past.
3 They had never come up with programs or go for grants.

4 It's not the State's fault that the State isn't
5 helping us. It's the BIA's fault for keeping us at arm's
6 length. And we do -- we did have money. We had a lot of
7 money, and the BIA had, as wards of our government, had
8 stated that we have the opportunity to govern ourselves.
9 But all this money went to waste. We've went through a lot
10 of business ventures and we lost out a lot of money.

11 So why should we be -- I'm sorry. But why should
12 -- so why should we be able to deal with the nuclear waste
13 that's going to interfere? It's going to make -- interfere
14 into our lives of native -- as Native Americans. We drink
15 the water, we eat the wild plant life that are -- this is
16 all within the five mile scope of the EIS. And we eat the
17 wild animals, we eat the deers that comes -- that's in our
18 mountains. We have religious sites; we use the sagebrushes
19 as part of our sacred religious ceremonies. These are all
20 sacred to us. We need to protect this.

21 And also, I want to be able to say that we need to
22 hold onto our traditions, because if this thing should ever
23 -- if the nuclear waste should control our lives, then we're
24 not going to be able to be who we are. Who are we going to
25 be? Are we going to be -- is finally the government's going

1 to make us -- drive us into the melting pot that they have
2 intended to do years ago?

3 We don't want this. OGDAs doesn't want this. We
4 want to be able to live on the reservation without fear.
5 And if our council is telling themselves that they're doing
6 everybody a big favor by making millionaires out of us, then
7 why are they sacrificing our lives and our future lives for
8 their own greed?

9 And the NR -- and I've been to Washington, D.C. in
10 February to lobby. And I've talked to a couple of senators
11 there. And I mentioned to them what is DOE's intention as
12 far as the transportation of this nuclear waste from
13 Minnesota? Well, they said we -- it's not -- we can't get
14 involved with that. That's a different matter. That's NRC.

15 And I thought well, so who -- and since they said
16 that to us, to me, then I'm standing here before the NRC.
17 And I am not requesting. I am telling them to please
18 recognize us as an organization, as a traditionalist, to be
19 able to protect our future, and to be able to save our
20 environment.

21 We do not want to give all this up for money,
22 because money won't last long. Money's not going to last
23 into the generation. If there's going to be any mishaps,
24 it's not going to be in this generation, it's going to be in
25 their generation. And then we're going to be coming before

1 DOE and ask for cleanup funds.

2 MR. DELLIGATTI: Thanks.

3 MS. BULLCREEK: And just one last thing that I
4 want to be able to say is that the Secretary of the Interior
5 and the BIA have not filed their EIS reports. They are
6 going to determine that on whatever the NRC come up with,
7 but the NRC doesn't know us like Native Americans, like the
8 BIA knows us. We've been wards of the government for so
9 many years, and they're not protecting us now.

10 But I want the NRC to know that we do have an
11 archaeological site on the reservation that needs to be
12 protected. We have our religious, sacred ceremonies that
13 needs protected, be protected. We have eagles. We had sage
14 hens and pheasants at one time, but they had closed that
15 water up. But that could be reopened. There is peace
16 there. It's not barren. There's peace there.

17 And that's all I want to say, is the organization
18 is here to protect the future generation and to be Native
19 Americans. Thank you.

20 MR. HAUGHNEY: Thank you.

21 MR. DELLIGATTI: Ferris Groll. I hope I
22 pronounced that correctly.

23 MR. GROLL: Yes. Thank you, Mr. Chairman. I'll
24 try not to be redundant in things that have already been
25 discussed.

1 My name is Ferris Groll. I'm a deputy
2 commissioner with the Department of Public Safety, State of
3 Utah.

4 Much of the material that we received so far, and
5 that's been not too much, has not dealt with at least one
6 issue that I'd like to bring to your attention. Other
7 issues will be brought up by other staff of state
8 government. And that is the threat of terroristic or
9 domestic terrorist attacks upon shipments, not only in
10 transit, which is not just in the state of Utah, but which
11 will cover a great many highways and thousands of miles
12 getting the material here. And then again, once it is
13 stored at site. We've not seen a definite plan on how to
14 deal with that potential and the risks involved.

15 As you well know, there are many capabilities, not
16 only from within our own country but from foreign groups,
17 that could use this opportunity to make a point or to
18 actually create damage with the facility and with the
19 material. We know that there's some -- been some previous
20 studies done on attacks by -- Department of Energy had
21 looked at certain casks that have been used.

22 We believe that those studies are not adequate at
23 this time with new generation. I was glad to hear that you
24 are now evaluating some new casks to transport that material
25 and would like to see the results of that new testing. So I

1 was glad to hear that.

2 You really need a realistic approach to those
3 terroristic need risks. A new comprehensive study needs to
4 be done, I believe, in looking at those based on recent
5 terroristic activities, domestic and foreign, on different
6 facilities within the United States and within foreign
7 countries that have been more prevalent in the last few
8 years than when your initial studies were done.

9 I would like to just refer in closing, and I will
10 be brief because I think you have the message about
11 terroristic activities and you have done some studies there.
12 I appreciate the information that has been given, but I
13 would ask that you look at that with your new technology
14 that's available, with new availability of attack weapons
15 and those kind of things that would be available now versus
16 70's and 80's. And I don't know if you've done studies
17 since then, but the most recent I found is studies in the
18 80's.

19 But there was also a January 1998 publication
20 done. There was a survey done by University of Maryland, I
21 believe, and they asked some questions about transportation
22 of nuclear waste. The problem that you face and that we
23 face in many things is only about a third of the people were
24 aware that there's been some congressional legislation that
25 allows that transportation once this process is done.

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1 But the other interesting things in that study,
2 perception becomes reality. About 70 percent of those
3 people asked in that study said that they believe that
4 transportation of nuclear waste would be a target for
5 terroristic activity.

6 And the other interesting part is about half, or a
7 little over half of those people, believed that there would
8 be an economic impact to their properties, to their value of
9 their quality of life, if they lived within a corridor of
10 the transportation routes, and especially in the area of the
11 facility that it may be stored at.

12 It's quite a lengthy study. That's a couple of
13 areas. I don't know if you're aware of that one. If you'd
14 like it, I could give you that. But thank you for your
15 attention and hope you'll address at least those concerned,
16 and some of the others of my colleagues.

17 MR. HAUGHNEY: Yeah. Thank you, sir. You're
18 certainly free to supplement your remarks with nay documents
19 that you feel relevant.

20 Mr. Hoepner, from Coalition 21.

21 MR. HOEPNER: I'm Martin Hoepner. I'm from Idaho
22 Falls, Idaho. Consider myself a life-long environmentalist.

23 I represent Coalition 21, which I'll tell you
24 about in a minute. I also am a member of the board of
25 directors of Idaho -- of the Idaho Academy of Science,

1 probably belong to some 20 or 30 outdoor conservation,
2 recreation, environmental groups.

3 But I'm representing tonight Coalition 21. We're
4 a group of Idaho-based public citizens with an interest in
5 the subject issue. And if anybody wants to question me why,
6 I'll tell you later.

7 The coalition is an all volunteer group from a
8 great variety of backgrounds. Its primary mission is to
9 help insure that the technologies needed to sustain an
10 appropriate quality of life in America, including a clean
11 environment and sufficient quantities of environmentally
12 benign and affordable energy, are available to the citizens
13 of the U.S. in the next century. Our motto is "Supporting
14 tomorrow's technology with facts, not fears."

15 The coalition is unequivocally and wholly in
16 support of nuclear power and the electrical utilities which
17 employ this technology to supply nearly one-quarter of this
18 nation's electrical energy. We therefore support any
19 efforts to insure that nuclear utilities are not hampered in
20 storage of irradiated fuel.

21 Note that we do not use this -- refer to this
22 viable material as "spent fuel." That misnamed term is not
23 used in other nuclear power countries, who rationally
24 recycle or reprocess their irradiated fuel. "Spent" is an
25 erroneous designation perpetuated by purely political, not

1 technical reasons, and we hope that's a short-term
2 situation.

3 The coalition notes that compared to the
4 demonstrated environmental insults caused by hydro-electric
5 power dams and burning carbonaceous fuels, nuclear power is
6 clearly the most environmentally benign of the large-scale,
7 reliable, safe practical sources of electrical energy that
8 are available to modern society.

9 We truly support research and development and
10 implementation of improving combustion efficiencies, and
11 likewise, emphasis on employing alternative energies
12 wherever such sources are feasible. However, it's clear to
13 us that these technologies will be insufficient to meet the
14 energy requirements of the United States in the next
15 century. Only nuclear energy can help deliver this world
16 and this country from the appalling disasters that have
17 already commenced attributable to global warming, as well as
18 helping to meet the clean air standards for which the
19 citizens of our countries have a right to have.

20 Of great concern to us is that neither the
21 utilities, the government or academia appear to be at all
22 concerned that the 100 plus nuclear plants that now provide
23 nearly 23 percent of this nation's electricity are at the
24 midpoint of the service life. And there's no plans to
25 replace them, not even with floating fossil plants or

1 environment ravaging power dams.

2 This country is truly in danger from an impending
3 energy shortage. Those who oppose nuclear power for alleged
4 environmental concerns have not objectively studied the
5 facts. And being uniformed, they may be the unwilling
6 disciplines of the anti-nuclear propagandas.

7 It's a mystery to those of us in the coalition,
8 some of us have been environmental volunteer activists on
9 natural resource issues for many years, how any real
10 environmentalist can oppose nuclear power on environmental
11 grounds. To us, it doesn't make sense.

12 The next part of my commentary I'm referring to an
13 article by Commissioner Diaz that was in the Nuclear News.
14 And we didn't put it in here to be obsequious, mind you. We
15 like what he said.

16 He addresses three issues, and I'll just mention
17 them to you. He talked about closing the nuclear fuel
18 cycle, he talked about public information. He's got this
19 quote. He said "On public information," Mr. Diaz says, and
20 Mr. Diaz is an NRC commissioner, "the NRC should stand up
21 for the truth and object firmly and categorically wherever
22 misinformation on nuclear issues is placed in circulation.
23 This is not a matter of being pro-nuclear or anti-nuclear,
24 it's a matter of being pro-public and pro-truth."

25 Coalition feels, 21 feels NRC should firmly adhere

1 to this approach in addressing the EIS and do something
2 about the vast amount of misinformation that has already
3 surfaced on this project, and I heard some tonight.

4 Remember, our motto is "Facts, not fears."

5 How am I doing on time?

6 MR. HAUGHNEY: Not so good. Could you --

7 MR. HOEPNER: Okay. Well --

8 MR. HAUGHNEY: You're not alone, but --

9 MR. HOEPNER: Okay. Well --

10 MR. HAUGHNEY: If you could pick it out and
11 summarize, we'd be glad to --

12 MR. HOEPNER: Okay. I've got two more things to
13 say here.

14 MR. HAUGHNEY: Okay.

15 MR. HOEPNER: We would remind NRC that they have
16 an EIS review underway for a new dry proposed above-ground
17 irradiated fuel storage facility at the IMEL. And maybe you
18 can look at that and you won't have to reinvent the wheel.

19 summing up, whether it be the interim nuclear
20 irradiated fuel storage facility championed by Senator Larry
21 Craig, which if the government passes that, and they should,
22 you guys don't have any problem here.

23 The courageous and timely overture to the midwest
24 nuclear facilities by the Skull Valley Band of the Goshute,
25 or other such worthwhile ventures, the citizens of this

1 country and its nuclear utilities must not be thwarted by
2 those seeking to delay such needed ventures.

3 Ignore those who stridently screech about risk
4 where there are no risks of any consequence, and prophesy
5 calamities where scientific evidence and empirical
6 experience prove there isn't any significant hazard.
7 Dismiss those who talk of environmental concerns when the
8 real concern is the most -- is that the most environmentally
9 benign power source is not being encouraged, but thwarted by
10 the ignorant, the deceitful, and the misinformation brokers,
11 and the bias of journalists who insist on calling to --
12 referring to engineered nuclear storage facilities with the
13 pejorative word "dump."

14 We believe that the NRC --

15 MR. HAUGHNEY: That's me.

16 MR. HOEPNER: -- will make the right assessments,
17 stand up and be forthright in ignoring political emphasis,
18 and make the timely and right choices for this country's
19 citizens, based on information received at today's hearing.
20 The coalition will provide some more input on this issue.
21 Thank you very much.

22 MR. HAUGHNEY: Thank you, Mr. Hoepner.

23 MR. HOEPNER: I don't expect applause.

24 MR. DELLIGATTI: Don Cobb.

25 MR. HAUGHNEY: Don Cobb.

1 MR. COBB: Thank you. My name is Donald Cobb.
2 I'm a bureau chief with the Division of Comprehensive
3 Emergency Management, which is part of the Utah Department
4 of Public Safety. My area is Natural and Technological
5 Hazards. I have a prepared statement and a whole bunch of
6 materials that are going to be coming at you in a few days,
7 but I think I'll foreswear that latter part for the interest
8 of time here.

9 The Division of Comprehensive Emergency Management
10 -- we'll call that CEM for the sake of it -- shares a
11 similar mission with the United States Nuclear Regulatory
12 Commission. We serve to save lives, reduce injuries, and
13 protect property and the environment from the effects of
14 natural and man-caused disasters. This is achieved through
15 a statutory comprehensive effort to prepare for, respond to,
16 recover from, and mitigate the effects of disasters and
17 emergencies created by a wide variety of hazards.

18 CEM also shares a common priority with the NRC.
19 We care for people. The best way to mitigate against a
20 hazard is to reduce the risks associated with it to as low a
21 level as possible. Here in Utah, for example, we obviously
22 cannot remove the many earthquake faults that lie under our
23 populated areas. However, we can establish and enforce
24 appropriate building codes, increase public awareness and
25 understanding of the earthquake threat, and take many

1 related proactive mitigation measures as individuals,
2 families, and communities to plan and prepare for a major
3 quake that is known to be overdue here.

4 Also in Utah, for example, we can continue efforts
5 such as the intensive cooperative process among local,
6 state, and federal agencies to eliminate the huge stockpile
7 of chemical weapons currently being destroyed at the Tooele
8 disposal facility at Deserat (phonetic) Chemical Depot.
9 We've already heard from Chip about some other views
10 regarding that.

