

ORIGINAL

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**Title: NMSS SCOPING MEETING FOR THE
PRIVATE FUEL STORAGE FACILITY
ENVIRONMENTAL IMPACT STATEMENT**

Location: Salt Lake City, Utah

Date: Thursday, April 29, 1999

Pages: 1 - 69

ANN RILEY & ASSOCIATES, LTD.
1025 Connecticut Ave., N.W., Suite 1014
Washington, D.C. 20036
(202) 842-0034

9905260344 990511
PDR ADOCK 07200022
B PDR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

NMSS SCOPING MEETING
FOR THE PRIVATE FUEL STORAGE FACILITY
ENVIRONMENTAL IMPACT STATEMENT

Little American Inn
500 South Main Street
Salt Lake City, Utah

Thursday, April 29, 1999

The above-mentioned meeting commenced, pursuant to
notice, at 8:00 a.m.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

P R O C E E D I N G S

(8:00 a.m.)

1
2
3 MR. BRACH: Good morning. I want to welcome you
4 to the meeting this morning. My name is Bill Brach. I am
5 the director of the Central Project Office in the U.S.
6 Regulatory Commission. The purpose of the meeting this
7 morning is to solicit your input on environmental issues
8 that you believe should be considered on actions to be taken
9 by the Bureau of Land Management and the Bureau of Indian
10 Affairs with regard to the PFS proposal, the Private Fuel
11 Storage proposal, to construct and operate a temporary
12 storage facility for commercial spent nuclear fuel on the
13 reservation of the Skull Valley Band of Goshute Indians.

14 Private Fuel Storage has applied for a license to
15 operate a central storage facility on the reservation of the
16 Skull Valley Band of Goshute Indians. Today's meeting
17 focuses very specifically on concerns associated with the
18 Bureau of Indian Affairs' approval of a lease between
19 Private Fuel Storage and Skull Valley Band and with Bureau
20 of Land Management's consideration of an amendment to its
21 Land Use Plan to allow for a rail line to be built on Bureau
22 of Land Management land below Utah on the reservation of the
23 Skull Valley Band of Goshute Indians.

24 The National Environmental Policy Act Rules allow
25 federal agencies to cooperate in the development of an

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 Environmental Impact Statement or EIS. Our chief role is to
2 review the license application. The Bureau of Indian
3 Affairs' role is to approve the lease. The Bureau of Land
4 Management's role is to approve the amendment to the Land
5 Management Use Plan.

6 NRC is serving as the lead agency for the
7 development of the Environmental Impact Statement. A great
8 deal of efficiency is gained for the federal government by
9 the three agencies cooperating in the development of one
10 EIS. This provides efficiency for you as well in that in
11 one meeting you can express your comments to all three
12 federal agencies at the same time.

13 NRC held a scoping meeting last year in Salt Lake
14 City. That scoping meeting addressed a broad range of
15 general environmental concerns and issues. Mr. Scott
16 Flanders with NRC will provide an overview of those comments
17 from last year's meeting. A limited number of copies of the
18 scoping report from the last meeting that was in June of
19 last year are provided along with some other information on
20 the table in the entry room.

21 Let me emphasize that the scoping meeting today is
22 not a meeting at which any of the three federal agencies
23 will be making any regulatory decisions. We are here to
24 listen to you. This meeting is being transcribed and copies
25 of our scoping report on this meeting will be provided to

1 any participant who has provided us a mailing address. We
2 realize that many of you have strongly held views on this
3 matter and many of these views may be divergent or quite
4 different from other commentators. We value your input. We
5 respect your opinion. I am sure that all participants in
6 this meeting will treat all speakers with courtesy.

7 If you wish to speak, please sign in at the table
8 in the entry room, and when your name is called please step
9 up to one of the microphones set in the two aisles. So that
10 all speakers have an opportunity to provide their comments
11 and views, we ask that you please limit your remarks to no
12 more than five minutes.

13 Let me now ask each of the representatives of the
14 three agencies represented to introduce themselves, and I
15 will start on my right with Bureau of Land Management, Mr.
16 Carpenter.

17 MR. CARPENTER: My name is Glen Carpenter. I am a
18 field office manager for the Salt Lake Field Office of the
19 Bureau of Land Management.

20 MR. BERGGREN: I am Leon Berggren. I am resource
21 adviser of the Salt Lake Field Office of Bureau of Land
22 Management. I am the BLM project team leader for PFS
23 application.

24 MR. ALLISON: My name is David Allison. I am the
25 superintendent of the Uintah Indian Reservation and the

1 Skull Valley Reservation.

2 MR. HANBERG: I am Dale Hanberg. I work with the
3 Bureau of Indian Affairs. I act as a conservationist and I
4 also act as environmental coordinator.

5 MR. DELLIGATTI: I am Mark Delligatti. I am the
6 senior project manager for the Nuclear Regulatory Commission
7 assigned to the Spent Fuel and to this case.

8 MR. FLANDERS: My name is Scott Flanders. I am
9 the environmental project manager for the PFS Environmental
10 Impact Statement.

11 MR. BRACH: Just two housekeeping details. One,
12 restrooms are located out the door and to the left, and,
13 second, the meeting is scheduled this morning to run from
14 8:00 to 11:00 a.m. this morning.

15 Before we get into our receipt of your views and
16 comments, let me mention first a few agenda items we would
17 like to cover. Mark Delligatti, our senior project manager
18 for the review of the Spent Fuel Storage Facility, will
19 provide an overview of the NRC review. Scott Flanders, our
20 senior environmental project manager, will provide an
21 overview of the environmental review and a summary of the
22 scoping meeting last year. Mr. Glenn Carpenter will present
23 some views from the Bureau of Land Management and David
24 Allison will present views on behalf of the Bureau of Indian
25 Affairs. At this point I will turn it over to you.

1 MR. DELLIGATTI: Good morning. I would like to go
2 over very briefly with you what exactly NRC's role is in
3 this process. NRC is the agency responsible for determining
4 whether or not to grant a license to Private Fuel Storage to
5 operate the facility on the reservation of the Skull Valley
6 Band. We accomplished that through doing a safety review of
7 the application presented to us by Private Fuel Storage.

8 That review is ongoing and it will focus on
9 aspects of the site out on the reservation and whether or
10 not that site meets the regulatory requirement intensity of
11 Part 72, our regulations for Independent Storage
12 Installations, which is the official name for the spent fuel
13 storage facility that Private Fuel Storage has requested to
14 build.

15 At the same time as this review of the site there
16 is also a review of two dual purpose casks. These are casks
17 that would transport spent fuel from the reactor sites to
18 Skull Valley and then eventually from Skull Valley to a
19 permanent repository, and these dual purpose casks will also
20 be used to store the spent fuel at Skull Valley during the
21 time that the license is in effect there.

22 These two cask reviews are ongoing by the NRC
23 staff. The NRC staff cannot complete its review or grant a
24 license for the facility until we have completed and
25 certified at least one dual purpose cask so that it is

1 possible to bring the spent fuel to Skull Valley and to
2 remove it from Skull Valley. These are the two main aspects
3 along with the Environmental Impact Statement which NRC is
4 developing in cooperation with the other federal agencies.

5 In order for the license to actually be granted
6 and go into effect, we have to complete our review of at
7 least one of the dual purpose casks. We have to complete
8 our review of the site and be prepared to grant the license
9 and the Environmental Impact Statement review must be
10 complete.

11 In addition, there is an administrative process at
12 NRC that we refer to as the Atomic Safety and Licensing
13 Board. This is a quasi judicial branch of NRC. Currently
14 there are hearings scheduled in which a number of
15 organizations have been recognized as parties to this case.
16 That includes the State of Utah, the Skull Valley Band, Ongo
17 Gaudadeh Devia, which is a group of members of the Skull
18 Valley Band, the Confederated Tribes of the Goshute
19 Reservation and the Southern Utah Wilderness Alliance.

20 They have presented contentions which have been
21 accepted by the board and these contentions are areas of
22 concern that these groups believe need to be resolved as
23 part of this process. There will be three hearings. The
24 first two hearings will deal with the safety aspects of the
25 case. The third hearing will deal with the environmental

1 aspects of the case. The first hearing will begin in
2 November of this year and is scheduled to go through
3 December if necessary. The second hearing would be held in
4 August of next summer, and the environmental hearing -- I am
5 not sure. It's after that. Scott, you might recall the
6 current date of the environmental hearing.

7 MR. FLANDERS: It is projected for sometime
8 towards the end of the summer, early fall.

9 MR. BRACH: Thank you, Scott. If you have any
10 concerns or you need any further information generally on
11 NRC's activities with regard to the Private Fuel Storage
12 case, please feel free to contact me in our offices in
13 Rockfield, Maryland and I will be happy to provide you with
14 any information you need. With that, I would like to
15 introduce Scott Flanders, who is going to tell you a little
16 bit more about the environmental review process. Scott?

17 MR. FLANDERS: Good morning. Mark provided an
18 overview of our licensing process and I would like to just
19 take a few minutes to focus on the environmental review
20 portion of that licensing process. Again, the National
21 Environmental Policy Act of 1969, referred to as NEPA, the
22 primary purpose and focus was to require federal agencies to
23 consider environmental issues in reaching a decision. The
24 underlying purpose is to ensure that decision makers are
25 informed about environmental issues when arriving at a

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 decision.

2 Another portion of NEPA that was done according to
3 the Act was the formation of the Council on Environmental
4 Quality. The Council on Environmental Quality developed
5 implementing regulations that the federal agencies must
6 follow and those regulations can be found in Title 40 to the
7 Code of Federal Regulations, Part 1500 and 1508.

8 The NRC also developed its own set of
9 environmental regulations which can be found in Title 10 to
10 the Code of Federal Regulations, Part 51. These regulations
11 require federal agencies to develop an Environmental Impact
12 Statement when a major federal action is to be taken. In
13 this case, we have three major federal actions that are
14 actually going to be taken, one by the NRC, another by BLM
15 and another by BIA. As a result of that, it was decided
16 that the agencies would cooperate in the preparation of the
17 Environmental Impact Statement. In a moment you'll hear
18 from representatives of BLM and BIA to discuss their federal
19 actions that they will be taking.

20 In June of 1998 an environmental scoping meeting
21 was held for the Private Fuel Storage Environmental Impact
22 Statement. At that meeting there were several issues that
23 were discussed and this slide gives an overview of the
24 topics that were discussed at that meeting. At that time
25 the proposed rail line, which is the focus of this meeting,

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 was not submitted to the NRC and was not discussed at that
2 time during that meeting.

3 As Bill said earlier, there's a great deal of
4 efficiencies that will be gained by each of the three
5 agencies cooperating, and one of the things I would like to
6 show on the next slide is a table of contents for the EIS.
7 This is an overview of the table of contents. The table of
8 contents is much more detailed than this, but this gives you
9 a feel for where many of the environmental topics that were
10 discussed at the last meeting will be addressed in the
11 Environmental Impact Statement.

12 This slide is a point of contact. As Mark said,
13 if you have any questions on the environmental statement or
14 the NRC safety review, you can contact either Mark or myself
15 at the address shown on the slide.

16 With that, I will turn it over to Glenn Carpenter
17 at BLM.

18 MR. CARPENTER: Thank you and good morning. I am
19 pleased to greet you here this morning. The Bureau of Land
20 Management's role in this activity as has been stated is the
21 consideration of a Land Use Plan Amendment for the area in
22 question under the right-of-way application. The purpose
23 for the consideration of that amendment is the fact that
24 there is no specific provision for the proposed railroad
25 within the existing Land Use Plan.

1 As has been said, BLM is the cooperating agency in
2 the preparation of the Environmental Impact Statement. As a
3 sort of an adjunct activity associated with the
4 Environmental Impact Statement, the Land Use Plan Amendment
5 is a twofold and closely interrelated process involving the
6 preparation of that Environmental Impact Statement and the
7 development of the subsequent Land Use Plan.

8 The need for consideration of the plan amendment
9 is predicated on the fact that the Salt Lake Field Office of
10 the Bureau of Land Management receive an application from
11 Private Fuel Storage for the railroad line on the west side
12 of Skull Valley. The proposed amendment to the existing
13 Land Use Plan would consider an exception to the
14 transportation and utility corridor decision found within
15 the existing plan.

16 The amendment may allow a right-of-way for a
17 railroad and related facilities to Private Fuel Storage
18 outside the designated corridor. Issues identified for the
19 railroad access include fire, rangeland health, noxious
20 weeds, cultural resources, wildlife, wild horses, wetlands,
21 historic trails, wilderness study areas, recreation, visual
22 values, access, minerals, geology and threatened and
23 endangered plants.

24 Public participation is being sought at this
25 initial stage in the planning process, plan amendment

1 process, to ensure that the RMP, that's Resource Management
2 Plan, addresses all issues, problems and concerns from those
3 interested in management of the public lands under the
4 jurisdiction of the Salt Lake Field Office. We are here to
5 listen today. We are more than happy to take input relative
6 to these or other issues that might be identified by the
7 public either in this forum or in written form.

8 I appreciate this opportunity to provide you this
9 overview.

10 MR. BRACH: Thank you. David Allison from Bureau
11 of Indian Affairs has some comments as well.

12 MR. ALLISON: Good morning. The primary action on
13 the part of the Bureau of Indian Affairs in relationship to
14 this project will be approval of the lease, which, as many
15 of you know, has been conditionally approved. That's a
16 conditional approval pending a completion of the successful
17 EIS and obtaining of the proper nuclear licensing permits
18 for the project.

19 We have been a cooperator with the NRC since the
20 beginning of this project. We made a decision early on that
21 it would probably be not only economically feasible, but in
22 the spirit of making sure that we were working together on
23 this project, that there would only be one EIS written.

24 We are at the point now where we are having this
25 meeting today. We have the railroad issue. The Bureau's

1 purpose for being here today is to ensure that the issues
2 regarding the lease, the actual leasing issues, we make sure
3 that we have scoped those and we have the input from the
4 public on what those issues are so we can ensure that they
5 are addressed in the EIS. At the completion of the EIS and
6 after it's all filed, the Bureau will have to sit down,
7 review the document, make sure that it's adequate and
8 address the issues and then a record of decision will be
9 signed based on the findings in that document.

10 My concern is that we are together on this, the
11 three agencies, because it is one large project and it's
12 going to be a very thorough investigation of environmental
13 issues out there, and we appreciate you folks showing up
14 today for input into that process. Thank you.

15 MR. BRACH: Thank you. We'll move now to hearing
16 from individuals who have indicated an interest in
17 expressing views and comments. Prior to the meeting or in
18 the Federation notice and press release, we had indicated a
19 request for individuals to apprise us beforehand if they
20 wish to be a speaker this morning. We have had a few people
21 contact us and I would like to start with that list first.

22 MR. DELLIGATTI: First individual is Mr. Steve
23 Erickson. Mr. Erickson, are you present? Perhaps he hasn't
24 arrived yet. Mr. Gary Sandquist?

25 Then we'll move on to the folks that signed up

1 this morning. Feel free to use either of the mikes there in
2 the audience. Mr. -- excuse me if I mispronounce your name.
3 Sometimes I can't read the handwriting -- Mr. Orlando Jerez?

4 MR. JEREZ: My name is Orlando Jerez. I represent
5 the Utah Department of Transportation. Our concern is with
6 the railroad. The Department, by state statute, has the
7 responsibility to approve any establishments of new
8 crossings as well as any work on existing crossings. So one
9 thing that we need to do is work together to be able to
10 provide information to the Department and request approval
11 of the establishment of railroad service in that area.
12 That's my comment today.

13 MR. DELLIGATTI: Thank you, sir. Mr. Al Mulder?

14 MR. MULDER: Gentlemen, my name is Al Mulder. I
15 am trail preservation officer for the Oregon/California
16 Trails Association. Mr. Glenn Carpenter from the Salt Lake
17 District has already satisfied some of my questions and
18 concerns.