11 When these weapons are gone forever from our
12 state, so will be the risks associated with them. The
13 Chemical Stockpile Emergency Preparedness Program, call that
14 CSEPP, coordinated by CEM in Utah, represents a great effort
15 on the part of many different levels of government to
16 protect the public during the destruction process. Our
17 Utah's CSEPP successes have been well documented and have
18 come about only through many years of concentrated work by
19 dedicated professionals who recognize that effective
20 communication and coordination are essential to protect the
21 residents of our state. In fact, Utah's CSEPP has
22 established a standard of care that directly or indirectly
23 applies to the emergency management of other technological
24 hazards and perhaps many natural hazards as well.

25 On the other hand, CEM's experience with the

1 Independent Spent Fuel Storage Installation ISFSI --
2 somebody said that was isfizzy (phonetic). Is that -- how
3 do you say that; ISFSI?

4 MR. DELLIGATTI: Isfizzy -- people say it
5 differently.

6 MR. HAUGHNEY: Yeah, I -- the short pronunciation
7 of the acronym is bothersome to me personally.

8 MR. COBB: Okay.

9 MR. HAUGHNEY: I'm in the minority among my staff
10 on that.

11 MR. COBB: We'll go the long route then. The
12 ISFSI proposed by private fuel storage on the Skull Valley
13 Band of Goshute Indians Reservation has proven to be quite a
14 departure from the Utah CSEPP standard of care. Never once
15 has PFS nor any other representative of this effort
16 contacted CEM regarding its plan to store high-level nuclear
17 waste in Utah. Never once has any reply been offered to the
18 many CEM comments and observations about the gross
19 deficiencies in PFS's emergency plan as outlined in the
20 State of Utah 2.206 petition on June 27th of last year and
21 the more recent State of Utah contentions basis for
22 contesting licensing of nuclear waste storage facility.

23 PFS's failure to communicate and coordinate with a
24 state agency whose statutory responsibility for emergency
25 management has been well established for many years, is

1 particularly remarkable since the intent of the consortium
2 is to introduce an arguably significant hazard into our Utah
3 environment. Simply put, PFS's purpose is quite the
4 opposite of hazard mitigation. For Utah, it is hazard
5 promulgation.

6 We are aware that PFS has contacted Tooele
7 (phonetic) County Emergency Management. It's one of the
8 Utah CSEPP partners. And we know too that Tooele County
9 Emergency Management has replied to PFS with a list of
10 concerns they share with CEM. However, ISFSI is not a
11 uniquely Goshute Indian business opportunity nor an internal
12 Tooele County problem that can be solved within the confines
13 of the Tooele County line. This is a vexing Utah issue that
14 will affect hundreds of thousands of our state residents
15 along the expected transportation corridors to the proposed
16 waste site. It is an issue for which appropriate
17 comprehensive emergency planning, such as in CSEPP, must
18 take place.

19 The PFS has yet to contact our office. Some
20 months ago in mid July '97, the Utah Division of
21 Comprehensive Emergency Management did receive a tasking
22 from the Utah Department of Environmental Quality to conduct
23 a careful review and analysis of the PFS license application
24 and related materials including an emergency plan for the
25 PFS facility as submitted to the NRC last June. DEQ

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1 provided copies of the materials for this effort.

2 Specific to emergency management-related issues,
3 the review and analysis was completed in August '97 by three
4 senior CEM senior staff. More than 90 critical observations
5 and questions regarding the PSF (sic) Emergency Plan alone
6 were compiled at that time. These issues appear to remain
7 largely unresolved to this day.

8 For example, regarding the PFS Emergency Plan,
9 page 1-6CM commented -- going to quote from that here.

10 "Transportation plan in here is confined to the
11 site itself and the area surrounding it in Tooele County.
12 The plan does not consider intrastate transportation and
13 interstate transportation planning requirements. This is
14 not satisfactory considering the heavily-populated regional
15 transportation corridors along which these dangerous cargos
16 may move. For example, Salt Lake County is likely to be
17 affected but does not receive any planning consideration.

18 "Other serious questions follow on these
19 observations. What exactly are the identified
20 transportation routes from the nuclear reactors to the ISFSI
21 site? What specific Utah communities will be affected? Can
22 they deal with a nuclear waste-related emergency and what
23 remedial or enhancement emergency management measures will
24 be required? What unique security-related circumstances
25 along the identified routes must be considered? What

1 factors could make these shipments vulnerable to sabotage or
2 accident? What is the overall hazard vulnerability of the
3 transfer site at the route's end?"

4 Which transfer site, for that matter, from what we
5 learned tonight?

6 These and many other concerns must receive
7 appropriate emergency planning consideration.

8 Utah has learned through the precedent of many
9 years successful participation in the Chemical Stockpile
10 Emergency Preparedness Program that forthright
11 communication, coordination, and effective planning by all
12 jurisdictions and entities are essential to the attainment
13 of public safety. Further, CEM believes that Utah residents
14 and those who serve them have a right to accept or reject
15 being subjected to unwarranted, unwanted risks over which
16 they may exercise some control.

17 In the absence of the communication, coordination,
18 and effective planning elements that characterize a
19 successful emergency management effort, the ISFSI proposed
20 for Skull Valley is viewed as especially unwelcome by Utah
21 CEM. Therefore, in the interest of public safety, CEM
22 requests that the NRC reject the PFS proposal. Thank you,
23 and --

24 MR. HAUGHNEY: Thank you, Mr. Cobb.

25 MR. DELLIGATTI: Lisa Bullcreek.

1 MS. BULLCREEK: Hello. My name's Lisa Bullcreek.
2 I'm a member of the Skull Valley Goshute. I live out in
3 Skull Valley. I'm 28; I've lived out in Skull Valley for 21
4 years and -- I'm nervous -- first time I've talked in front
5 of so many people. But I don't know. I don't have any
6 information about what's going on with this facility. I
7 live right next door to Mr. Leon Bear, and he's the
8 chairman. I would think that they would tell me, you know,
9 what's going on because that's where I grew up at, that's my
10 home. And they're bringing this facility there and they're
11 disrupting my life. I mean, the facility isn't even there
12 but it has caused a big problem within my family, within the
13 tribe. I mean, there's -- what did they, 120 member of the
14 Goshute Tribe. There's only five homes out there. There's
15 probably like 14 members that live out there that's lived
16 out there for just about as long as I have. I'm the third
17 generation living out in Skull Valley. My grandmother who
18 was also from Ivanpaw (phonetic), and she lived out there.
19 And my mother was raised out there and her brothers and her
20 sisters. And they all lived out there. Her -- my mother
21 and her brother still live out there. At one time, their
22 other brother and another brother lived out there. So this
23 is -- you know, this is our home. This is my family's home.

24 And the -- you know, I'd like to know if -- is it
25 really going to be safe. I mean, I was brought up -- I mean

1 -- well, what's been really bothering me is, since the
2 attorney -- or the tribe's attorney, Mr. Quintana
3 (phonetic), had referred to Skull Valley being barren, I'm
4 not barren. I'm alive and I'm living out there, and I have
5 for years and years and years, and so has my family. And if
6 it looks barren to them it's because they don't know how to
7 live with it. I mean, they see weeds; they see sage
8 brushes; they see willows. Well, to these things, that's my
9 life, you know. They all -- that's who I am with my
10 religious belief like sage in or religious ceremonies,
11 willows for our cradles for the kids to grow up in. It's
12 what we all grew up in. My grandmother would go out there
13 to the willows and cut them and fix them. These things are
14 part of me, a part of my life and my family's life too.

15 And I don't know if people don't know that, you
16 know, maybe some people that are going for it. Well,
17 they've never lived out in Skull Valley. The names that --
18 the people that want the facility out there, they've never
19 lived out there. It's a hard place to live at because it's
20 way out there, you know, way out there in, you know, the
21 desert, you know, sage brush, not barren but sage brushes.
22 And, you know, we've -- I don't know. This thing is -- it's
23 just really hard. This whole thing really is.

24 And I haven't got any papers on how safe this
25 facility is. This man says that, you know, these are the

1 facts. Well, I wish somebody would show me some papers with
2 some facts or tell me something about how big this
3 facility's supposed to be, you know. What are the, you
4 know, what are the dangers that we're facing? Well, I know
5 because the jets that fly by -- everybody's made some good
6 points, and I know what they're talking about because, like
7 I said, I stay out there. I've lived out there for years.
8 The jets fly by really low. That's really scary to think
9 that maybe one of these days the jets are going to hit right
10 into it and then that's going to be the end of everybody,
11 not only, you know, just the people living on the
12 reservation. And also, I would hate to be part of that
13 responsibility to cause so many lives lost if something was
14 to happen.

15 I mean, you know, to me it's embarrassing now
16 because people ask me where I'm from and I say Skull Valley,
17 and they says, "Well, you're the people putting the facility
18 out there. Why are you doing that for?" I says, "I'm not
19 doing it. I'm trying to go against it. I don't believe in
20 it."

21 But I just wanted to, you know, say these things
22 because I read these newspapers about the chairman, Leon
23 Bear, saying he speaks for the tribe. Well, he doesn't
24 speak for me. He's in council and he can say that he speaks
25 for the tribe. Well, I live out in Skull Valley and I'm

1 here to speak for myself. And it's just -- there were so
2 many things I wanted to say, but a lot of people covered all
3 them bases, and I could, you know, comment and maybe put
4 some more in there to that, but I just wanted to say that,
5 you know, where I live at now, we have waters coming down
6 from the mountain, and our water right now is dirty. Our
7 pipes break all the time.

8 What I'm saying is that, even though there's only
9 a few houses out there, you know, and our council wants to
10 put a big facility out there, you know, they can't even take
11 care of the safety of the people living on the tribe and
12 making sure that we're getting clean water coming down
13 because our pipes are busting every summer. And right now,
14 my water's -- the water's dirty that's coming down, and they
15 don't bother to fix that. Well, I know because we are going
16 against the facility so we're kind of like pushed to the
17 side. It is true that there are members in the tribe who
18 have been getting a little bit more money because they
19 support the facility. And I think I'm getting -- me and my
20 family are getting the raw end of this. You know, it's my
21 home. I don't care what people say; it's supposed to bring
22 us money everything, but they're coming onto my home now
23 where I've always known it to be my home. And it's easy for
24 them to say, "Go ahead; put the facility out there,"
25 because, you know, that's not their home. It's way out

1 there in the mountains somewhere. You know, what does it
2 matter to them?

3 With the money wise, you know what, I don't even
4 want the money. You know, people say that -- well, the
5 tribe says that it's going to give the tribe, you know, jobs
6 and everything once it gets built out there. Heck, I'd
7 rather drive over here like I've been doing for years and
8 years, an hours away, and going back to work. The people
9 that live outside the reservation all live in the city who
10 have access to jobs, you know, so I don't understand that.
11 You know, I'm the one that has to drive the longer way than
12 everybody else. But here it's supposed to give them jobs.

13 But these are just, you know, some of the things
14 that -- well, I want to say more, but since we're on a
15 little time schedule, I'm getting kind of nervous here too.
16 I'm forgetting half the things I was going to say. But,
17 yeah, that's basically what I wanted to say is that.

18 MR. HAUGHNEY: May I say that for someone who has
19 openly admitted your nervousness, and I appreciate that
20 honesty, you've spoken very eloquently.

21 MS. BULLCREEK: Okay. Thank you.

22 MR. DELLIGATTI: Wayne Ball.

23 MR. BALL: This will be short. Hello. My name is
24 Wayne Ball. I'm a toxicologist with the Utah Department of
25 Health. I manage the Environmental Epidemiology Program

1 within the Bureau of Epidemiology. The mission of the
2 Environmental Epidemiology Program is to address
3 environmental hazards and disease in Utah and to prevent or
4 reduce a potential for acute enchronic morbidity and
5 mortality associated with environmental and occupational
6 factors, including those -- including exposure to toxic
7 substances, reproductive hazards, unsafe work environments,
8 and agents responsible for debilitating diseases. The
9 program conducts epidemiological investigations in problems
10 related to hazardous substance exposure and researches
11 environmental and occupational health problems.

12 The Environmental Epidemiology Program routinely
13 contends with both identified and perceived health hazards.
14 Identified health hazards are those where a definite risk or
15 hazard has been recognized as being from a past exposure to
16 a chemical pollutant. Perceived health hazards are those
17 hazards that have not or cannot be quantified primarily
18 because the investigation starts after and adverse health
19 event has occurred, long after the environmental exposure
20 has occurred or a belief that an illness is associated with
21 a recent environmental event. Disease clusters commonly
22 investigated by the Environmental Epidemiology Program
23 include cancer, birth defects, and multiple sclerosis.

24 The public health hazards and environmental
25 impacts associated the accidental release of the high-level

1 nuclear waste from the storage containers intended to be
2 stored in Skull Valley either during transportation of the
3 waste or during storage are clear. There's no need to
4 further elaborate on the adverse health and environmental
5 impacts of such releases. The Utah Department of
6 Environmental Quality has clearly outlined the risks
7 associated with both transportation and storage of the
8 high-level nuclear waste. The Utah Department of Health
9 concurs with their assessment.

10 In addition, there are adverse health concerns
11 associated with the perceived risk by the populous living
12 near the transportation routes and storage site. With
13 perceived health hazards, the exposure to an environmental
14 pollutant is generally unknown or is not measurable.
15 Perceived health hazards are the most difficult to resolve
16 since many possible environmental causes can be attributed
17 to the disease cluster under investigation and not
18 necessarily the most recent exposure event.

19 These adverse health concerns will be present even
20 if there is no release of the high-level nuclear waste.
21 Public fears are often not well correlated with agency or
22 industry assessments. While agencies and industry focus on
23 data gathered from hazard evaluations, monitoring and risk
24 assessments, the public takes into account many other
25 factors besides scientific data. In studies where the risk

1 perception among people were studied, nuclear power was
2 considered as the activity with the highest risk, greater
3 than motor vehicles, hand guns, and smoking.

4 Heightened awareness of adverse health effects
5 from the nuclear waste will increase the demand on local and
6 state public health resources due to perceived increases in
7 various conditions and diseases that the public associates
8 with transportation and storage of high-level nuclear waste.
9 This will result in an increase in requests for
10 investigations of diseases perceived to be associated with
11 the high-level nuclear waste. As a result, resources and
12 attention will be diverted from the actual cause of the
13 disease cluster under investigation. People living in
14 Tooele County and along the Wasatch front are already
15 sensitized to the health risks associated with Tooele Army
16 Depot, Deseret Army Depot, and Dugway Proving Ground
17 operations. Public health resources, both at the state and
18 local level, will be required to assure people living along
19 the route of transportation of the high-level nuclear waste
20 to the private fuel storage facility regarding actual levels
21 of exposure to the nuclear waste.