19 Our concern is historical concerning the
20 Environmental Impact Statement as regards to the rail spur
21 running along the base of the Cedar Mountains. Most people
22 locally are aware of our historic significance out in that
23 area, the Hastings Cutoff and the California Trail segments
24 which cross that valley. These will definitely be impacted
25 if the rail spur is approved.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 My concerns are more directed to BLM and to PFS,
2 that if the rail spur goes in, that access not be denied to
3 the use of those trails either from an approach from the
4 east side or the west side. And we would like that
5 consideration. Also, to prevent any major damage to the
6 existing ruts and swells that may exist in that valley. We,
7 as an organization in Trail Preservation, have mapped and
8 marked most of the trail segments going through that area,
9 and we would like to work with the organizations involved
10 and assure that access can be provided and that there will
11 be minimum impact to those visible remains of these historic
12 trails. Thank you.

13 MR. DELLIGATTI: Cherry Wong of the Women
14 Concerned/Utahns United.

15 MS. WONG: Our concern is both with the lease and
16 with the access to the facility. Women Concerned/Utahns
17 United is a long-standing citizens organization concerned
18 about nuclear testing, Utah's downwind issues, the storage
19 of 43 percent of the nation's chemical weapons in Utah and
20 with the problems of chemical and biological testing at
21 Dugway Proving Grounds.

22 We are also opposed to the temporary nuclear waste
23 storage site on the Goshute reservation. We believe that
24 this is a bad neighbor idea. The use of the word temporary
25 storage is arguable. The transportation of spent nuclear

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 fuel to this site may be subject to accidents that might be
2 planned, that is sabotaged, or unplanned. The possibility
3 of public fuel storage opening the door to other power
4 companies to store nuclear waste at the Goshute site is of
5 major concern as we look to Utah's future.

6 The 820-acre nuclear storage facility is opposed
7 not only by the State of Utah, the people of Utah, most
8 grass root citizens organizations, but also by many members
9 of the Goshute tribe. No one wants nuclear waste in their
10 backyard nor in their neighbor's backyard. Let's not dump
11 nuclear waste in anyone's backyard. This waste needs to be
12 stored near the plant that produced the waste until a
13 permanent site is established.

14 We need to look to the future for acceptable
15 solutions in the production of this kind of waste product
16 and the problems it produces. The Goshute and the PFS
17 Nuclear Waste Storage Plan is a perfect example of the
18 scandalous benefit to a few at the expense to very many.
19 And I say this in my behalf and that of the chair person,
20 Rosemary Holt.

21 MR. DELLIGATTI: Next speaker is Dianne Nelson.

22 MS. NELSON: Thank you very much. I am Dianne
23 Nelson. I am executive director of the Department of
24 Environmental Quality for the State of Utah. There will be
25 a number of state agencies providing comments with respect

1 to the right-of-way and the project in general. I am going
2 to address some of those other areas today. We will also be
3 providing written comments to you by the deadline, but are
4 not providing written comments at today's hearing.

5 I wonder if I might ask a question first. I know
6 Oakridge Labs is the consultant on this issue and I was
7 wondering if there were representatives of Oakridge at the
8 meeting.

9 MR. BRACH: No, there are not. The meeting is
10 being transcribed in its entirety and they are a consultant
11 to the NRC.

12 MS. NELSON: Okay. And also on the rail spur
13 issue?

14 MR. BRACH: They are a consultant to the NRC on
15 all aspects of the safety review of the PFS issue.

16 MS. NELSON: Okay. Thank you.

17 I might also request and note in opening that the
18 State of Utah has an agreement with the BLM whereby, when
19 there are federal actions or actions to be taken on federal
20 lands that provide an opportunity for comment from the State
21 of Utah, that those are noticed with the resource
22 development coordinating consults. My understanding in this
23 case is that notification wasn't provided. I know it isn't
24 provided by NRC in terms of the activities that are going on
25 with the application, although it's been requested more than

1 once of the state. That does facilitate ensuring that all
2 entities who track that clearinghouse process are aware of
3 actions that are being taken and I would again formally
4 request that both the NRC, BLM and the BIA use that
5 mechanism as part of their public notice.

6 Initially I would like to address the alternatives
7 that are being provided in this proposal, including no
8 action alternatives and a range of other alternatives. The
9 EIS must address the no action alternative to storing
10 high-level nuclear waste at reactor locations where it is
11 generated until a permanent repository is available. I
12 would also note that recently the administration through
13 Secretary Richardson's office, Department of Energy, has
14 provided a proposal for doing that and I would encourage the
15 agencies to include that evaluation as part of their
16 evaluation and alternatives.

17 No action alternatives should evaluate the impacts
18 and risks that could be avoided if the spent fuel is
19 continued to be stored at the existing reactor sites. The
20 EIS should also address the financial impacts associated
21 with any other alternatives and ought to recognize the
22 financial impacts in the no action alternative.

23 The EIS must address the rail spur route and the
24 inner mobile highway options separately and collectively and
25 we would request that it also address why at this point PFS

1 needs two access modes to the proposed storage facility,
2 both of which will have a substantial impact on public
3 lands. BLM does not directly license the storage facility,
4 but it should also consider alternatives to the PFS storage
5 facility since the rail spur and other transportation routes
6 that are public lands become integral parts of that
7 proposal.

8 The cost benefit analysis: NEPA requires federal
9 agencies to develop methods which will ensure that presently
10 unqualified environmental amenities and values may be given
11 appropriate consideration in decision making. The license
12 application describes these activities that are proposed,
13 but it's really inadequate in balancing the costs and
14 benefits.

15 Because of the complete license agreement between
16 the Skull Valley Band of Goshutes and PFS is not available,
17 much of the economic benefit or economic discussion which we
18 presume is part of that agreement is also not available. So
19 we are dependent on those agencies that do have authority in
20 this area to ensure that those cost benefit considerations
21 are properly addressed within the EIS and that that
22 information is available to the public for an evaluation in
23 terms of the overall project as well as this particular
24 proposal.

25 The EIS must include a discussion of the direct

1 and indirect costs or cumulative impacts associated with
2 construction and operation of the rail line, not only the
3 opportunities for further economic development for the Skull
4 Valley Band of Goshutes. In addition, neither the license
5 application nor the right-of-way application at this point
6 provides sufficient detail concerning the costs associated
7 with construction, operation and closure of the rail spur or
8 the inner mobile transfer station. It makes it difficult
9 for the public to evaluate those impacts and we presume that
10 it would also make it difficult for the agencies to evaluate
11 those impacts.

12 Unfortunately, what we have seen during this
13 entire process is that issues are raised, license
14 applications and accompanying documents are revised as the
15 process goes along, but when there isn't a second
16 opportunity or additional opportunities for public comment,
17 those revisions and changes or that additional information
18 never receives full review by the public until the draft
19 proposal is available at the end of the process.

20 I would urge you to the extent that information
21 isn't available within those applications at this point to
22 delay a process in terms of scoping an evaluation until the
23 material is there and can be properly evaluated, not only by
24 the agencies but by the public who are interested in the
25 process.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 Cumulative impacts: The Consulting of
2 Environmental Quality or CEQ regulations require that the
3 EIS consider the cumulative impacts. That impact is defined
4 as the impact on the environment which results from the
5 incremental impact of actions when added to other past,
6 present and reasonably foreseeable future actions regardless
7 of which agency, federal or nonfederal, or person undertakes
8 such actions. The scoping hearing today is specifically
9 requesting information with regard to the Lone Rail Spur.
10 However, I would urge you in looking at this issue to
11 realize both from the perspective of the BLM and NRC that
12 this is not an isolated issue. It has to be considered and
13 the impacts cumulatively must be considered with regard to
14 the entire project.

15 The Lone Rail corridor is being constructed solely
16 to move spent nuclear fuel casks from the Union Pacific
17 mainline at the junction of Interstate 80 across public
18 lands to the Skull Valley reservation. The proposed
19 facility would store half of the nation's commercial spent
20 fuel and since almost all of those spent fuel shipments to
21 the PFS facility would pass through Salt Lake City, the
22 state feels strongly that the cumulative environmental
23 impacts of transportation on the Lone Rail Spur and through
24 the entire corridor of spent fuel must be considered as part
25 of the overall EIS.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 MR. BRACH: Excuse me, if I may, so we have ample
2 opportunity for all, if you could please wrap up.

3 MS. NELSON: Certainly. As I indicated earlier,
4 there will be comments from other state agencies regarding
5 other aspects of this application, but I would simply
6 conclude my comments with an emphasis on the protections
7 that need to be in place and particularly with regard to
8 security and sabotage.

9 Just within the last few days the first shipment
10 has been transported through Utah to the web site in New
11 Mexico under a protocol that was very specific and which the
12 state has supported in terms of training, protections, prior
13 announcements, tracking and direct involvement with the
14 State of Utah. We have seen none of that and when we have
15 requested it have not been assured that it would be included
16 as part of this process through the NRC, nor do we see any
17 specific efforts being taken within the license or within
18 the discussions on the scoping today that address the very
19 real concerns regarding sabotage.

20 I would encourage this panel, the contractors to
21 the NRC and PFS to include that type of information, to
22 evaluate it in the context of the work that you are doing
23 here and to ensure that the health and safety of the people
24 of the State of Utah, members of the Goshute tribe, people
25 within the transportation corridors from the existing

1 facilities are well protected and that their interests are
2 considered prior to any approval of this application. Thank
3 you.

4 MR. DELLIGATTI: Thank you. The next speaker --
5 excuse me, I can't quite make out your first name, Kerry
6 Casaday of Merrill Cook's office?

7 MR. CASADAY: I'll write better next time. Kelly
8 Casaday. As you mentioned, I am representing Congressman
9 Merrill Cook from Utah Second District. Congressman Cook
10 regrets not being able to be here today, but legislative
11 responsibilities in Washington kept him there.

12 Congressman Cook opposes the construction of a
13 temporary facility for commercial spent nuclear waste on the
14 reservation of the Skull Valley Band of Goshute Indians and
15 therefore construction of a rail line to service the
16 facility. Last month Congressman Cook introduced HR 1309,
17 the Nuclear Waste Protection and Responsible Compensation
18 Act. This practical legislation offers a better solution.
19 His bill will save taxpayers extravagant cost of temporary
20 storage on the Goshute Indian reservation by giving
21 utilities the financial ability to keep their nuclear waste
22 on site until a permanent storage site is facilitated.

23 There is absolutely no logical reason to have this
24 hazardous material shipped by a rail or any other method to
25 temporary sites such as the Goshute reservation only to be

1 moved again at some point in the near future to a permanent
2 site. This bill gives both state and local governments the
3 ability to add safety protections for any nuclear waste
4 stored in their state or jurisdiction and offers an
5 innovative funding mechanism that will cost taxpayers
6 nothing to keep nuclear waste on site while the search
7 continues for a permanent storage site.

8 There have been many proposals over the years,
9 some good, some bad, but time is passing and the problem
10 still exists. Nuclear waste materials are being stored all
11 over the country at tremendous costs to taxpayers and
12 businesses. Congressman Cook's bill was developed to help
13 fray the cost of on-site storage while a permanent storage
14 solution is being developed and certified. Transporting the
15 nuclear waste across the country to the Goshute Indian
16 reservation at the risk of potential environmental disaster
17 is not in the best interest of any citizen.

18 With the serious hazards involved in moving
19 nuclear waste, it is in the best interest of the country to
20 move it as little as possible. Let's leave it where it is
21 and where it was produced until a permanent site is
22 developed and certified, as his proposed legislation will
23 do.

24 Congressman Cook believes that we should focus on
25 finding a permanent storage solution to the nuclear waste

1 problem instead of creating new problems by moving it here
2 to Utah.

3 MR. DELLIGATTI: The next speaker will be Lee
4 Allison of the Utah Geological Survey.

5 MR. ALLISON: Thank you. I have brought a couple
6 of overheads. If it would be appropriate, I would be like
7 to able to show those because it will help clarify points
8 that I am making, if that's acceptable.

9 Thank you. My name is Lee Allison. I am state
10 geologist of Utah, director of the Utah Geological Survey.
11 I am here before you because I want to bring to your
12 attention some potentially significant geologic hazards
13 identified by the Utah Geological Survey that should be
14 analyzed to determine their nature and extent as they are
15 crucial to the safe and responsible siting of a railway
16 carrying spent nuclear fuel rods. To date these issues have
17 not been satisfactorily addressed by Private Fuel Storage.

18 The first one is earthquake hazards. New data
19 collected by Private Fuel Storage and provided to the State
20 of Utah indicates that the railway may be subject to fault
21 rupture of the surface during large earthquakes and subject
22 to strong ground shaking. Either the surface rupture or
23 strong ground shaking could be sufficient to cause
24 derailment of a train carrying nuclear materials.

25 The railway would cross at least two branches of

1 the east and west capable faults. These in red are faults
2 identified by DFS in their recent studies for the proposed
3 site shown here as this little dot. The yellow line here
4 shows the approximate location of the proposed railway. You
5 notice just west and on the northwest corner of the
6 Goshute's reservation there are faults running here. This
7 is the east fault, the west fault and then an unnamed branch
8 in between. The proposed railway would cross these two
9 branches of active capable faults.

10 The railway would also cross the western extension
11 of the Pass Canyon Fault. That's this east/west structure
12 here. PFS has identified a western extension of that that
13 they call the Pass Canyon structure. This geologic feature
14 needs to be evaluated to determine if it is a capable fault.

15 Just south of Interstate 80 the proposed railway
16 parallels segments of the Cedar Mountain fault. The Cedar
17 Mountain Fault is shown here, segments here and segments
18 here and segments down south. It is our belief that this
19 may be a fault that would extend along the entire front of
20 the mountain range similar to the way the Stansbury Fault
21 runs along Stansbury mountains. Very little is known about
22 this fault. The nature of its extent is not well known and
23 we do not at present know how much of a hazard the Cedar
24 Mountain Fault presents to the railway.

25 We believe that a large earthquake on the nearby

1 Stansbury Fault, which is this system running on the east
2 side of the valley, could trigger significant earthquakes on
3 the shallow buried faults anywhere in the valley.

4 Scientific studies have found that nearly two-thirds of all
5 the historical earthquakes which ruptured the surface in the
6 Basin and Range province, that's the area between Salt Lake
7 and Reno, occurred on faults that had no evidence of surface
8 faulting in the last 10,000 years.

9 Fault zones similar to that underlying the storage
10 site and parts of the railway exist in many areas of the
11 world, including parts of the Wasatch Fault. In similar
12 zones where there are multiple faults like this, the history
13 demonstrates that the surface fault rupture can occur on any
14 of the fault strands or in cases may produce a new fault
15 branch to be propagated and rupture the surface in a new
16 location. Therefore, we strongly encourage the EIS to
17 consider the impacts of strong ground shaking and the
18 possibility of a surface rupturing earthquake that might
19 occur at any time anywhere along the railway.

20 On expansive and collapsible soils, you'll note
21 that the railway crosses the piedmont slope on the eastern
22 edge of the Cedar Mountains. The slope is underlain by Lake
23 Bonneville and alluvial fan deposits. These deposits may
24 contain expansive and collapsible soils which may subject
25 the rail bed to instability because of volumetric changes.

1 Debris flows and floods: The alluvial fans that
2 form on the east slope of the Cedar Mountains through here
3 were deposited by streams flowing from the mountain canyons.
4 Debris flows, debris floods and stream floods emanate from
5 canyon mouths and flow down the fans during periods of
6 intense rainfall and rapid snowmelt. These processes are
7 expected to continue and pose a hazard to the operation of
8 the rail spur in their path.