22 Although it is possible to reduce to a negligible
23 level the identified risks of nuclear waste, it is unlikely
24 that private fuel storage or state or local health agencies
25 will be able to adequately address and eliminate those

1 perceived health risks associated with the transportation
2 and storage of the high-level waste in Utah.

3 In conclusion, if the PFS facility is approved,
4 limited public health resources will be diverted from other
5 important health programs. These resources will be needed
6 to address the perceived health consequences of the
7 transport and storage of high-level nuclear waste. Thank
8 you.

9 MR. LEEDS: Thank you, Mr. Ball.

10 MR. DELLIGATTI: R.J. Hoffman.

11 MR. HOFFMAN: Hello and thank you for the
12 opportunity of speaking here this evening. My name is R.J.
13 Hoffman. I have been a radiation safety professional and a
14 member of the Health Physics Society for 23 years, and I've
15 been a certified health physicist for the past 17 years.
16 And, in the recent past, I have served on the Radiation
17 Control Board for the State of Utah for some six years.
18 And, for two years, I was chairman of that group that
19 addresses itself to radiation concerns for the State of
20 Utah. I am not presently a member of the group Scientists
21 for Secure Waste Storage, and I'd just like to make a few
22 points and observations.

23 First, the transportation and storage of spent
24 fuel does not present any unsolvable problems that prevents
25 safeguarding of public health. Also, the radiation in

1 radioactive material from this site can be reduced to levels
2 at or below those associated with other radiation and
3 radioactive material activities such as in medicine or
4 industrial use, which society readily accepts and would be
5 the poorer for if they did not exist.

6 Next, there's absolutely no connection between
7 weapons testing fallout or past or future chemical insults
8 or other hazardous waste facilities and spent fuel storage.
9 Arguments that try to connect them are totally fallacious.

10 Lastly, I would just like to encourage the NRC to
11 look at the siting of an internal storage facility in the
12 large view of the needs of the nation as a whole and base
13 those decisions on science and not the narrow view based on
14 phobias about radiation or radioactive materials. So I
15 would encourage this group to make their decisions with
16 respect to the environmental impact statement, considering
17 those things that truly do have an impact or connection with
18 this facility, its potential hazards or lack of hazards
19 thereof, and not bring in extraneous matters that are really
20 unrelated. Thank you.

21 MR. LEEDS: Thank you, Mr. Hoffman.

22 MR. DELLIGATTI: Lee Allison.

23 MR. ALLISON: Thank you, Mr. Chairman. My name is
24 Lee Allison. I'm the state geologist of Utah, director of
25 the Utah Geological Survey. And tonight I wish to bring to

1 your attention some significant geologic issues identified
2 by the Utah Geological Survey that should be analyzed as
3 they are critical to both the safe and responsible siting of
4 any proposed storage site. To date, these issues have not
5 been satisfactorily addressed by private fuel storage.

6 We have determined that the storage site may be
7 subject to fault rupture at the surface during large
8 earthquakes and may be subject to stronger ground shaking
9 during an earthquake than anticipated by PFS. The site
10 itself is underlain by the Skull Valley -- I'm sorry -- the
11 Stansbury (phonetic) Fault Zone, which is capable of a
12 magnitude 6.8 to 6.9 earthquake, which is roughly comparable
13 to those earthquakes we've seen in the past few years in
14 California at Northridge, Loma Prieta, and in Kobe, Japan.
15 In addition PFS's own data revealed a broad zone of
16 faulting of buried faults that completely underlies this
17 proposed storage site, with a number of the individual
18 faults clearly evidence at shallow depths and other faults
19 suspected from the preliminary data that they've provided.

20 We believe that a large earthquake on the nearby
21 Stansbury Fault could trigger significant earthquakes on
22 these shallow buried faults directly under the site,
23 resulting in ground shaking and ground motion significantly
24 greater than those anticipated by PFS. Also, any of those
25 shallow faults under the site may be capable on their own of

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1 rupturing to the surface. Recent scientific studies have
2 found that nearly two-thirds of the historical earthquakes
3 that have ruptured the surface in the Basin and Range
4 Province -- that's between Salt Lake City and Reno --
5 occurred on faults that had no evidence of surface rupturing
6 in the last 130,000 years.

7 So we interpret those shallow buried faults under
8 the site to be younger than that claimed by PFS. And,
9 therefore, these faults should be considered capable of
10 surface rupture anywhere under the storage site.

11 And then thirdly, the fault zones themselves are
12 similar -- or the fault zone itself is similar to that
13 underlying -- or, I'm sorry. The fault zone under the
14 storage site is similar to that existing in many other fault
15 zones around the world such as the San Andreas Fault,
16 California, and parts of the Wasatch Fault in Salt Lake
17 Valley. In these similar zones where there's multiple fault
18 strands, history has demonstrated that surface fault rupture
19 can occur on any one of the fault strands or it may even
20 cause a new fault branch to propagate during an earthquake
21 and break the surface in a new location.

22 So, therefore, we strongly encourage that the EIS
23 you're undertaking consider the impacts of greater ground
24 shaking than expected and the possibility a
25 surface-rupturing earthquake can occur anywhere in the

1 proposed storage site. Thank you.

2 MR. HAUGHNEY: Thank you. Sir, are you going to
3 send us some supplemental information on this subject?

4 MR. ALLISON: Yes. We have figures and diagrams
5 and maps and charts --

6 MR. HAUGHNEY: All that stuff.

7 MR. ALLISON: -- and it's all prepared for you.

8 MR. HAUGHNEY: Thank you.

9 MR. DELLIGATTI: State Representative Ralph Becko
10 (phonetic).

11 MR. BECKER: Good evening. I'm Representative
12 Ralph Becker in the Utah State Legislature. I thank you for
13 the opportunity to comment during scoping on this EIS. As a
14 member of the Utah House of Representatives, I sponsored a
15 House Concurrent Resolution 6 this year which passed
16 overwhelmingly and was signed into law by the governor.
17 This resolution opposes the siting of the high-level nuclear
18 waste facility in Skull Valley without the approval of the
19 state. The legislature is arm in arm with the governor in
20 full support of his efforts. I will provide, if you have
21 not received a copy of that resolution.

22 While I can't claim expertise in the business of
23 high-level nuclear waste, spent a good part of my career
24 working on NEPA actions. This whole process in my opinion
25 may be fatally flawed from the beginning. We are dealing

1 with the storage of some of the most hazardous materials
2 known to man. Instead of the federal government looking at
3 the most technically suitable site or sites in the nation,
4 you're reviewing a proposal based on the most politically
5 expedient solution for the companies that are generating
6 this waste. As a matter of scoping, I believe the NRC
7 should carefully explore other sites and means of storage of
8 high-level nuclear waste.

9 In the lingo of NEPA, the scope should be broad
10 enough to give equal consideration to a full range or
11 reasonable alternatives. Those alternatives should include
12 leaving the materials at their present locations and finding
13 other hopefully more suitable environmental sites.

14 It's the responsibility of the federal government
15 to look out for the health and welfare of the American
16 people. Transporting these materials all over the country
17 multiple times -- if this site is to temporary, it certainly
18 will be multiple times -- cannot be a rational solution for
19 the safe, long-term storage of nuclear waste materials.

20 In addition to giving equal weight to the
21 reasonable alternatives, NRC should be careful to fully
22 analyze all of the technical issues raised by the State of
23 Utah, and those have been mentioned already this evening and
24 will be mentioned further, so I won't bore you with that
25 long list.

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1 I'm afraid that the way this proposal comes to us
2 in Utah we have a well-founded fear that NRC will simply go
3 through the motions of an environmental impact statement and
4 approve this application. I can assure you that we will
5 fight this proposal to the end and make sure that this
6 proposal does not proceed without the full involvement and
7 acceptance of the people of the state of Utah.

8 From my perspective, it is the responsibility of
9 the federal government to show us that you are fairly
10 considering the needs of our state. To date, I'm not
11 convinced. I hope you disprove my skepticism. Thank you.

12 MR. HAUGHNEY: Thank you, Mr. Becker.

13 MR. DELLIGATTI: Suzanne Winters.

14 MS. WINTERS: Thank you for this opportunity to
15 comment. My name is Suzanne Winters, and I serve as the
16 state science advisor for the State of Utah with statutorily
17 mandated function to provide advice to the legislature and
18 the governor on matters of science and technology.
19 Historically my office has acted as the coordinator for many
20 of the executive agencies for transportation and related
21 issues for radioactive waste including the departments of
22 Environmental Quality, Transportation, and Public Safety.

23 I am here to express my serious and extensive
24 concerns regarding this proposal and its deliberate and
25 inexcusable omission of any consideration of a comprehensive

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1 and detailed transportation and emergency response plan.

2 In recognition of the multitude and seriousness of
3 concerns relating to transportation of high-level nuclear
4 waste, Congress enacted the Nuclear Waste Policy Act in 1982
5 as amended in 1987 to provide for the safe, efficient, and
6 cost effective transportation of radioactive materials with
7 specific provisions for spent nuclear fuel, naming the
8 Department of Energy's Office of Civilian Radioactive Waste
9 Management as the agency responsible for shipments of all
10 high-level nuclear waste and commercial spent fuel to
11 federal facilities. It is the position of the State of Utah
12 that this proposal between PFS and the Goshute -- Skull
13 Valley Band of Goshutes is an intentional and calculated
14 attempt to circumvent the provisions of that act, which
15 Congress passed to ensure the safety and environmental
16 protection under nuclear waste shipping campaigns.

17 In preparation for shipments of high-level
18 radioactive waste transportation campaigns, the DOE began
19 development of the waste isolation pilot plant in Carlsbad,
20 New Mexico, to serve as a pilot and demonstration program
21 for the handling, transportation, and storing of radioactive
22 waste. Through the WHIP and other DOE-related campaigns,
23 the State of Utah has worked cooperatively and productively
24 to design, plan, and implement a comprehensive and detailed
25 transportation program with critical and necessary input

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1 from all stakeholders. As a result of a successful
2 cooperation, DOE will begin shipping materials to the WHIP
3 facility this month with the full assurance of all of the
4 corridor states that appropriate measures are in place.
5 This effort has required many years of planning, written
6 memoranda of understanding and agreement and development of
7 a relationship of cooperation and trust. The State of Utah
8 believes agree -- that this has been a valuable pilot
9 program and should serve as a model for PFS for the
10 planning, implementation, and operation of a high-level
11 nuclear storage facility within our borders.

12 PFS proposes to undertake the design, building,
13 transportation to and operation of a facility, the order of
14 magnitude and the potential lethality of which is
15 unprecedented in this country. With no experience nor
16 concern for the impacted stakeholders, PFS has demonstrated
17 arrogance and lack of respect for not only the State of
18 Utah, but for every corridor state, local community, and
19 Native American jurisdiction through which the
20 transportation of material must pass.

21 It is the position of the State of Utah that a
22 comprehensive, detailed, and cooperatively-developed
23 transportation plan be provided to all potential corridor
24 states and tribes to the proposed nuclear waste facility.
25 Further, it is the state's position that all provisions of

1 the Nuclear Waste Policy Act be met by the proposers of this
2 facility including but not limited to financial and
3 technical assistance, training, equipment, and mutually
4 agreed upon development for route selection, alternative
5 route analysis, route risk analysis, route inspection for
6 highway and rail contingency routing plans, transportation
7 infrastructural improvements, shipment notification and
8 tracking, shipment escorting, provision of public
9 information on routing and shipments, preparation and
10 enforcement of transportation operations protocols, carrier
11 and shipper compliance reviews, assessment of state and
12 local capabilities regarding safe routine transport and
13 emergency response, enhancement and maintenance of emergency
14 response and recovery capabilities, awareness training for
15 first on the scene and first responder personnel, public
16 information training for route community liaison personnel,
17 training for hospital personnel, waste acceptance scheduling
18 start date and annual rate, cask loading, full-scale cask
19 testing, accident notification, safe parking designation and
20 procedures, and provision for -- of equipment for emergency
21 response inspection and first response personnel.

22 As separate and comprehensive transportation and
23 handling plan must be developed to address all aspects of
24 the additional rail spur required or the intermodal transfer
25 of the high-level waste as Rally Junction or another

1 designated site including but not limited to the
2 infrastructure improvements, handling equipment and
3 protocols, inspection of casks, vehicles and carriers and
4 state oversight and regulation.

5 It is further the position of the State of Utah
6 that PFS will hold full responsibility for accidents and
7 resulting damages involving spent fuel moving to and from
8 this facility regardless of the location or the title holder
9 of the material. I will provide additional comments in
10 writing of my opinions.

11 MR. HAUGHNEY: Thank you.

12 MS. WINTERS: Thank you.

13 MR. HAUGHNEY: Thank you.

14 MR. DELLIGATTI: Brian Meacham.

15 MR. MEACHAM: Good evening. My name is Brian
16 Meacham. I'm here as the spokesperson for Utah Peace Test.
17 Utah Peace Test is a citizens' group which is well known for
18 our commitment to nonviolence, our commitment to consensus
19 decision making, and our commitment to end nuclear weapons
20 development and deployment. We have two concerns that need
21 to be addressed in the environmental impact statement.

22 The geological record of the State of Utah
23 indicates that a major earthquake occurs along one of the
24 fault systems every 350 years on average. The experts say
25 that it is not a matter of if another earthquake will happen

1 but of when it will occur. The estimates range from 30 to
2 50 years. The most recent data indicates that the proposed
3 project site is sitting on top of geological faults. We
4 assert that a major quake will happen in Utah during the
5 lifetime of the project that may affect the proposed site
6 and that this constitutes a high risk of -- to the
7 environment. We have seen no evidence that the structural
8 supports for the casks nor the casks themselves are being
9 designed to earthquake-proof standards. Therefore, the
10 casks could be damaged on impact due to an earthquake and
11 leak radioactive materials.

12 Our other concern is that there are no proposed
13 plans for an on-site facility to transfer the spent nuclear
14 fuel rods from an old cask to a new cask. The proposed
15 project's lifetime is 40 years. Because of aging effects
16 like creep, the casks will gradually deteriorate with time.
17 We assert that, at a minimum, the rods will be -- need to be
18 transferred at least once. Logic dictates the transfer
19 should occur after 20 years. If a safety factor of two is
20 assumed, then the rods will be -- need to be swapped to new
21 casks every 10 years. This represents four life cycles.