9 I mentioned briefly archeological resources.
10 Archeological artifacts have been encountered along the
11 proposed railway and more are likely to be found. The U.S.
12 Bureau of Land Management studied artifacts from one Early
13 to Mid-Fremont time period site found near the railway
14 estimated to have been deposited around the time frame of
15 600 to 870 A.D. That's published in the Journal of Utah
16 Archeology. Additional archeological artifacts of this age
17 and more recent are expected in the vicinity of the railway.
18 A thorough inventory needs to be made of the archeological
19 resources that could be affected by the railway.

20 If I could have the second slide, please. The
21 Utah Geological Survey has just recently completed a study
22 that determined that mineral potential exists in southern
23 Skull Valley for several types of ore deposits, the
24 skarn/porphyry copper deposits, vein/replacement
25 lead-zinc-silver deposits outlined here in green, that would

1 be this area, this area, and disseminated gold-silver
2 deposits shown here are in blue, again with the proposed
3 storage site here and the proposed railway right here.

4 The potential exists on both BLM land and Goshute
5 Indian reservation land. The better potential is on the far
6 west of the valley on this side near the proposed railway
7 corridor. Exploration for deposits buried beneath shallow
8 valley fill has become increasingly important in the mining
9 industry in recent years and has resulted in a number of
10 very sizeable discoveries in Nevada, Arizona and around the
11 world.

12 The skarn/porphyry copper and disseminated
13 gold-silver deposits are typically mined by open pit
14 methods. Most open pits require relatively large areas for
15 both the pits and waste dumps, often several square miles or
16 more. The surface facilities such as railroads, warehouses
17 and transmission lines could encroach on the area required
18 for development of these possible deposits and create access
19 or development problems.

20 If a deposit of commercial value is found,
21 building of the railway or other surface facilities over or
22 near the deposit could negatively impact mineral development
23 of these resources. The EIS needs to consider the potential
24 economic loss to the state and to the Skull Valley Goshute
25 Band.

1 Mr. Chairman, I brought a copy of the report just
2 recently issued by the Utah Geological Survey on this
3 resource and all the evidence we have indicating this and
4 again I'll leave you a copy.

5 MR. BRACH: Thank you. I would ask also for a
6 copy of the overhead.

7 MR. ALLISON: Okay.

8 MR. DELLIGATTI: The next speaker -- again, excuse
9 me if I butcher your last name, Greg Simonds.

10 MR. SIMONDS: I represent the ranching interest in
11 Skull Valley and the ranches of Utah. We operate on about
12 60,000 acres and an additional 700,000 total acres.

13 Our ranching interests basically are environmental
14 qualities, probably is the basis of our ranching interest.
15 And unlike traditional ranching interests, we not only think
16 about red meat protection, but we think about broader
17 aspects such as open space, wildlife, wild horses, et
18 cetera, and we are constantly trying to improve that land by
19 what we do with our activities out there.

20 The ranching interests that I am involved in
21 started in late 1800s. They have been there for a long
22 time. Open space values are hard to enumerate at this time,
23 but they continue to be growing, and these values, I think,
24 will continue to grow. These places that look absent of
25 people now are becoming quite a focus of interest and

1 there's a rush with the onset of a lot of ideas and
2 opportunities that come out there. Some of those are going
3 to be to help service the needs of the recreational
4 activities of the Salt Lake front where open space has
5 become more and more valuable, especially if you drive the
6 freeways around here.

7 The biggest concern that we have has to do with
8 the environmental quality and one of the biggest negatives
9 on that is fire. Currently the BLM alone in repression
10 spends about \$400,000 in that valley trying to fight fires
11 on an annual basis. Trains and the steel tracks and steel
12 wheels and particularly volatile vegetation type that has
13 egressed on the site over the years is very volatile and can
14 cause harm to the vegetation causing it to be a low serial
15 sage that has not near the environmental richness for
16 animals.

17 So not only do you have \$400,000 in costs, but you
18 have the chance of burning up people's homes, corrals, their
19 memories. Then you have the additional costs that are hard
20 to quantify, which are the costs of when you convert from a
21 brush and more natural community to just a seed grass. You
22 go from a lot of species to a few species. How to quantify
23 that is unknown. The other problem with fire is that right
24 now the Salt Lake front is on the edge of meeting air
25 quality standards and additional fires do not help that and

1 could put us into a different regulatory situation relative
2 to particulate mass on the Wasatch Front. So the rail spur
3 activities it's bringing upon the land, that next level of
4 disturbance is important in a broader sense.

5 Mitigating for fire is one thing but the biggest
6 deal for us to take care of land properly with livestock is
7 with animal movement. And animal movement -- all plants
8 evolve with defoliation and they can respond quite well to
9 it, but it requires us to move our cattle well. When we do
10 not move our cattle well, that's where a lot of the problems
11 of range condition comes. Whenever you enact or put another
12 thing on the ground, cattle movement, you have to mitigate
13 for that. And so moving cattle when you have a railroad
14 track there and animal distribution is a big deal.

15 We have currently pretty good partners with both
16 the Dugway, with the BLM, with the Goshutes, ourselves in
17 trying to mitigate and understand these problems. We are
18 hoping with Private Fuel Storage that these things really
19 can be addressed, and part of addressing them is for other
20 partners to understand the real ramifications of living out
21 in that environment.

22 The other things, distribution is a big part of
23 gathering cattle so we can work and actually sell the
24 animals. And the difference between gathering cattle
25 quickly and slowly has a big-time effect on getting the

1 cattle on the truck. And we sell by weight. If you don't
2 sell -- if you are not able to expediate that process, you
3 can have some fairly large losses.

4 Weeds, any time you have transportation, any kind
5 of man activity, something gets burst and ends up on the
6 cars, droppings. Those droppings can travel across the
7 country. We can have a lot of unwanted visitors along the
8 tracks that just come in the natural transportation process
9 much like bringing rats to Australia on ships from England.
10 Things that are totally unknown, the unknown cost. So there
11 has to be a flexibility and responsibility by the partners
12 or whoever is involved for things that do arise and they are
13 part of any cause and effect. So having some sort of fund
14 or some sort of mechanism to address things that we can't
15 even think of at this time is important, and that's part of
16 neighborliness in a western ranching situation to have
17 somebody there that you can talk to and are willing to pull
18 up their part of the chain when you need some efforts.

19 So then the other thing that makes me suspicious
20 is in many natural environments, nothing is straight. When
21 a rail spur looks straight, it doesn't seem to me that it's
22 reacting to the environment. Therefore, I am suspicious of
23 what is the placement. Is that really the right placement?
24 And I hope that through the process that we address them,
25 and I am sure that in the agency those things will be

1 addressed.

2 The other thing is that we have been ranching out
3 there since late 1800s. I am not sure that this storage is
4 going to be around the same length of time. We are worried
5 about the same open space issues and decommissioning this
6 track and the cost of decommissioning. A bunch of that can
7 be mitigated by what is the design when you first start it.
8 And so thinking about the process of how do you put this
9 thing back so that we have a functioning and a quality
10 environment takes some real foresight. Thank you.

11 MR. DELLIGATTI: Sir, if you could make sure you
12 give me the correct spelling of your last name before you
13 leave so we make sure we get you a copy of this report.

14 The next speaker we have is from the Utah Division
15 of Wildlife, Mike -- I can't quite make out what your last
16 name is there.

17 MR. CANNING: Michael Canning from Beehive
18 Division of Wildlife.

19 The Division of Wildlife has several comments.
20 Our most general comment is that EIS must not only address
21 impacts to federally-listed endangered and threatened
22 species, but also state-listed sensitive species and other
23 high-interest species.

24 The federal and state-listed threatened bald eagle
25 is known to frequent Skull Valley. There's a known large

1 wintering area for bald eagles in Rush Valley which is about
2 20 miles east of Skull Valley. Also, the federally and
3 state-listed endangered peregrine falcon is known to nest at
4 Timpie Springs Wildlife Management Area, which is located
5 close to the project area near the proposed intermodal
6 transfer station.

7 The EIS should address impacts of these species,
8 including impacts to known nests, impacts due to increased
9 mortality from collisions with highway users and the
10 railroad, and impacts to prey and prey habitat.

11 State-listed sensitive species are also known to occur in
12 the project area. These species include the bobolink, the
13 burrowing owl, caspian tern, common yellowthroat,
14 ferruginous hawk, the long-billed curlew, short-eared owl
15 and Swainson's hawk.

16 In addition to those sensitive species, other
17 high-interest species also appear in the area. Those
18 species include the pronghorn, mule deer, chukar, the great
19 horned owl, golden eagle, the mourning dove, northern
20 harrier, prairie falcon, ring-necked pheasant, red-tailed
21 hawk, sandhill crane and turkey vulture. Again, the EIS
22 must address impacts to these species including impact to
23 the known nesting in those areas.

24 The Division of Wildlife Resources would also like
25 to submit that the Skull Valley area has not been adequately

1 surveyed and there are many other potential species that may
2 occur there that we do not have records for.

3 The state-listed sensitive species that quite
4 possibly occur in that area due to that area having
5 potentially suitable habitat are the least chub, which is
6 state listed and also proposed to be federally listed as
7 endangered, the Columbia spotted frog, which is a state
8 conservation species, the milk snake, Townsend's big-eared
9 bat, Brazilian free-tailed bat, ringtail, sage grouse and
10 Lewis' woodpecker. Two other species which are rare and not
11 listed may also occur in the area. They are Merriam's shrew
12 and western small-footed myotis. For all these species of
13 potential occurrence, adequate surveys must be conducted
14 before impacts can be assessed.

15 Finally, the EIS must address impacts from the
16 proposed intermodal transfer facility and the transportation
17 of high-level nuclear waste to the storage site on the
18 Timpie Springs Wildlife Management area and the Horseshoe
19 Springs wetland areas. The state has concerns of damaging
20 these wetlands and their associated species in the Great
21 Salt Lake. Thank you.

22 MR. DELLIGATTI: Thank you. Has Steve Erickson
23 arrived? How about Gary Sandquist?

24 Cindy King from the Sierra Club? I hope I got
25 that right.

1 MS. KING: My name is Cindy King. I represent the
2 Utah Chapter of the Sierra Club. We have some concerns
3 dealing with the Pony Express area.

4 To my understanding this is about the third or
5 fourth time that the Pony Express area has been amended. We
6 are wondering when the Bureau of Land Management plans to
7 commit to nonmajor use of that area. That is a special
8 sensitive area. We believe that the commitment of resources
9 that they have put in to keep amending it does not amend to
10 them by known impacts that they cause. We also have
11 concerns under the Nuclear Regulatory Policy. There's a
12 nuclear regulatory fund where there's no understanding of
13 how much money will be allocated out of that fund for many
14 types of changes in the Pony Express areas to the
15 socioeconomic changes and how that fund will be used for
16 this purpose. Thank you.

17 MR. DELLIGATTI: Thank you. We have R.J.
18 Hoffman. Mr. Hoffman, if you would like to get a copy of
19 the report from this meeting, if you can give us your
20 address after you speak, we will be happy to do that.

21 MR. HOFFMAN: Thank you. I would like to make
22 just a couple of comments. I am a health physicist from the
23 State of Utah that is in private consulting practice mainly
24 in the medical area, but I would just like to again -- I
25 think the last time the energy commission had a scoping

1 meeting here we encouraged the NRC and BLM to make their
2 decision and their considerations based on items of fact and
3 reason and logic and not get involved and give too much
4 weight to things like the monopoly games that the governor
5 likes to play with county roads and things like that, and
6 bear in mind that this facility will help the nation out.
7 And we have to approach problems like this, as I said
8 before, as the United States of America and not the
9 separated states of America.

10 Utah does get advantage out of nuclear power,
11 although politicians in the state would like to say, no, we
12 don't. But most of the products they use and consume that
13 come from anyplace east of the Missouri river are made with
14 nuclear power. And so I would encourage the NRC and BLM to
15 give all due deliberation to good and rational, maybe
16 scientific arguments that might be postured but to dismiss
17 those arguments that are very transparently made on
18 political or emotional grounds because of this solution to
19 power plants that are in endless danger of having to curtail
20 services which will significantly and negatively impact
21 economies of the United States as we lose substantial
22 electric production and make the decision on putting this
23 facility in place because it is necessary and because the
24 DOE has defaulted on their obligation to provide this kind
25 of a facility, and we cannot wait, the nation cannot wait

1 until DOE and Congress manage to solve the problem. Thank
2 you.

3 MR. BRACH: That completes the presentation by
4 individuals who indicated a request to speak. A number of
5 folks have registered and I would ask if there are others in
6 the audience who initially did not indicate an interest or
7 preference to speak, you would have the opportunity now if
8 you would like, or if there are others that earlier with
9 time restraints we had indicated we were trying to limit the
10 presentation to discussions and comments to five minutes to
11 make sure we had ample time for all who wish to make a
12 presentation or offer views to have time to do so. If there
13 are others that have additional views they would like to
14 present, now is the opportunity if you would like.

15 The meeting this morning was announced to be from
16 8:00 to 11:00 a.m. and there may be a few individuals who
17 have contacted us beforehand and expressed an interest that
18 they would like to make some comments or presentations to
19 sensitive views are not here yet. It may be appropriate
20 this morning to take a 10-minute break. We will come back
21 after 10 minutes.

22 For those of you that don't wish to remain or come
23 back after the break, let me to everyone express
24 appreciation for your presentation, for your views and your
25 comments. As we representatives from BLM and BIA have

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 mentioned as well, the purpose of the meeting is to receive
2 your input and views. This is not a regulatory
3 decision-making process. This is not a question-and-answer
4 period to offer views in response to comments. We are here
5 genuinely to receive your input.

6 The meeting is being transcribed for purposes of
7 our use subsequent to the meeting today to be sure that,
8 while we are taking notes, we have a record of your views so
9 that as we prepare and proceed through the Environmental
10 Impact Statement preparation, that we have a record of your
11 views for our consideration in the involvement of that
12 process.

13 Thank you for your input. I want to thank
14 everyone as well for their courteousness shown to the
15 presentors, realizing there are views sometimes divergent or
16 different views presented and I thank you for your
17 courteousness.

18 Two things more I want to mention. One is, we are
19 having a second public scoping meeting this evening in
20 Tooele County High School at 6:30 this evening, 6:30 to
21 9:30. Everyone is invited if they would like to attend
22 there as well. Secondly, as I mentioned there will be a
23 scoping report, summary report prepared following today's
24 meeting, this morning's meeting and this evening's meeting,
25 and to those of you who would like to have a copy and have

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 not provided input to us with your address, please do so.

2 At this point I would ask if anyone has additional
3 views or comments they would like to offer, I would ask
4 again -- let me just ask one more time before we break if
5 either Mr. Steve Erickson or Mr. Gary Sandquist have
6 arrived.

7 If you would please come to one of the microphones
8 and if you would please identify yourself.

9 MR. SANDQUIST: My name is Gary Sandquist. I am a
10 professor of engineering at the University of Utah, but I am
11 not speaking on their behalf, I am speaking simply as a
12 person who is knowledgeable about the issues involved in
13 this area.

14 I understand the meeting is principally devoted to
15 examining the consequences of a spur line from the Union
16 Pacific Railroad to transport spent fuel into Skull Valley.
17 Admittedly this is an issue that will have to be resolved,
18 but my concern is such from the point of view of the impact
19 of this potential development in the State of Utah. Many of
20 us view it with concern, particularly with high emotionalism
21 associated with whom, to be frank, ignorance associated with
22 the technical issues.

23 It is potentially a one to two billion dollar
24 industry that arises over a 40-year period of time. If you
25 examine the environmental impacts to the State of Utah

1 associated with such an industry and compare, for example,
2 to other industries that already exist in the state or that
3 might be potentially rejected for the state such as Intel,
4 Micron and others, the environmental impact associated with
5 such a facility is really very mild considering the impact
6 on jobs, technology involved with it, and I think it's more
7 of a concern over hysteria in the sense it's about nuclear
8 issues. I know I've faced it at the university for 35 years
9 and I bring in high school teachers and others. And it's
10 interesting, we start looking at the issues and I take an
11 initial ballot of them before we talk about the technical
12 issues and they are by and large opposed.