22 In order to transfer rods, it will be necessary to
23 open up the containers. There is a high risk factor for
24 contamination of the environment as a result of this process
25 since there will be other radioactive materials generated by

1 the fuel rods inside. Some of these materials may be
2 gaseous, fine powders, or even liquids. A facility to
3 properly handle these potential problems does not exist in
4 the proposed site plan.

5 There is the -- an additional collateral waste
6 problem generated by the asserted cask recycling process.
7 The old casks will be contaminated after storing spent
8 nuclear (sic) fuel rods and thus become nuclear waste. We
9 assert that the amount to be four times the current estimate
10 because of the four life cycles. This constitutes an
11 environmental hazard because of this project. We see no
12 evidence for the disposition of this radioactive used waste
13 casks.

14 We recognize that, as an alternative -- we
15 recognize that an alternative exists for contracting out the
16 casks recycling process to an existing facility. Under this
17 option, the current risk factor associated with
18 transportation needs to be increased by a factor of eight
19 due to the additional number of trips generated. Thank you
20 very much.

21 MR. HAUGHNEY: thank you.

22 MR. DELLIGATTI: Kathleen Clark.

23 MS. CLARK: Hello. I'm Kathleen Clark. I'm the
24 acting director of the Utah Department of Natural Resources.
25 Our department is charged with the responsibility for the

1 conservation and the protection of the natural resources
2 within the state of Utah, and I appreciate the opportunity
3 to comment here tonight regarding private fuel storage and
4 the scope of the EIS on that proposal.

5 The Department of Natural Resources strongly
6 supports the efforts of Governor Leavitt and the Utah
7 Legislature to opposed the PFS proposed high-level nuclear
8 waste storage facility at Skull Valley Indian Reservation
9 for -- because of the threats that it poses to natural
10 resources in northern Utah.

11 My comments tonight are going to provide simply an
12 overview of some of our department's concerns, and I'd like
13 you to know that more inclusive comments about our concerns
14 and our issues will be forthcoming.

15 One of our divisions is the Utah Division of --
16 it's the Geological Survey. You've already heard from Mr.
17 Lee Allison today. I had prepared a summary of his comments
18 and I will just pass those by since you had some good
19 comments from him.

20 We also have a division that manages forestry and
21 fire in our department, and they have suggested some
22 concerns about the proposed access roads and associated
23 gravel isolation zone, that they may not be adequate to
24 prevent possible wild fires from getting into the storage
25 area, possibly resulting from transportation mechanisms.

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1 There's also some concern that the operation facilities may
2 increase fires throughout Skull Valley. An increase in the
3 rate of fires would cause significant loss of natural
4 resources, private property loss and damage, and would
5 likely cause increased cost to Tooele County and the State
6 of Utah for fire suppression.

7 One of our major issues is the -- it's unclear to
8 us how PFS is going to manage water to operate this
9 facility. The department is concerned that the availability
10 of water has not been sufficiently investigated. If the
11 tribe plans to make water available for the facility under a
12 federal -- a claim of federal reserved water rights, we
13 foresee potential challenges to the validity and the extent
14 of those rights. If the tribe plans to make water available
15 for the facility under state-created water rights, we
16 foresee potential challenges under the change application
17 process conducted by the state engineer.

18 The tribe's water rights depend on the number of
19 practicably irrigable acres located on the reservation. The
20 process of determining the PIA, which is the irrigable
21 acres, requires a detailed analysis of the hydrology, the
22 soils, the engineering feasibility, economic feasibility,
23 and numerous other legal issues related to the establishment
24 of the reservation itself. This is a complex process, and
25 once the right is quantified, the type of water use must be

1 changed from irrigation, which is now approved, to
2 industrial commercial uses, which would be associated with
3 fuel rod storage. Approval of this change of use,
4 regardless of how it is undertaken, will be another time
5 consuming process fraught with difficulty and most certainly
6 with challenges by other water users.

7 Even if the tribe chooses to forego claims of
8 reserved rights and uses state-created rights it already
9 holds or purchases water rights held by others, it will need
10 -- excuse me, I just read that. These will -- these require
11 more deliberations and exploration in the EIS.

12 Under the arena of water resources and flooding,
13 we disagree with the drainage area that was used to compute
14 the probable maximum flood for the portion of the area that
15 cuts across the access road east of the storage facility.
16 The applicants used a drainage area of 26 square miles. We
17 believe the drainage area is closer to 240 square miles.

18 In wetter-than-average years, the large
19 depressions south of the access road were filled, the ground
20 was saturated, and most of Skull Valley produced
21 significant amounts of runoff. Wetter-than-average
22 conditions which would occur during a probable maximum flood
23 event would fill the depression and water running off from
24 the south of Skull Valley and would only drain through the
25 depression near the northeast corner of the area causing

1 flooding.

2 The department is also concerned with potential
3 contamination of groundwater aquifer before the site and
4 potential for contamination of other water sources in the
5 area.

6 Regarding impacts to wildlife, we recognize that
7 there has been some planning for the site to discuss
8 mitigation and measures that would be taken to minimize
9 those impacts. However, we feel much greater emphasis
10 should be made to identify and address unintended impacts on
11 wildlife migration patterns, critical habitats, and the
12 potential for unavoidable impacts on wildlife and its
13 habitat, both during the construction phase of this project
14 and also during its life.

15 The department is concerned with the potential
16 impacts of toxic spill or other environmental contamination
17 could have on the Great Salt Lake. The Great Salt Lake is a
18 unique ecosystem of international importance. It has been
19 designated as a western hemispheric shore bird reserve
20 because of its importance to migratory wildlife. The lake
21 also supports brine shrimp harvest and mineral extraction
22 industries that are important to the state's economy. The
23 Great Salt Lake's fragile ecosystem could be devastated by a
24 toxic spill.

25 Two other sites located near the proposed facility

1 are also of great concern with respect to wildlife, and that
2 is Tempe Springs and Horseshoe Springs, both of which are
3 very important locations for migratory birds and other
4 wildlife that use these isolated areas. The department is
5 also concerned with the potential impacts to
6 federally-listed threatened and endangered wildlife such as
7 the bald eagle and the peregrine falcon.

8 We have numerous uses relating to transportation
9 but they've already been discussed, so I am going to pass by
10 those. But it is for these and the additional issues which
11 we believe pose some serious threats to Utah's natural
12 resources, which we will detail to you and be submitted
13 shortly that we oppose this.

14 In summary, we think that the scope of the EIS has
15 got to go well beyond the boundaries of the site itself,
16 take a look at potential impacts to natural resources
17 throughout northern Utah, and also that the EIS needs to
18 challenge the assumptions of safety on which this is
19 proposed. Thank you.

20 MR. HAUGHNEY: Thank you.

21 MR. DELLIGATTI: Thank you. In this copies
22 version, I can't quite make out the last name. The first
23 name is Cynthia, and she's a colleague of Mr. Meacham with
24 Utah Peace Test.

25 MS. CYNTHIA OF THE DESERT: Good evening. My name

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1 is Cynthia of the Desert. I am with Utah Peace Test but not
2 as a spokesperson with them tonight. I am an
3 environmentalist, an antinuclear activist, all these
4 wonderful labels. We all wear different uniforms here
5 tonight, and we're all concerned about the same thing. But
6 I have to say that I am mostly here as a mother. You know,
7 we haven't spoken about the children except the people who
8 live on the reservation. You know, we bandy about all these
9 wonderful technological terms, the adverse health hazards,
10 environmental impacts. You know, all of this translates
11 into we are not taking care of our children. This is not
12 our mess. This is not the Goshutes' mess. This is not
13 Utah's mess. This is PFS and other companies who generate
14 nuclear waste. It's their mess and it is my contention that
15 it should be left where it is and not transported all over.
16 A lot of what I had to say tonight has been covered very
17 adequately by a lot of the speakers tonight and -- sorry,
18 I'm nervous too.

19 But I have had 13 or 14 years of thoughtful
20 education. I am not, as someone suggested earlier, a
21 propagandist. I have thoroughly investigated as much as my
22 partial physics background has allowed me to understand the
23 nuclear issues from a lot of different directions. I
24 thoroughly feel that we need to do more research in
25 decontaminating it where it sits. I know of at least a

1 couple studies right now that are ongoing. Maybe five or
2 ten years we'll have the answer. I really don't feel that
3 it belongs anywhere except where it is at the private and
4 military facilities.

5 You know, the space that you're talking about
6 putting it, first of all, the tribe is in contention with
7 itself. There are people who don't want it and didn't feel
8 they were represented. There -- in the paperwork that I was
9 able to gather after sitting through all the days of the NRC
10 hearings in January, seem to leave out glaring things. One
11 -- it's already been spoken of tonight, the water issue.
12 There's safety. What if there is a fire? What if there is
13 something going on? Who is going to be responsible for
14 taking care of things like that? PFS? Is the State of
15 Utah? The local fire department, where are they? Where are
16 the fire engines out there?

17 The casks' safety, all by itself, is the most
18 major issue. And it goes back to things need to sit where
19 they are. Transportation, the tracks, the roads, storage,
20 unloading it, transferring it. Someone referred to that it
21 has to kind of be recycled, I guess. There are so many
22 things that have not been addressed, and I would really hope
23 that this doesn't just get railroaded and pushed into Utah
24 or anyplace else. I certainly hope that WHIP does not go
25 through also because that's not really a safe situation

1 either from the scientific evidence I'm able to understand.

2 The seismic issues have been addressed very
3 strongly here. As I understand from reading a lot of
4 materials on the casks, they are not earthquake proof.
5 There have been remarks about terrorism, sabotage. What
6 about the accidental plane crashes that happen all the time,
7 the military areas, the chemical weapons stockpiles. All of
8 these things have been addressed by other people tonight.
9 But, you know, it's not just a simple, oh, there's an empty
10 space out there. Let's go put it out there. Well, that's
11 what they said about the test site. That's -- in Nevada.
12 But it also happens to be Shoshoni land. Here we are again
13 dumping on the tribal peoples, and I will use the word
14 "dump" because that is as accurate as I think a word there
15 is.

16 Someone else spoke to all the damage that has
17 happened from our experiments with nuclear weapons, the
18 testing, the mining, the waste storage. I just would really
19 urge the NRC to insist that PFS and other companies keep
20 their waste on site and clean up their own mess and not
21 transport it anywhere, including here, whatever here is.
22 This is the Mother Earth. Well, it's the Goshute
23 Reservation. Well, it's Tooele County. Well, it's Utah.
24 Well, it's the United States. It's the Earth and we're all
25 connected. And if there is any trouble out there, everyone

1 will be affected. And so that's about all I have to say.

2 MR. DELLIGATTI: Thank you.

3 MR. HAUGHNEY: Thank you, Cynthia.

4 MR. DELLIGATTI: Chris Cernik (phonetic).

5 DR. CERNICH: My name is Dr. Chris Cernich. I'm
6 representing the Utah Department of Agriculture and Foods
7 this evening. With the record of humans and their
8 accidents, obviously we are preparing for the worst and,
9 though it may not occur, we certainly have to be prepared
10 for that. Our charge is to watch over the safety and health
11 of the domestic animal population of Utah, which potentially
12 could get to a human food chain, which is a great economic
13 boon to the State of Utah due to the number of ranchers and
14 farmers involved and their families, as so aptly has been
15 pointed out. This would also include birds and other
16 wildlife and insects such as the domestic bee hives that we
17 have that do produce numerous amounts of economic benefit to
18 the farmers of Utah.

19 It would also include plant crops and range lands
20 that again have been so aptly brought to point this evening,
21 that cattle, sheep, goats also partake of, that in the
22 potential of an accident would potentially get into the
23 human food chain. Certainly farmers and ranchers and their
24 help and families would also be potentially at risk if we
25 did have such an unfortunate event.

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1 My concern and the department's concern would be
2 support of the governor's stand on this issue. There would
3 be a significant environmental impact to the entire area
4 including all agricultural aspects and also economic impacts
5 to the state. It's been state previously, perceptions
6 become reality. If there had been an accident,
7 unfortunately the economic impact to all of Utah agriculture
8 would certainly suffer. My question then would who would
9 take up that slack to a very fragile agricultural
10 environment that we live in today? Who would take up the
11 lost product that was actually contaminated? Who would take
12 care of any product that any agricultural person in the
13 state of Utah could not sell and, therefore, would be
14 economically impacted severely? Thank you very much.

15 MR. HAUGHNEY: Thank you.

16 MR. DELLIGATTI: Thank you, sir. Okay. Again,
17 I'm having a little trouble with this -- reading this
18 because it was Xeroxed. Steven Baronet (phonetic), SSWUS?

19 DR. BARROWS: That's Steven Barrows.

20 MR. DELLIGATTI: Sorry.

21 DR. BARROWS: Scientist for Secure Waste Storage,
22 one of their local members. I'm not nearly as well
23 respected as many of the Nobel Prize winners on that group.
24 I'm just one of their local boys; you might say. My Ph.D.
25 is in physics. I do not work for the nuclear power

1 industry, never have, nor do I work for the governor. And
2 so that makes me free to speak on this issue without any
3 economical bias one way or another. I notice that we have a
4 great outpouring of people from the governor's employ here
5 tonight.

6 And I'd like to say, I started off with my thesis
7 in cosmic ray physics which is a very high energy type of
8 radiation, and I've dealt with radiation in my research off
9 and on for the last 30 years. I'm familiar with it. I know
10 it can be very dangerous, and it also can be handled in a
11 very safe manner. I've had radiation sources in the
12 laboratory that I was working in the last five or six years,
13 taken care of in a safe manner. We have -- it's just a
14 matter of understanding the physics of it, and it's all well
15 known and it can be designed. The problems are not nearly
16 as difficult, in my opinion, as handling the nerve gases or
17 something like that. Those are difficult problems. They
18 take a large team of expert chemists and engineers to solve
19 those.

20 But myself and a few people like me could probably
21 design some of these casks to be at least radiation safe.
22 We'd need some mechanical engineers to talk about their
23 safety so they could withstand train crashes at 80 miles an
24 hour, which you can see some examples. There are videos of
25 some of these tests, and they survive the tests. The

1 material inside the cask is still inside the cask. There --
2 it's not -- the seal is not broken, nothing is spilled.
3 When they're transported on trains or trucks, they don't go
4 70 miles an hour. The trains I think are limited to 30
5 miles an hour or something like that. If you have a train
6 wreck, the problem is to get all the old train cars off the
7 tracks out of the way so you can resume your operations.