13 Nuclear energy, as we know, those of you who are a
14 little older, it came in with a very serious birth defect.
15 For many people it was viewed as an Adam bomb into the war
16 in Japan. So many people -- I run a small research lab at
17 the University of Utah. I don't know if you remember that,
18 but we do have one. It is up and operating now for 25
19 years, very safely training students to provide 22 percent
20 electrical power that this country enjoys.

21 But as a result of that, because of this concern
22 we go through and we talk about the technical issues. We
23 make a trade-off between greenhouse gases and nuclear
24 arrest, and it's interesting when they get through they say
25 -- their first observation is, there's no free lunch. If

1 you want a gigawatt of electrical power to support a million
2 people, and we have about two and a half gigawatts in the
3 state of Utah, it's going to require some risk associated
4 with such.

5 It's interesting, the coal-fired plants which
6 provide the bulk of the power, particularly for Utah Power
7 and other areas, result in far more fatalities to the public
8 than nuclear ever has and it's principally associated with
9 transportation of coal. About 15 percent of the coal in
10 this country -- 15 percent of railroad traffic is
11 transporting coal. A nuclear plant doesn't mean that the
12 drivers drive any safer, but they require one shipment a
13 year perhaps and it just means there's less exposure to the
14 public.

15 The American Medical Association, which certainly
16 has nothing to do our community, has assessed the
17 environmental impacts, particularly the impacts on the
18 health and safety of the public, and they're almost
19 unanimous from the point of view that there perhaps are less
20 impacts from the point of view of the health and safety for
21 the public.

22 So what I am concerned about is that even many of
23 our leaders in Washington and in this state are very
24 ignorant about the issues of technology. We just don't
25 understand. At some point, maybe it will be too late for

1 me, we will see the greenhouse gases are real and our
2 children here have got to make a transition in energy use,
3 and it appears we are losing that option in the United
4 States. Nuclear power will not be available to us.

5 Now, it's interesting, it works very well in Japan
6 and in France, but it doesn't seem to work very well here,
7 in the nation that actually developed it. I am sad to say
8 that's a sad commentary. I would have thought that in my
9 generation as such we would have the intellectual wisdom and
10 the technical understanding that we could have moved forward
11 in that, but it appears not. It appears that we are making
12 an irrational choice on the basis of emotionalism and such.

13 Nuclear spent fuel can be made very safe. It can
14 be made far safer than moving gasoline down the highways. I
15 followed two gasoline trucks. How many people a year die
16 from gasoline truck exposure and transportation accidents?
17 Several hundred a year. We move it into our neighborhoods.
18 Now, the thought that we might have some radioactive
19 material in the area is frightening to us. We do. We have
20 spent fuel at the University of Utah, terrible. And 25,000
21 students come up there and a few hundred go through and take
22 classes and learn how to use it safely and wisely.

23 It's like most things. If I know what I am doing
24 and I am careful about it and handle it well, I can do it
25 well. If I don't, if I am foolish -- now in the past we

1 have had some mistakes. No question about it. Closing the
2 door, testing and such. There were some things done that
3 shouldn't have been done, but we did the best we could at
4 the time. We do a lot of things differently now.

5 Anyway, I would hope that those of you who have to
6 make these decisions and the public try to enlighten
7 themselves. When everything seems too black and white to
8 you, be suspicious. There's probably something wrong with
9 the issue. And I would hope that you would reconsider and
10 look at it.

11 It's interesting that the Goshutes are attempting
12 to provide information to the public. The news media here
13 will simply not touch it. Why? It's going to offend the
14 political powers and such. And it's all agreed the governor
15 and his office are capable of manning a group of people to
16 come in and provide testimony to the situation.

17 Anyway, there are some web pages that are
18 available so the public can look at it and see an
19 alternative view. Any time things look too black and white,
20 be suspicious. There's no free lunch and if we want energy
21 in this country and such, we have got to examine it. And if
22 you compare nuclear power to possible fuel power and other
23 areas, I think it comes off very well. Thank you for your
24 time.

25 MR. BRACH: Thank you. Before we do take a break,

1 are there any other commentors that would like to provide
2 additional views at this time or has Mr. Steve Erickson
3 arrived?

4 At this point we will adjourn for a short break
5 and we would like about 10 minutes.

6 (Recess.)

7 MR. DELLIGATTI: We are ready to reconvene the
8 meeting. Mr. Carpenter will be here in a minute.

9 The next one will be Justin Quigley.

10 MR. QUIGLEY: Thank you for this opportunity. My
11 name is Justin Quigley. I represent the School and
12 Institutional Trust Lands Administration. I just have a
13 brief background. I am going to first discuss the
14 background of trust lands and the proposed railroad spur.

15 The background on trust lands is that through the
16 Utah Enabling Act of 1894, Congress granted approximately
17 one-ninth of the lands in Utah to the State for the support
18 of public education. The United States Supreme Court has
19 referred to this Enabling Act land grant as a solemn compact
20 between the United States and the State of Utah. This grant
21 has also held to constitute a perpetual trust to which
22 standard trusts principles apply, and thereby imposing
23 fiduciary duties upon the State of Utah.

24 However, of significant importance is that the
25 solemn compact imposes reciprocal duties upon the United

1 States as grantor of the trust. Consequently, the United
2 States is bound to act for the support of common schools
3 that were the beneficiaries of this trust.

4 With that background I want to discuss the
5 relevance. It is critical that the NRC, BLM and BIA take
6 into account the purpose of trust lands in the drafting of
7 an EIS for and ultimately in its consideration of whether to
8 approve the construction and operation of an independent
9 spent fuel storage installation by Private Fuel Storage on
10 the Skull Valley Goshute Indian reservation. The problem of
11 addressing the handling of high-level radioactive waste is
12 fraught with uncertainties as a result of the complexity of
13 technical issues, its novelty, its extraordinary time
14 horizon, and the extreme difficulty in predicting with any
15 confidence the numerous unknowns associated with high-level
16 radioactive waste. This has resulted in the American people
17 being deeply apprehensive of high-level radioactive waste.

18 The effect of the public's apprehension on the
19 market value and revenue-generating potential of trust lands
20 surrounding the proposed transportation routes are
21 especially concerning to the Trust Lands Administration. It
22 has been documented that property values of lands near
23 proposals involving high-level radioactive waste have been
24 diminished as a result of this apprehension.

25 Case in point is the City of San Jose versus

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 Komis, which is a case that involves the compensation for
2 the loss of market value of its property as a result of the
3 Waste Isolation Pilot Project in New Mexico. And although
4 they could not find any objective standards, they felt that
5 subjective fear is worth compensation of the market.

6 The proposed railroad spur has the potential of
7 dramatically impacting trust lands, as the Trust Lands
8 Administration administers approximately 31,500 acres of fee
9 surface and mineral and 25,000 acres of fee mineral near the
10 proposed railroad spur. Without a doubt the market value
11 and revenue-generating potential of these trust lands will
12 be adversely affected if NRC accepts the amendment to PFS's
13 application to allow for the proposed railroad spur.

14 Pursuant to the applicable rules and regulations
15 implementing the National Environmental Policy Act and NRC
16 regulations, the EIS must evaluate both direct and indirect
17 effects that are caused by the proposal. Under 40 CFR
18 Section 1508.8 and 10 CFR Section 51 Subpart A, Appendix A,
19 this evaluation requires analysis of the present and future
20 economic effects of the proposal on surrounding trust lands.
21 Furthermore, this economic analysis must account for all
22 diminution in value to trust lands, including any impact to
23 trust lands caused by the public's attitude towards the
24 proposal and its involvement with the handling,
25 transportation and storage of high-level radioactive waste.