8 The casks themselves are just like a big boulder,
9 and you have to deal with that like you would a big boulder.
10 It's not a hazardous thing to somebody standing there and
11 leaning on the cask. This does not give them enough
12 radiation to cause any concern. He can wear his radiation
13 safety badge, and he will not be told that he was exposed to
14 too much radiation for that day. This is because of the
15 shielding that's built into the casks. It's -- it makes
16 those safe to handle and to be around for transportation.
17 When those are located on a concrete pad inside of a fence,
18 nobody needs to even go that close to those, but they could.
19 They could go in there and eat their lunch and it wouldn't
20 hurt.

21 I think it would be nice if the pigeons are not
22 allowed to roost on top of them because months of exposure
23 could perhaps do them some damage. I think that's a
24 possibility. So I'd like to see the rabbits and the pigeons
25 kept away from these things if possible.

1 I don't see the other environmental damage that
2 people worry about. Some of these claims are just really
3 mind boggling. I don't see how these things can start fires
4 any more than a collection of big boulders can start fires.
5 It's really the same question. There's no water required on
6 these -- on this facility except drinking water and maybe
7 some water for the convenience of those that are operating
8 the facility.

9 I agree with our friend for Coalition 21, we
10 should support technology with facts not fears. You can't
11 make the technology unless you deal with the facts, and you
12 cannot handle it properly unless you deal with the facts.
13 If you deal with fears, there's no way to satisfy people's
14 fears if they're not willing to look at the facts.

15 I myself would feel comfortable living next door
16 to this facility. I was down in Northridge in they year
17 following that earthquake. I think it was a 6.4 or 6.5. We
18 have relatives there. They have a silly habit of building
19 backyard fences with cinder blocks, and you could take the
20 fence and go like this, and it was -- it would wiggle back
21 and forth. They had some minor damage to their house and
22 two of their sons had damage to their houses, but I cannot
23 see that the damage would have any way to touch these casks
24 that can stand a 75 -- or a 70 mile an hour train crash. I
25 just can't see that the casks itself could be damaged by

1 such an earthquake.

2 The -- as the governor mentioned about the
3 transportation corridors, like I say, if we have a semi
4 truck accident, it has to be cleared off the highway or a
5 train track -- train wreck has to be cleared off the rails,
6 and it wouldn't take any longer to clear a cask out of the
7 way than any other kind of load. In fact, if you want to
8 talk hazardous loads, talk about shipping gasoline or
9 sulfuric acid or something else in these tanker trucks.
10 Those are hazardous loads. They cause immediate and
11 threatening hazards when they have an accident, whereas a
12 cask would bounce to a stop and then you just wait for the
13 thing to be taken care of. There's no need to evacuate
14 anybody, et cetera.

15 The casks are built much like a fruit jar. The
16 bottom is one piece and the lid is on the top and it's
17 sealed so that gases and liquids cannot get in and they
18 cannot get out. If you were to have a flood there, not very
19 likely, but the water would not be able to get in; it would
20 not be able -- if there was any water inside, which there is
21 not -- these are in solid form, -- it couldn't get out
22 again. So there's no way this contaminates the water. It's
23 just like a boulder.

24 MR. HAUGHNEY: Dr. Barrows?

25 DR. BARROWS: Yes.

1 MR. HAUGHNEY: I wonder, because of the lateness
2 of the hour and the large number of people we have yet to
3 go, I don't know that we're even half --

4 DR. BARROWS: I'm -- yes, I'm about done and --

5 MR. HAUGHNEY: You're stretched.

6 DR. BARROWS: Am I stretched?

7 MR. HAUGHNEY: Could you summarize in 30 second --

8 DR. BARROWS: Okay.

9 MR. HAUGHNEY: -- and submit the rest for the
10 record?

11 DR. BARROWS: Yes. My conclusion is that these
12 radiation hazards can be engineered in a way that is
13 responsible and safe. I believe they have been. I looked
14 at the Web site that the Goshute Tribe has. If anybody
15 wants to look at, that's very extensive and I think it's
16 well done. It's www.skullvalleygoshutes.org, all small
17 letters, and it's up and running, so there's very good
18 information on there. Thank you.

19 MR. HAUGHNEY: Thank you, Dr. Barrows.

20 MR. DELIGATTI: Dr. Nielson. Thank you for your
21 perseverance.

22 DR. NIELSON: Thank you, Mr. Haughney, members of
23 the Nuclear Regulatory Commission. I'm Diane Nielson. I'm
24 the executive director of the Department of Environmental
25 Quality, a proud employee of the State of Utah and the

1 governor.

2 Tonight I'd like to focus on a couple of comments
3 and provide the rest of the information as written comments
4 before the deadline. First, I'd like to address
5 environmental justice, and in doing so, recognize that there
6 are individuals this evening who have spoken more eloquently
7 on this issue than any executive order or regulation ever
8 could do. But as regulatory agencies, we're responsible to
9 the executive orders, to the regulations, to the guidance,
10 and thank heavens it exists.

11 Environmental justice has been defined by the
12 Environmental Protection Agency as the fair treatment of
13 people of all races, incomes, and cultures with respect to
14 the development, implementation, and enforcement of
15 environmental laws, regulations, and policies. Fair
16 treatment implies that no person or group of people should
17 shoulder a disproportionate share of negative environmental
18 impacts resulting from the execution of environmental
19 programs.

20 This facility and the environmental impact
21 statement, as you have pointed out in your opening comments,
22 is subject to the president's executive order and to full
23 and complete analysis in the evaluation of environmental
24 impacts in the context of environmental justice. It doesn't
25 matter whether the tribe approached PFS or PFS approached

1 the tribe. It matters that this facility is proposed on an
2 Indian reservation without the same regulations and
3 protections that are provided under some state as well as
4 federal regulation and that those impacts must be evaluated,
5 must be fully considered by the NRC as part of this process.

6 Therefore, I would urge you to ask what the
7 impacts related to the proposed facility will be because of
8 its location on an Indian reservation, what the groups of
9 individuals will be who will be impacted in an environmental
10 justice context, what the environmental human health,
11 social, economic, and other impacts will be, and whether
12 those impacts can be mitigated under one or more of the
13 alternatives. If environmental justice impacts the proposed
14 site cannot be mitigated, the NRC should disallow the
15 proposed site in their evaluation through the EIS.

16 Transportation impacts have been discussed by a
17 number of speakers tonight. It's worth noting that this
18 transportation corridor, the I-80 Union Pacific Rail
19 Corridor, is not a corridor that is currently proposed or
20 under consideration for any other transport of high-level
21 nuclear waste. It is a transportation corridor, just as the
22 corridors in Skull Valley will be, that is unique to this
23 facility and must be considered, therefore, within the scope
24 of the proposed facility in the EIS.

25 As a corollary to that, it's interesting to

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1 consider how spent fuel rods would travel from California
2 through Utah and then to a permanent storage site. This is
3 not on the way to Yucca Mountain or any other preferred site
4 at this point under consideration for permanent storage.

5 It's also important to recognize that emergency
6 planning is only a fallback and a fail-safe, not a primary
7 means of assuring the safety of the public. That primary
8 assurance and primary responsibility rests with the NRC in
9 the evaluation of the safety of transportation. And under
10 NEPA with emergency planning is not a substitute for an
11 adequate environmental impact statement that evaluates all
12 the risks and costs posed by such a facility.

13 A careful evaluation of the no-action alternative
14 must be an absolute priority in this case where existing
15 nuclear reactor sites already have more than sufficient
16 capacity to continue to store spent fuel indefinitely.

17 Before the NRC even contemplates licensing the
18 proposed PFS facility, it must thoroughly evaluate the
19 unique risks and costs posed by transporting thousands of
20 tons of radioactive material across the country to a new
21 centralized repository in comparison to the risks of
22 remaining storage on a continuing basis on site at the
23 existing facilities.

24 The NRC must thoroughly evaluate the unique
25 transportation-related risks posed by the PFS project, risks

1 that stem from factors that are uncommon to any other spent
2 fuel shipments that have been contemplated or conducted in
3 the US to date. Recognizing the huge quantity of spent
4 fuel, 4,000 casks, over 100,000 spent fuel assemblies
5 shipped within a relatively short period of time, with the
6 focus of the shipments on one geographic area, namely Salt
7 Lake City and Tooele County, and with the unusual size and
8 weight of the transportation casks.

9 Further, NRC ought to recognize, and my
10 understanding is cognizant of the nature of existing
11 environmental studies including studies on transportation
12 casks, which are now over 25 years old. I thought we might
13 go through the discussions tonight without discussions of
14 crash testing of casks. The point is, and I know you are
15 all aware of it, but the public is not, that the films that
16 we have seen and the stories and the reports of crash
17 testing of transportation and storage casks isn't relevant
18 to this discussion because none of those casks are under
19 consideration for transportation at this point and none of
20 that testing has been conducted on the cask that is under
21 consideration. It is not appropriate to consider those
22 evaluations part of a separate EIS. It is absolutely
23 critical because of the size and nature of this proposal
24 that those studies be included within this EIS.

25 Finally, we all heard, or those of us who were

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1 here at the beginning of the presentation, about additional
2 plans and additional studies for transportation corridors
3 within Skull Valley and possibly along the corridor, the
4 main corridor of I-80 and the Union Pacific Railroad. This
5 is information that's new to the state and I assume to
6 others here tonight, aside from PFS and its contractors.
7 It's information that we have no technical knowledge of nor
8 supporting information regarding, at this point. And,
9 therefore, we also have no capability to respond in a sense
10 to the scoping impacts. And, therefore, as the governor
11 stated in his opening comments, I would urge you to provide
12 a procedure for either opening comment to additional scoping
13 as new proposals or revisions are added to this license
14 application or else delay the scoping process until we, in
15 fact, do have a complete and technically adequate license
16 application and then let's, in sincerity, evaluate the
17 environmental impacts. Thank you.

18 MR. DELLIGATTI: Stephanie Kessler.

19 MS. KESSLER: My name is Stephanie Kessler. I'm
20 here representing the Wyoming Outdoor Council, and I thank
21 you for this opportunity. I'm actually here as a
22 representative of a corridor state. I'm also here because,
23 in my county where I live, a private facility similar to
24 this one is also being proposed, the Elk Creed Energy
25 Project. I would just like to make a couple of comments

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1 that I think are not repetitive of what I've heard tonight
2 and submit some written comments later.

3 But I would particularly like to ditto the
4 comments of Ms. Winter and Dr. Nielson regarding
5 transportation and safety impacts. You must conduct a
6 safety analysis, looking at transportation along the entire
7 route. Wyoming in particular is going to have concentrated
8 impacts from the corridor. I might also let you know that
9 the I-80 corridor in my state is known as the Snowchimin
10 (phonetic) Trail. It is not something that many people
11 enjoy driving on in the winter, and it is quite dangerous.

12 But I believe that transportation poses the
13 greatest risk, and, to do an adequate EIS of this, you must
14 look at the no-action alternative of moving all of this
15 waste compared to leaving it at the reactor site,
16 particularly since the NRC has already made a finding that
17 it can be safely stored at reactors for the next 100 years.
18 And the alternative of choosing that and giving ourselves
19 100 years to do this correctly versus moving it within the
20 next could to ten or whenever this project is proposed to
21 begin.

22 We're particularly concerned about accidents along
23 the transportation corridor and the lack of emergency
24 response preparedness training, equipment, infrastructure.
25 You need to do an analysis of what this means if communities

1 along the route do not have the proper emergency response
2 capability, because that is not contemplated, as far as I
3 know, within this proposal to fund local communities and
4 state governments to the degree that is proposed within the
5 Nuclear Waste Policy Act, mind you, for a facility that is
6 smaller than the one proposed here. The federal government
7 interim storage facility is proposed to contain only 10,000
8 or 15,000 metric tons of high-level radioactive waste. This
9 one is 40,000 tons. So we have a larger facility which --
10 with much less financial support and, thus, safety
11 preparedness for communities. And, in particular, you need
12 to look at the inequity issue of the federal precedent of
13 licensing a facility which contradicts what has already been
14 proposed in federal law as an adequate level of support for
15 local community emergency preparedness.

16 You need to analyze the financial assurance of the
17 proponents of this facility for accidents and damages along
18 the transportation corridor. You need to analyze the
19 negative economic impacts of the stigma of this waste
20 transportation through the transportation corridors and the
21 property devaluation that can occur and put that into your
22 economic formulas.

23 Regardless of whether there is maybe reason for
24 people to fear waste transportation, fears do motivate human
25 behavior and that is a fact. And there will be negative

1 economic impacts along the corridor of the transportation
2 due to the designation of routes.

3 A State of Nevada report conducted recently looks
4 at the possibility of waste coming from the reactors around
5 the country to be able to be transported by rail and has
6 found that for a scenario such as this project, which is
7 opening much earlier than a permanent repository,
8 approximately 35 percent of shipments will need to come by
9 truck. So you need to, in your analysis, look at the
10 probability of truck transport aside from rail transport. I
11 understand this is due to the fact that many reactors lack
12 access to rail service and lack appropriate cask-loading
13 facilities for rail. And so analysis needs to consider
14 truck transportation on our highways and the impacts of that
15 along the route.

16 Also, as an alternative, if there are going to be
17 required dedicated trains for these shipments and, if so,
18 the evaluation of where and how those shipments will be
19 consolidated and the impacts of that on whatever community
20 that occurs at for the consolidation of dedicated trails --
21 train shipments.

22 You also have to consider -- back to my discussion
23 about accidents -- what are the recommended accident rates
24 for the amount of waste to be transported over the amount of
25 mileage to be transported. This is an amount of

1 transportation never experienced on our highways or railways
2 in the past. The magnitude if phenomenal compared to our
3 past history. The DOE I understand has recommended that we
4 use general accident rates for truck and rail shipments, and
5 you need to do your analysis using those to compute what we
6 can expect for accident.

7 Finally, some political issues that provide risk.
8 This facility at 40,000 metric tons, plus what I think of as
9 the Wyoming facility that could open, could essentially
10 preclude the need for the permanent repository or diminish
11 our country's will to pursue a permanent solution. And you
12 must consider in your analysis the probability that siting
13 such, quote, temporary facilities could become de facto,
14 particularly in combination with the other proposed one,
15 that then there isn't any capacity need for Yucca Mountain.

16 Finally, you need to evaluate the need for this
17 facility overall within the whole larger national picture.
18 Will it advance our nation's progress to finding a permanent
19 solution or will it diminish our country's will to find a
20 solution once we have this waste moved to these desert
21 areas? And you need to look at whether that need is based
22 on political expediency or safety reasons. And was can't --
23 you can't examine this proposal in isolation. You must look
24 at it in the larger national picture of what's going on and
25 our history in trying to site these facilities. Thank you.

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1 MR. HAUGHNEY: Thank you.

2 MR. DELLIGATTI: Dave Terry.

3 MR. TERRY: Thank you. My name is David Terry.

4 I'm the director of the School and Institutional Trust Lands
5 Administration for the State of Utah. We're an independent
6 agency of Utah state government. We own -- we manage for
7 the benefit of school children in the state, and place
8 sections of land in the vicinity of the proposed site. Our
9 concerns are that, at statehood, the United States gifted
10 that land to the State of Utah for the benefit of the school
11 children. And along with that gift was the presumption that
12 the United States would assist the State of Utah in
13 protecting the value of those lands. Our concern is that
14 properties will be devalued or could possibly be devalued in
15 the area because of the location of this site, and we
16 believe that the environmental impact study should consider
17 that. Thank you.

18 MR. HAUGHNEY: Thank you, sir.

19 MR. DELLIGATTI: Thank you. Nina Dougherty.

20 MS. DOUGHERTY: I am Nina Dougherty. I am chair
21 of the Utah chapter of the Sierra Club, and I'm just going
22 to give a few rather broad comments at this point just to
23 let you know that the Sierra Club is highly concerned and
24 opposed to this dangerous and unnecessary proposal for this
25 project. We will be submitting more detailed comments in

1 writing.

2 I say -- there -- it's rather difficult to single
3 out specific areas of concern because they're rather
4 entwined; safety factors, the sabotage, the terrorist
5 factor, the safety on the highways, the health factor. I
6 think you need to certainly be looking at the growth of the
7 population and, therefore, the growth and the spreading of
8 the population that is envisioned to be occurring here with
9 the phenomenal growth that is occurring. There's a computer
10 program that sort of just shows how people are spreading out
11 across the valleys as the area grows. So you are talking
12 about a lot more exposure at that point.

13 I certainly say that this is an unnecessary
14 project because of the -- you have all this multiple
15 handling is unnecessary multiple handling of these casks, of
16 these rods, with multiple opportunity for things to go
17 wrong. The need must be carefully documented. It must be
18 carefully analyzed and carefully documented. It seems
19 rather obvious from hearing what we've heard tonight that
20 the need seems a little flaky.

21 Alternatives, specially the no-action alternative.
22 There needs to be rigorous analysis of that, of the benefits
23 and the advantages of no action, not just the presumed
24 disadvantages of that. We certainly need to consider the
25 human factor, the human failure factor. I remember talking

1 to a nuclear engineer some years ago who was on a mission
2 around the country. He had helped design the Browns Ferry
3 Plant. There was a fire. He said there wouldn't have been
4 one if it had been designed to the specs that he had been
5 involved in and had been done. But there were other factors
6 that were involved when it came to actually building the
7 plant, and some things were built too close together for
8 financial reasons to save some money. That's one human
9 factor, but there are many human factors that are involved.
10 Humans are involved in this. Things aren't going to go just
11 exactly right.

12 We've been hearing about the risks in the area,
13 the other dangerous activities in the area, and all the
14 intertwining and if something happens wrong at one of the
15 other facilities, as the chemical warfare incineration --
16 incinerator, for instance, that that could impact on the
17 need to take care of that, could create problems with the --
18 this facility and the same with this on that. There are
19 certainly a number of dangerous activities, and we've
20 certainly been hearing about the things falling from the sky
21 with some regularity around here actually.

22 Earthquake certainly is another risk. Fire. You
23 go out to the Cedar Mountains, you can see the devastation
24 caused by -- the widespread devastation caused by a very
25 rapid fire several years ago that actually went to the

1 highway and created some problems there too. Fire is a real
2 problem. It happens very quickly in this particular area.

3 We've been hearing certainly about the
4 transportation activities. I'd like to mention -- focus on
5 another aspect of the transportation, and that is the
6 conflict with the tourism recreation that occurs. We've
7 been hearing this area characterized as barren but not
8 barren. I certainly am on the side of not barren. We
9 sponsor trips to the west desert weekend -- every weekend.
10 There are certainly a number of aficionados of the west
11 desert in this area who love the west desert. Europeans,
12 Japanese love to be able to go out to the west desert and to
13 look at this wide, wide, open area. They don't consider it
14 barren. It's just so spectacular.

15 The Desert Peak and Stansburies, there certainly
16 would be an impact. That's a wilderness area. Many hikes
17 are led there. Many people do go there. There are also
18 historical sites. The Pony Express trail. This road goes
19 down to the Simpson Springs. If one wants to take the Pony
20 Express from one certain angles and to leave, many people do
21 that. That's an area that's down there. Hastings Pass,
22 right there at the Cedar Mountains. The Donner Trail is
23 right there. The Donner Party Trail. There are the wagon
24 tracks that are there. There are now signs that are up in
25 that particular area. The road -- if you take a road that

1 comes right out onto that road that goes past the Skull
2 Valley Reservation. So this is not a barren area. It's
3 rich in history. It's rich in beauty. It's rich in the
4 past. It's a quite an important area and it'll become more
5 so as the population grows and spreads.

6 And, as I said, we will be submitting more
7 detailed comments. Thank you.

8 MR. HAUGHNEY: Thank you.

9 MR. DELLIGATTI: Thank you very much. Bob James.

10 MR. JAMES: I'm Bob James, and I -- I'm from Hill
11 Air Force Base, environmental management. And we have -- we
12 operate to help support the Utah Testing Training Range, one
13 of the viable assets for training our air crews and that,
14 and so we would like you to consider, and we'll have written
15 comments before the deadline to further expand on this, but
16 the air space above that and any accidents or whatever there
17 would -- in route would inhibit our operation through the --
18 getting people to the range on the ground plus in the air
19 space. Thank you very much.

20 MR. HAUGHNEY: Thank you. Very helpful. Thank
21 you, sir.

22 MR. DELLIGATTI: Jerry Schmidt.

23 MR. SCHMIDT: Good evening, and thanks for the
24 opportunity to comment. Before you fellows from Washington
25 think we're a real contentious bunch out here in Utah, I

1 just wanted to remind you that tomorrow night about a mile
2 from here Utah Jazz is going to start kicking some Chicago
3 butt, all right. Am I right? All right.

4 But, you know, back in about 1982 I was a member
5 of a group called Don't Waste Utah before it became a
6 anti-litter campaign out here. We were fighting a nuclear
7 waste dump out there between Sixshooter Peaks down in
8 Canyonlands, and I'm real surprised that, you know, 16 years
9 later we're still fighting these ideas. But I'm thrilled as
10 somebody who's been working on environmental issues for so
11 long, to actually agree with the legislature, Governor
12 Leavitt, and a congressman on this issue. It's tremendous.
13 I don't know what's wrong here. But, you know, the thing
14 is, you know, if this thing goes through, the Skull Valley
15 location's going to have an appropriate name, but
16 unfortunately, they're going to have to name -- change the
17 name of the tribe to the Glowshutes. And the thing is,
18 since we're focusing tonight on the EIS, you know, maybe I
19 should get to my comments on that and get on those issues.

20 The travel issues, you know, let's face it, the
21 waste is going to be traveling across the country to
22 numerous cites, in particular, multiple trips through Salt
23 Lake City. And the rail accidents, I mean, you folks know
24 they're not unheard of. The location, 40 miles upwind of
25 Salt Lake City. I mean, we're not only jeopardizing the

1 permanent residents, but, I mean, we're going to be hosting
2 the 2002 Olympics here. We're going to have thousands of
3 visitors. I don't know if that'll be there, you know, the
4 dump will be in operation before that time. But, if it does
5 -- if it happens after, this supposed economic benefit we're
6 going to be receiving from having our freeways torn up for
7 four years and all these roads and all this construction and
8 all this tax money we're pouring into this, this economic
9 benefit is going to be out the window because we want to
10 help support what 60 people, 120 people, you know, whatever
11 the number is. This is ridiculous.

12 The earthquake situation, Lee Allison, other folks
13 like that have addressed that a lot more competently than I
14 ever could. The financial liability issue, I mean, let's
15 face it, if this thing, you know, goes, who's going to be
16 holding the tab on that, and it's not going to be the
17 utilities or the Goshutes.

18 The -- Mr. Donnell spoke about concrete pads and
19 walls that is going to be holding this waste, like that's
20 supposed to reassure me. I mean, concrete does crack, you
21 know. I mean, I'm just thinking there should be a better
22 material than concrete to hold this stuff, you know.

23 The other thing, you know, there's no doubt in my
24 mind, let's speak to the cultural issues on this. I mean,
25 no doubt in my mind the Native American in this country has

1 got a royal screw job, if you may allow me to use that
2 phrase.

3 And I'm not here to suggest that the Native
4 American tribe should be adapting to the white man's ways.
5 I mean there's -- everybody needs their cultural identity
6 and needs to hold on to the sovereignty, etcetera. But it
7 seems to me that they have adapted to some white man's ways,
8 and that is the idea of prostituting themselves for the
9 benefit of themselves and not their constituents.

10 And the fact is that to solve this problem, the
11 answer is not to endanger two million people or more with
12 this project to help solve a problem that will help 60 to
13 120 people. That's not the answer to this.

14 And Mr. Bear -- the Honorable Chairman Bear could
15 -- can say it all he wants, but the fact of the matter is,
16 their placing radioactive waste inside the ground will never
17 honor Mother Earth. And that's the facts.

18 The fact of the matter is, in my view, I think the
19 tremendous comments that were placed in testimony tonight by
20 Margene Bullcreek should be looked at very carefully by the
21 NRC, and in my view, you should recognize Ms. Bullcreek as
22 the true leader of the Goshute Tribe and not the people who
23 are the counsel.

24 Thank you.

25 MR. DELIGATTI: Bill Peterson? Mr. Schmidt, if

1 you want a copy of the scoping report, you're going to have
2 to give your address to Dr. Shum, please.

3 MR. SCHMIDT: Thank you, sir.

4 MR. PETERSON: I think this is wonderful that we
5 get together and have these discussions. We're bringing up
6 a lot of issues. I'm busy writing the application now for
7 the facility up at the -- up at Box Elder County. This
8 brings for -- right now we have a -- it's been -- the
9 facilities have been discussed in this meeting. This issue
10 in these facilities are going to become abundant; they're
11 not going to go away.

12 But it's wonderful to bring out these issues. I
13 can tell that you people are stirred up. But I can also
14 tell you people that you need to learn a little bit more
15 about it. But we are listening to what you're saying and
16 we're -- and we have most of these issues well taken care
17 of.

18 For example, you're worried about corrosion. I
19 just did a write-up that we anticipate we're going to
20 monitor the nitrogen pressure inside these canisters. We're
21 going to tell whether or not that there's any potential for
22 corrosion at all in -- if this -- if the -- unless the
23 nitrogen exchanges with oxygen and water, there's no way
24 there's going to be corrosion inside these canisters.

25 I just did a write-up last week -- extensive time

1 on the scenario of an aircraft crashing into this. This
2 stuff does not get airborne, even in the worst case scenario
3 of an air crash going into it. We're dealing with a solid
4 that's sealed inside concrete cask (phonetic), inside thick
5 canisters inside fuel rods. And these have gone through 80
6 mile crash tests. And in a aircraft were -- could crash
7 into it in it's worst scenario, I'm sorry the aircraft comes
8 out the loser.

9 And we have worked out the technologies and
10 methods of recovering all this thing and putting it back in
11 shape. But this stuff does not get airborne. We don't need
12 to worry about being 40 miles away. There's nothing that's
13 going to come in and float over.

14 But, anyway, this sort of thing is an opportunity
15 to bring this to discussion, to talk about these things and
16 to hear your concerns. And we want to get, as one who's
17 worked in these fields all my life, we need to get this
18 information to you.

19 But you need to get beyond what we're discussing
20 here. You need to realize that nuclear is the noble energy
21 of our earth. It is our best thing that our Lord has given
22 to us in the way of energy. And it is what has kept us
23 alive. What keeps us alive. It is our present source of --
24 what keeps us going and it's going to be around, and it's
25 going to keep us -- the only thing that keeps going in the

1 future. And we need to understand it.

2 But we've got some terrible things going on this
3 world right now in the way of misuse and there's still the
4 threat of atomic bomb. The United States has an agreement
5 with Russia to dispose of plutonium by turning into an
6 oxide. And by turning into an oxide, you can combine it
7 with uranium oxide, you can put it back into fuel rods, and
8 you can burn them up.

9 This is what my project intends to do to look at
10 this, because this is what the agreement is with our country
11 and with the world, and this is what we've got to
12 demonstrate. This is not just a local issue. This is a
13 world issue. And we are at the forefront of this thing. We
14 have an opportunity to do something about it. And it's
15 really a wonderful thing that we're meeting here tonight and
16 discussing this.

17 Thank you.

18 MR. HAUGHNEY: Thank you, Mr. Peterson.

19 MR. DELLIGATTI: Steve Hoffman?

20 MR. HOFFMAN: Thank you for the opportunity to
21 comment.

22 My name is Steve Hoffman. I'm the founder and
23 science director of an organization called Hawk Watch
24 International. International, scientific and educational
25 wildlife conservation organization, headquartered in Salt

1 Lake City, with over 3,000 members nationwide, over 600
2 members in Utah.

3 In addition, we operate the largest raptor
4 migration project in western North America, and have so for
5 the last 18 years in the nearby Goshute Mountains.

6 I have basically two specific issues to comment
7 on. One is the unique and important raptor resource. These
8 are eagles, hawks, falcons, owls, and other birds of prey,
9 living in Skull Valley that could be potentially impacted.
10 We would like the EIS process to consider this resource,
11 both in terms of wintering birds, breeding populations, as
12 well as birds that may be passing through during spring and
13 fall migration.

14 We have documented -- Hawk Watch International
15 members and scientists have documented the presence of 14
16 species of raptors living in that Valley. And I'd like to
17 specifically mention five species. Those include bald
18 eagles, where we have noted up to ten bald eagles wintering
19 at the sight at one time in January and February, observed
20 along a 25 mile stretch of road south of I-80 along the main
21 road in Skull Valley.

22 Golden eagles, which are year-round residents.
23 And we're involved in a 20 year study of golden eagles in
24 that area. And we would be happy to make information
25 available to your EIS team.

1 MR. HAUGHNEY: We would greatly appreciate that,
2 Mr. Hoffman.

3 MR. HOFFMAN: Okay. Also we're concerned about
4 ferruginous hawks which are also year-round residents there,
5 and that's there. We're also working with the Bureau of
6 Land Management to study that population.

7 Prairie falcons, which nest in the area in the
8 Valley and the adjacent Stansbury (phonetic) Mountains. And
9 Swainson's hawks, which are summer residents and also nest
10 there, and it's also a migration corridor for Swainson's
11 hawks.

12 The second issue relative to this project is that
13 it has important educational and recreational values
14 particularly relative to observing raptors. Hawk Watch
15 International runs field trips open to the public in the
16 Valley throughout the year.

17 And just to give you one example, we hosted a
18 international scientific meeting in Snowbird, Utah, in June
19 of 1997. And we took two bus loads of people out to Skull
20 Valley. Many of these folks are bird watchers from the
21 eastern part of the United States. They were thrilled to
22 see these rare and beautiful raptor species in Skull Valley.

23 And one of the highlights for everyone was seeing
24 a flock of 150 Swainson's hawks in the north end of Skull
25 Valley feeding in the sagebrush greasewood flats (phonetic),

1 which is something they couldn't possibly see in New England
2 or Pennsylvania.

3 So we run field trips out there throughout the
4 year and we stop along that highway to observe the birds
5 soaring over the fields and perched on the power poles, and
6 would hate to see you know the road usage increase to the
7 point where it would flush these birds and make them more
8 difficult to observe.

9 So basically the two issues are the impacts on the
10 raptor resource there, as well as the impacts on the
11 educational and recreational values of the site.

12 Thank you very much.

13 MR. HAUGHNEY: Thank you, sir.

14 MR. DELLIGATTI: Bonnie Robinson?

15 MS. ROBINSON: Hi. I'm Bonnie Robinson. I
16 represent myself.

17 Four years ago, my husband, who is a military
18 member, brought me out to Skull Valley. I got to tell you
19 in all honesty I cried all the way out there and I cried all
20 the way home.

21 After living there for four years, I began to
22 understand a lot more about the area and began to appreciate
23 what I have out there. And so I'm here to represent myself
24 and my husband and my five children.

25 You know I'm not an expert and I'm not a scientist

1 and, boy, my background is you know in art and drama, so let
2 me tell you I've been doing a lot of reading. This is just
3 a little bit of what I've got. I've got a couple of boxes
4 at home so I'm trying real hard to learn about all the
5 things that are happening here. And I'm trying to read both
6 sides so that I have -- I can get a fair value or an opinion
7 of what's going to happen if it does happen.

8 And one of the things -- and I can't even give you
9 a bunch of paper about what I think is going to happen to
10 you, but I can give you about a list of about a hundred
11 questions. Will that help? And then maybe somebody could
12 write back to me and let me know what the answers are,
13 because I'd appreciate that.

14 MR. HAUGHNEY: Well, we'd be delighted to receive
15 the questions and send you a copy of this scoping report.

16 MS. ROBINSON: Okay. Good.

17 MR. HAUGHNEY: May I ask though that in the
18 interest of time, we have a number of other speakers --

19 MS. ROBINSON: Right.

20 MR. HAUGHNEY: -- that you try to summarize the
21 issue.

22 MS. ROBINSON: I will.

23 MR. HAUGHNEY: Thank you.

24 MS. ROBINSON: One of the things that I'm really
25 most concerned about and that I've been doing some -- little

1 bit of reading about is that I can't find any information
2 about a hot cell.

3 And a hot cell is a place where nuc- -- a reactor
4 or whatever it is -- a casket leak can be assessed. And
5 evidentially what you've got to do is take some kind of a
6 smear. And the only place you can take this smear to find
7 out if anything is leaking is in a hot cell. So from what
8 my understanding is that if you don't -- since there's not
9 going to be one of those, that if there's a leak -- somehow
10 figured out that there is one there, that when you do find
11 it, they're going to send it back by railway to wherever it
12 came from so that they can fix it, and then they can send it
13 back out to us. I got to tell you. That doesn't make a lot
14 of sense. And as somebody that's living out there, that's
15 kind of frightening to me.

16 I've also been out there when we've -- I've heard
17 some people talk about the fires. I personally have
18 witnesses (sic) those fires. It comes from lightening
19 strikes. And I got to tell you, I was from here to you when
20 I stood up against a fire wall that was over 30 feet.

21 MR. HAUGHNEY: Uh-huh.

22 MR. ROBINSON: And that that's very frightening
23 and very real. And I know that there can be some danger.
24 I've also been doing some reading where some of the caskets
25 and some of the canisters do some self-heating on occasion,

1 and that frightens me. You know that they can self-heat.

2 MR. HAUGHNEY: Uh-huh.

3 MR. ROBINSON: And if they can self-heat and they
4 don't have a hot cell, what are we going to do about it if
5 it's left there?

6 And there's this and there's a lot of other things
7 that I've read about that are very frightening. And human
8 error -- I've read about several people when they've loaded
9 things up, they haven't got the seal quite right, or that
10 somebody's dropped something and they've shoved it in to the
11 next part and that it has been dented just slightly and so
12 it doesn't fit quite in so they don't get it all sealed.

13 Human error -- geez, look around. There's human
14 error all of the place. And here we could have it here and
15 we're talking about something that can damage an area so
16 widespread that it will never recover from it.

17 And these are all concerns of mine. And I'm only
18 one person. But hopefully there are other people out there
19 that feel the concerns for this area. I really do love the
20 Skull Valley area, and I didn't think I ever would. And I
21 have real concern for the people there.

22 I'm only ten miles away from ground zero.
23 Something happens and it affects me. And it effects my
24 husband. Will he have a job if it's contaminated? Will the
25 people that live out there be able to go back to their

1 homes? I need some answers. And I think the people out
2 there do, too.

3 Before you go ahead with all the things, think
4 that there are people there -- real live people -- that feel
5 and care deeply about their homes.

6 Thanks for listening.

7 MR. HAUGHNEY: You're welcome.

8 MR. DELLIGATTI: Okay. I'm not sure I'm going to
9 pronounce this last name right. Gregory Thayn -- Thayr
10 (sic) -- from BLM?

11 DR. THAYN: Yes, I'm Dr. Gregory Thayn. I'm with
12 the Bureau of Land Management, Utah state office. I'm the
13 national environmental policy act coordinator there.

14 I'm here on behalf of the state director for Utah
15 and for the manager of the Salt Lake field office for BLM.

16 And we'd just like to say that the -- we believe
17 that the scope of the EIS should be comprehensive and it
18 should include the analysis of the entire project, including
19 any needed access or transportation across the public lands
20 that we're in charge of.

21 The BLM is an agency with expertise and
22 responsibilities and multiple use for multiple resources.
23 And I'm not entirely clear on this -- maybe you can help
24 with this. If the BLM is going to in the future be asked to
25 provide rights of way, permits, or other authorizations for

1 the project and we may -- in fact some key decisions to make
2 and should be included as a cooperating agency for
3 preparation of the EIS, particularly in regards to expertise
4 in potential impacts on the public lands and resources.

5 We're especially concerned over the questions
6 regarding the access and the transportation of the spent
7 fuel lodge and what will be involved in the construction and
8 operation of the transportation facilities.

9 We have specific concerns about culture restore
10 (sic) -- resources, historic trails, threatened endangered
11 plant species, impacts on livestock grazing, impacts on wild
12 horses, wetlands, wildlife, mineral resources, and I won't
13 go into detail on that. We will provide a letter before the
14 end of the scoping period that will detail our concerns and
15 the issues.

16 And we'd just like to thank you for this
17 opportunity to participate at this point. We hope that we
18 can assist in a proper way in the preparation of this EIS.

19 Thank you.

20 MR. HAUGHNEY: Thank you, Dr. Thayn for
21 summarizing your agency's views.

22 MR. DELLIGATTI: Christopher Robinson?

23 MR. ROBINSON: As was stated, I'm Christopher
24 Robinson. I'm here on behalf of three companies: Skull
25 Valley Company, Castle Rock Land and Livestock (phonetic),

1 and Ensign (phonetic) Ranches of Utah.

2 Those three companies are owned by three families,
3 mine and two others, that operate cattle ranches and other
4 agricultural operations in Skull Valley. We own 67,000
5 acres in the Valley. We're the largest private land owner.
6 We also lease the BLM's grazing rights as the previous
7 gentleman mentioned that there were some. We also lease the
8 state lands that were referred to by David Terry of the
9 School and Institutional Trust Lands (phonetic).

10 We own the majority of the private land, if not
11 all of it, along the corridor from Rolly Junction (phonetic)
12 to the Indian reservation. We have substantial irrigated
13 crop lands where we raise feed for both human and livestock
14 consumption. We have 2,000 acres of such crop land. Our
15 crop lands are located within -- the closest -- one of our
16 farms what we call the Brown Ranch is located just on the
17 north border of the Indian -- of the Goshute Reservation
18 within about a quarter mile or a half mile of the proposed
19 site for the PFS (phonetic) facility. And so I -- we also
20 graze about 5,000 head of varying classes of livestock in
21 and around the reservation on both public and private lands.

22 We have a unique perspective on this in that we're
23 probably more directly impacted than anybody. We believe as
24 has been stated here, and I won't go into the -- you know
25 trying to recite all the areas in which I support the

1 testimony, that this be a very broad and thorough EIS that
2 includes the impacts specifically that haven't been
3 mentioned tonight on our livestock operations, on our real
4 property values, on our water rights, and underground and
5 surface water rights, on the transportation corridor,
6 whether it's by rail or down the Skull Valley Road, and the
7 impacts on our operations. And also noise pollution and
8 dust both relating to the construction, how it's relating to
9 the multiple trips -- you know some three or 400 trips in a
10 short period of time of these heavy cargos.

11 We believe like some of the speakers have
12 indicated that Skull Valley is a very beautiful area. It's
13 not a dumping ground. We lawed the efforts by Tooele County
14 to clean up some of the stock piles of hazardous substances
15 that exist in the county.

16 Some of you may know that the State of Utah, led
17 by the governor and private businesses of The Coalition For
18 Utah's Future, has created this envision Utah project where
19 they're studying the population trends in the state and
20 where the growth is going. And it's estimated by that year
21 using some computer modeling and other techniques, that
22 there will be some five million people living in this state
23 by 2050, which is roughly the proposed duration of this
24 facility. And that the majority of that growth -- or a lot
25 of that growth will occur in Tooele County. Tooele County

1 is one of the fastest, if not the fastest, growing county in
2 the state and -- or -- and one of the most rapidly growing
3 in the nation.

4 And as was pointed out earlier I believe by
5 Representative Becker, the no action alternative is really I
6 think an important consideration here when you view that
7 this is -- this site is being chosen not because it's the
8 most technically feasible; it's not the one that's most
9 remote from large population centers; it's not the one with
10 the least you know earthquake faults; or the least potential
11 for flooding; or the shortest -- you know the most direct
12 route coming from where this is stored to perhaps Yucca
13 Mountain or something. It's being examined because it's the
14 most politically expedient site -- that the expediency comes
15 to the benefit of a small minority and to the detriment of a
16 large majority that need to be taken into consideration in
17 this scoping process.

18 And in looking at it from a broad perspective on
19 the whole state of Utah, we have, as you that are with the
20 NRC know, we have tried to make our voice heard by going
21 through the legal process of intervening or requesting
22 intervention in the licensing process and have been granted
23 intervention at great cost to ourselves. And we're very
24 much opposed to this happening, and hope that you will take
25 an even hand.

1 We somewhat feel like once the DOE and others in
2 the federal government have a predisposition toward solving
3 an interim storage problem, and our concerns about that is
4 that it may become a de facto storage site that as some
5 other speakers have alluded, that it will remove the
6 momentum or impetus for finding and properly investigating
7 and assessing a permanent site. And that we then may wind
8 up with a de facto site that becomes a path of least
9 resistance. And we wind up with all of this stuff
10 perpetually sort of on a shoestring process, although I'm
11 not denigrating this process. But relative to what's gone
12 on with Yucca Mountain over the last 20 years and is still
13 going on, it is certainly not the scope of a -- that would
14 take place with a permanent facility.

15 So we're very concerned and hope that the EIS
16 addresses all of those factors. And appreciate your time,
17 and we'll be submitting written comments.

18 Thank you.

19 MR. HAUGHNEY: Thank you, sir, for your remarks.

20 MR. DELLIGATTI: Steve Erickson? I guess Mr.
21 Erickson is not here. Virgil Johnson?

22 MR. JOHNSON: My name is Virgil Johnson. And I'm
23 a member of the Goshute Tribe from Ibapah. And in Ibapah,
24 we don't glow.

25 But what I want to say to you guys is I want to

1 know where all the calvary was in 1968 -- spring of 1968
2 when the sheep were buried on the Skull Valley Tribe? Where
3 was the calvary then? Where was the study done for
4 earthquakes? Where was the study done for emergency
5 management? Where was all those people then in 1968 -- in
6 the spring of 1968 when the sheep were killed by the nerve
7 gas from Dugway? Where were the calvary then in the '50s
8 when Dugway came on board and wanted to do some nerve gas
9 testing?

10 We have some strange bedfellows when things like
11 this come about. I find that very interesting. Call it --
12 call yourself environmentalists. Call yourself
13 traditionalists. Call yourself whatever you want. We're
14 all human beings.

15 And seems to me the calvary is doing their job
16 again. Historically, what has calvary done to indigenous
17 people -- historically? If you take a look at it, same
18 thing is happening now.

19 But the difference in 1998 today is we have enough
20 technology from what I've heard this evening. As an
21 indigenous individual from the state of Utah, seems like to
22 me McCarthyism's well and alive in Utah.

23 Not only that, but from some of the other people
24 who have spoken on behalf of the Goshutes on some of the
25 information that has been given this evening on the studies

1 that have been done, it seems to me that the -- there are
2 some safety factors that need to be further studied. And
3 then once those studies have been made, I think there needs
4 to be a coming agether (sic) -- coming together again.

5 Utah, and what I read in the paper sometimes, we
6 had a company come down to Lehi, probably gave them some
7 money, gave them some land, and now they're defunct. No
8 jobs; no economics for the Lehi people. No economics, no
9 tax base for the Utah people.

10 So what I'm saying as an individual, once all the
11 discussion has been made, then we need to live with whatever
12 the approval is. That's the type of an individual that I
13 am. Once a discussion is made, if it's made in a negative
14 way or made in a positive way, once it's made, let's go on.

15 And seems to me these lights that are on, they
16 come from some power. I was a Marine down in San Onofre
17 several years ago, went through Marine boot camp training,
18 Camp Pendleton. San Onofre -- we went down to San Onofre
19 Beach. There's a nuclear plant there. I don't think the
20 fish are glowing 30 years later. There are other places in
21 the United States where they're lighting these buildings.
22 It's interesting.

23 But I would say as a Native American, I'm kind of
24 in a precarious situation because Mr. Bear is my aunt's
25 son's boy. Marjean -- Ms. Bullcreek was -- is my aunt's

1 daughter. So we have some ties to the land in the Great
2 Basin area from the Goshutes in Ibapah as well as the
3 Goshutes in Skull Valley. The only difference being the
4 Europeans who came here with their calvary said we need to
5 identify what group and where you're going to be. And so
6 because of how it's set up, that's how we're set up
7 throughout the United States in the various lands on the
8 reservations.

9 And the interesting thing about this whole matter,
10 in my perspective, is economics makes strange bedfellows for
11 everybody. And overkill, that's quite an item. That's why
12 I call it the calvary.

13 But the Nuclear Regulatory Commission, you need to
14 consider some of these ideologies. And then once the
15 decisions are made, I will live with whatever decision is
16 made. If it says yea, so be it; if it says nay, so be it.

17 Thank you very much.

18 MR. HAUGHNEY: Thank you very much, Mr. Johnson.

19 MR. DELLIGATTI: Did Mr. Erickson return? Okay.
20 Calvin Andrews?

21 MR. ANDREWS: Calvin Andrews, president of
22 Analogics Marketing and Consulting. We're general process
23 consultants. We deal with a wide variety of problems and
24 issues ranging from environmental to new technology.

25 One of the ways we approach problems is we try to

1 look at the issues and rank order them. Rank ordering is a
2 very important process. What I see is something that's
3 strikingly inconsistent here with the State of Utah's
4 position in how to deal with these issues that are focusing
5 on the environmental aspects.

6 USPCI, for example, operates a dump site -- and
7 that's truly a dump site -- permanent repository at the
8 hundred year flood level to 200 foot -- 200 year flood level
9 on the perimeter of the Great Salt Lake.

10 We've heard of 30 -- 64 million pounds of
11 chemicals being deposited in the region of Skull Valley at
12 the present time with no corresponding concern from the
13 raptor group, for example, as to how this might be impacting
14 on the raptors in the area, the wildlife, the flora and
15 fauna.

16 There have been concerns expressed here about the
17 nuclear repository -- temporary, I might add. And yet
18 there's been no corresponding comments or concerns about the
19 impact of permanent repository of munitions at the Tooele
20 facility as well as Dugway. The area is so contaminated
21 with explosive munitions that areas are permanently marked
22 no transit.

23 So what we come down to is what seems to be a
24 highly inconsistent position on the part of the state. And
25 so not being an expert in these particular areas, but a

1 process consultant, I would ask the questions, what are the
2 relative environmental hazards? And we've Chip Hill, for
3 example, commented on environmental holocaust. I'm not
4 picking on him. These phrases we've heard all evening from
5 various people who have commented.

6 Well, how would we rank MetCorp Corporation's
7 (phonetic) continuous contamination of the area for decades?
8 Or Kennecott (phonetic)? U.S. Steel? Geneva's (phonetic)
9 pollution of the environment as well. Just by way of
10 comparison, how many people will be killed by the transport,
11 if you will, of these casks as opposed to light rail, which
12 will move only 15 miles up and down the other corridor --
13 the I-15 corridor, and cross some 28 intersections at grade.
14 And based on statistics from Southern California, will
15 probably kill 25 to 30 people in the next decade.

16 Is this inconsistent? The governor went back to
17 Washington and lobbied for that position. And yet when it
18 comes to the state of Utah's concerns about the environment
19 and safety, we have no record of a death so far as I know
20 from a incident involving a cask. And yet we've heard
21 repeated concerns about the safety of casks here tonight and
22 it's potential impact on the environment. Here we have a
23 life and death situation in the Valley. What are the
24 concerns, and are they appropriately rank ordered?

25 We've heard some concerns, for example, about the

1 fault rupture from the -- on geological terms. Believe me,
2 I would not want to see this earthquake. But if we have an
3 earthquake out here in the Skull Valley that can accelerate
4 these casks to velocities of greater than 80 miles per hour
5 and impact them together, I think we can kiss the whole
6 state good-bye; in fact, the whole western United States.

7 And we've heard concerns about the approval
8 process. Well, I want to know who is giving the approval
9 when USPCI was set up out in the Valley. The burn site
10 which is just across the road, all within a few miles.
11 We're talking about the aboriginal lands. And I would like
12 to know, for example, who authorized the munitions
13 depositories or repositories at Dugway, Tooele, and so
14 forth.

15 Or let's just go back a few decades. We're
16 talking about the beef operation here and environmental
17 disasters. Who authorized the chaining of thousands and
18 thousands of square miles of piñon forest -- the sacred
19 piñon forest, I might add, of the Goshute, and the
20 sagebrush, in order to raise beef. I see this as woefully
21 inconsistent. And I would like to see this addressed in the
22 environmental impact study.

23 The brine shrimp of the Great Salt Lake. If we're
24 talking about dumping 34 million pounds of hydrochloric acid
25 into the environment, doesn't that have some impact on brine

1 shrimp production?

2 How about the flora and fauna, the riparian zones?

3 The state hasn't brought up this kind of, if you will,

4 artillery -- calvary was the term, for the tamarisk

5 infestation, which has decimated the riparian zones of the

6 entire state. And we have no allocation of money, no

7 special groups, if you will, out here informing the people

8 as to the damage. This is strikingly inconsistent.

9 MR. HAUGHNEY: Excuse me, sir.

10 MR. ANDREWS: Yes.

11 MR. HAUGHNEY: Could I ask that in the interest --

12 MR. ANDREWS: Yes.

13 MR. HAUGHNEY: -- of our collective stamina --

14 MR. ANDREWS: Summarize. Yes.

15 MR. HAUGHNEY: -- that -- thank you.

16 MR. ANDREWS: Thank you. I'll summarize. I -- by

17 the way, I might add that I observe about 60% of the time --

18 or 70% of the time being devoted to government employees

19 tonight.

20 The last point then. If this facility at the

21 Goshute Reservation were to be putting out between two and

22 20 pounds of radioactive material per day, and we knew that

23 without any issue or any controversy, what do you think

24 would happen?

25 Now the irony here is the state of Utah lobbied

1 and there were officials here in the state of Utah as well
2 as -- and, again, this is in -- within the aboriginal zone
3 of the Goshutes -- the IPP project, which burns millions of
4 tons of coal, which we know can contains uranium. The ratio
5 was 100 kilograms for every 270 tons of coal burned. This
6 is going out in the form of aerosol particulates. It's
7 involved, if you will, it ends up in the posilant
8 (phonetic). We have an incredibly inconsistent view.

9 One last comment, having to do with the -- I
10 believe it's environmental justice. Isn't it ironic that
11 only a few miles -- less than an hour away -- the Enola Gay
12 crews trained to drop the first bomb on Hiroshima. If there
13 was ever a state that deserves to have the nuclear fuels
14 back, it would be this state -- produce the uranium and
15 train the crew.

16 Thank you.

17 MR. HAUGHNEY: Thank you, sir.

18 MR. DELLIGATTI: Rosemary Holt?

19 MS. HOLT: My name is Rosemary Holt. I do not
20 work for the state or the government. I'm the chairperson
21 for Women Concerned Utahans United.

22 We are a long-standing, citizen organization
23 concerned with nuclear testing, the Utah Downwinder issues,
24 the storage of 43% of the nation's chemical weapons, as well
25 as dealing with the biological issues at the Dugway Proving

1 Grounds.

2 Women Concerned Utahans United is opposed to the
3 quote "temporary" site for the storage of nuclear waste on
4 property belonging to the Goshute group. We believe this is
5 a bad neighbor idea. The 100 and -- no, excuse me -- 820
6 acre, again in quotes, "temporary" facility is opposed not
7 only by the state of Utah, the people of Utah, grassroots
8 organizations, but also by groups of the Goshutes.

9 The use of the word temporary at this site is
10 arguable. And the transportation of spent nuclear fuel to
11 this site is likely to be subjected to accidents or
12 sabotage.

13 The possibility of opening the door to other power
14 companies to store nuclear waste at the Goshute site is a
15 major concern. No one wants nuclear waste in their
16 backyard, nor do we want it in our neighbor's backyard.
17 Let's not dump nuclear waste in anyone's backyard.

18 This waste needs to be stored near the plant that
19 produced it.

20 We need to look to the future for acceptable
21 solutions in the production of this kind of waste product
22 and the problems it produces. This nuclear waste scenario
23 is a perfect example of benefit to a few; at great expense
24 to many.

25 And if I can address -- this is an aside with a

1 touch of humor.

2 The security -- I'm questioning the security of
3 the concrete casks. Perhaps we can all relate to having our
4 driveways poured with concrete. Shortly thereafter to our
5 demi- -- we're upset when we see a crack in the concrete.
6 We just had this happen recently at our home. The concrete
7 contractor -- we presented the crack to him, and he said,
8 "There's an old saying. Haven't you heard it? If it
9 doesn't crack, it's not concrete."

10 Old concrete contractor saying: "If it doesn't
11 crack, it's not concrete."

12 Thank you.

13 MR. HAUGHNEY: You're welcome.

14 MR. DELLIGATTI: Thank you. And Jonathan Hurd?

15 MR. HURD: Hello. My name is Jonathan, and I'm
16 speaking on behalf of Salt Lake Food Not Bombs.

17 I live here in Utah. I was born here in Utah, and
18 I've lived here all my life. My parents live here in Utah.
19 My grandparents, my great grandparents have, too, during
20 their lives.

21 Today, I have a three-year-old niece who's growing
22 up here in the state of Utah. We here in Utah have a
23 certain history with nuclear issues and the federal
24 government. Some 40 years ago or so, a similar bunch of --
25 a similar board of people from the federal government came

1 into our communities. They showed us -- showed people
2 documentary videos. They brought out a long list of experts
3 who testified that these nuclear tests that they were going
4 to be doing north of Las Vegas -- that all of this was
5 perfectly safe.

6 Many years later, come to find out that they lied,
7 and that many of the Utahans paid for those lies with their
8 lives. My grandfather died of cancer at a very young age.
9 Never smoked a cigarette in his life; very healthy man; very
10 healthy lifestyle. Died of cancer in his 50s. And this
11 isn't a unique story. This has happened all across the
12 state. We were lied to.

13 Now, today, they come out and they bring again a
14 long line of experts that want to tell us that this is safe.
15 But if it's so damn safe, then why do they want to bring it
16 clear out to Utah and dump in a so-called barren desert? If
17 it's so safe, why don't they leave it Minnesota? Why don't
18 they leave it where it is? This stuff isn't safe. I don't
19 care how many suit and tie wearing, Ph.D. having, fools you
20 want to parade in front of me, telling me that this stuff is
21 safe. It's not safe. And I'm not going to believe it.

22 This guy over here wants us to believe that
23 nuclear energy has given us life. Air gives us life. Water
24 gives us life. Mother Earth give us life. Nuclear energy
25 does not give us life. It contaminates all those things

1 that do give us life. Nuclear energy has never brought us
2 anything but death and money. And the money is what makes
3 it particularly dangerous and what interests so many people
4 in this room. And I hope that when their food is all toxic
5 and poisoned, and their water and their air is all poisoned,
6 that those same people are going to be able to figure out a
7 way to eat, drink, and breathe their money, because that's
8 all they're going to have left.

9 Thank you.

10 MR. HAUGHNEY: You're welcome.

11 MR. DELLIGATTI: Thank you. That's it.

12 MR. HAUGHNEY: Well, ladies and gentlemen, that
13 concludes the discussions by people who have signed up to
14 speak. And I'm fully prepared to close this meeting. But I
15 -- we want to just say something briefly.

16 To those that have commented, I found these
17 comments to be extremely sincere and highly useful in my own
18 opinion. And we'll have to digest them in detail and look
19 at the written remarks that have been promised. And please
20 keep your promises, because I think the ones that have been
21 promised would be particularly helpful.

22 And I thank you for your courtesy and your
23 diligence and perseverance through this meeting.

24 MR. KENNEDY: Is there anyone here from the Bureau
25 of Indian Affairs?

1 MR. HAUGHNEY: There have been people from the --
2 but I'd like to close the meeting at --

3 MR. KENNEDY: I'm just wondering if there is. I'd
4 like the record to show that no one has been here from the
5 Bureau of Indian Affairs.

6 MR. ALLISON: Let the record show that the Bureau
7 of Indian Affairs is here.

8 MR. KENNEDY: In whose form?

9 MR. ALLISON: The superintendent of the Goshute
10 Reservation.

11 MR. KENNEDY: Thank you.

12 MR. ALLISON: Skull Valley Goshutes.

13 MR. KENNEDY: Thank you.

14 MR. HAUGHNEY: The meeting is --

15 COURT REPORTER: Repeat that, Mr. Chairman.

16 MR. HAUGHNEY: I'll get the information. I don't
17 think it was appropriate to the scoping meeting.

18 We'll go off the record now. The meeting's
19 closed.

20 [Whereupon, at 10:06 p.m., the meeting was
21 concluded.]

REPORTER'S CERTIFICATE

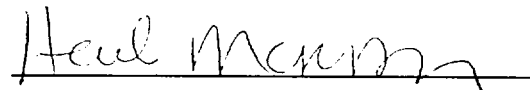
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

NAME OF PROCEEDING: SCOPING MEETING FOR
PREPARATION OF AN EIS FOR
THE PRIVATE FUEL STORAGE FACILITY
LICENSE APPLICATION

DOCKET NUMBER:

PLACE OF PROCEEDING: Salt Lake City, UT

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Herb Moran

Official Reporter

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