1 Furthermore, NRC regulation provides that the EIS
2 must identify possible conflicts between the proposal and
3 its alternatives and the objectives of federal and state
4 policies. The fiduciary duties imposed upon the Trust Lands
5 Administration constitutes the basis for its policies
6 outlining the management of trust lands. In upholding its
7 fiduciary duties, the Trust Lands Administration must manage
8 the trust lands in the most prudent and profitable manner
9 possible and not for any purpose inconsistent with the best
10 interest of the trust beneficiaries. Accordingly, Trust
11 Lands Administration must maximize the economic gain from
12 trust land uses consistent with long-term support of the
13 trust beneficiaries.

14 As previously indicated, the solemn compact
15 creating trust lands imposes reciprocal duties upon the
16 United States as grantor of the trust. Accordingly, the
17 United States is bound to act for the common schools that
18 were the beneficiaries of this trust. To the extent the
19 proposal hinders the ability of Trust Lands Administration
20 to effectively manage trust lands or diminishes the market
21 value or revenue-generating potential of trust land, the
22 proposal is in conflict with the objectives of both state
23 and federal policies for trust lands. Accordingly, the EIS
24 must identify and fully discuss the presence of this
25 conflict.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 Now I am going to discuss the plan amendment to
2 the Pony Express Resource Management Plan. BLM regulations
3 provides that any amendment to a resource management plan, a
4 RMP, shall consider the impact on uses of adjacent or nearby
5 nonfederal lands. Accordingly, any plan amendment to the
6 Pony Express RMP must take into account the impact of PFS's
7 proposed railroad spur, which I'll refer to as the
8 right-of-way, on adjacent and nearby trust lands.

9 In addition, other BLM regulations of note are 43
10 CFR Sections 1610.4-5 and 1610.4-6 which hold in amending
11 the Pony Express RMP, BLM is required to completely develop
12 and consider all alternatives, including a no action
13 alternative. In developing and considering such
14 alternatives, consideration of each alternative's impact on
15 local economies and uses of adjacent or nearby nonfederal
16 lands is required. Such consideration must include a
17 detailed estimate of the economic effects of implementing
18 each alternative. Accordingly, every alternative considered
19 by BLM, including the proposed plan amendment for the
20 railroad spur right-of-way, must estimate its economic
21 impact upon the economic potential of trust lands.

22 Section 43 CFR Section 1610.4-7 provides that a
23 preferred alternative shall be developed based upon an
24 evaluation of the alternatives and the estimation of their
25 effects, including their economic effects. In selecting a

1 preferred alternative, BLM should consider not only the
2 adverse economic impacts the right-of-way will have on
3 nearby trust lands, but also consider the fact that,
4 pursuant to the BLM's State of Utah Memorandum of
5 Understanding Focus List, which is an agreement that Trust
6 Lands Administration and BLM has entered into for exchange
7 of existing trust lands inholdings. The Trust Lands
8 Administration has nominated BLM's lands surrounding Timpie,
9 Utah for exchange of existing trust lands. Timpie, Utah is
10 where the proposed railroad spur is to split off the
11 mainline so this is extremely critical to the Trust Lands
12 since we have eliminated those lands for acquisition.

13 Currently a significant amount of trust lands are
14 contained within areas BLM has designated for protection.
15 For example, the Desert Tortoise Habitat area down near St.
16 George. Certainly BLM's priority, from both a practical
17 standpoint and as grantor of the trust, should be focused on
18 exchanging the trust lands inholding out of these protected
19 areas rather than issuing the right-of-way to PFS.

20 As indicated in this agency's earlier scoping
21 comments, notwithstanding the fact that no high-level
22 radioactive waste is generated as a result of the operation
23 of nuclear power plants within the State of Utah, the school
24 kids of Utah should not be forced to suffer an economic loss
25 as a result of the storage of high-level radioactive waste

1 pursuant to the proposal. It is the hope of the Trust Lands
2 Administration that NRC, BLM and BIA fully consider the
3 purpose of trust lands and the issues submitted above in the
4 drafting of the EIS. And if the EIS determines that the
5 proposal will hinder the ability of the Trust Lands
6 Administration to effectively manage trust lands or
7 adversely impact the economic value or revenue-generating
8 potential of trust lands, the United States, through NRC,
9 BLM and BIA, should honor its duty as grantor of the trust
10 and either compensate the Trust Lands Administration fully
11 or deny the licensing of the proposal.

12 Thank you very much.

13 MR. DELLIGATTI: Next speaker is Margene
14 Bullcreek.

15 MS. BULLCREEK: Good morning. I am Margene
16 Bullcreek. I would like to welcome you all, the NRC, the
17 BIA and our superintendent, Dave Allison.

18 I would like to talk about, first of all, who I am
19 as a Native American. I feel that this is really important,
20 and I also would like to recognize our people that are
21 living on the reservation. There are about 124 members and
22 about 65 adult members and there's eight families living on
23 the reservation. There were four families that were against
24 this, but two of the members have passed away since the
25 petition. There's like 27 people that are living on the

1 reservation, but only 17 are members of the reservation of
2 the Skull Valley Band of Goshutes.

3 And this is a concern to me that the BIA and the
4 BLM are siding up with our chairman and his family that
5 wants the nuclear waste on our reservation mainly because I
6 feel that they are not speaking for the people. I think
7 each one of them has not played their responsibility as well
8 as they should, although this is the first day that they are
9 meeting to discuss the railway that's going to come up along
10 Cedar Mountain.

11 However, although this has been brought up to
12 public attention, it has not come down to the grass roots of
13 our people, mainly our tribal members. I feel that they
14 should know about this. We had a tribal council, general
15 council meeting last Saturday. This was not brought up. It
16 was not discussed to the extent of what is going on, what's
17 happening, and I think that these are all important.

18 This is where I feel that the people that are in
19 the leadership role are deciding our fate on the reservation
20 without coming down to the level of the members that's going
21 to be affected by this, although this has been done -- this
22 type of procedure has been done from the start of our
23 history, and even then they have spoken with the chiefs,
24 which at that time they were rightfully called. However,
25 some of the chiefs that spoke up against the progress of --

1 excuse me for saying this, but the white people, they had
2 been thrown in jail. They had been run off the
3 reservations. And the reason why I brought that up now is
4 because the same thing is going on right now.

5 You come to our leaders, to our executive
6 committees, and it all originated with the northern state
7 powers who they call now PFS. There is no place to put this
8 nuclear waste in the United States. Some of the tribes have
9 denied this. After that office died down, they went into a
10 private organization. These corporations have a lot of
11 money. Our tribe had never had a chance to really get off
12 on its own. We are a very unique reservation. We do not
13 have a constitution by law. That's why I feel that we are
14 in the position we are now. However, I feel that in the
15 future that we will have a strong government foundation.

16 What I am saying now is that our leadership has
17 taken upon themselves with the majority who are one family
18 and are not listening to the people and their concerns as
19 part of the members of the Skull Valley reservation and
20 going ahead with only 20 members that had signed the lease
21 agreement to facilitate the storage on the reservation.
22 After that they went around and got signatures and supports.
23 And also there had been monies offered to these people and
24 they have said, if you sign resolutions, then you cannot go
25 up against this.

1 They have denied me community education. They are
2 going to fine me \$5,000 to speak up against this. Now, how
3 are the people going to learn or know what's really
4 happening with this Private Fuel Storage? They have not
5 been told about what is wrong with this. They haven't been
6 told or even seen the contract. And so with all these
7 things -- and now you are as far as you are in your
8 proceedings, your NRC proceedings, and we haven't still --
9 members don't know what's really going on.

10 We have a majority in our band that are very
11 strong voiced and are very determined to receive the nuclear
12 waste for our reservation. The BIA superintendent is
13 supposed to have a duty as we are the wards of the
14 government. They have left it up to the tribe to make this
15 decision. And now we have the BLM coming in. I feel that
16 the BLM has a certain responsibility also to our
17 reservation. Because from the time we had aboriginal claim
18 rights, we had thousands of lands that now they are saying
19 are BLM lands. We have wild animals that are on these
20 lands. We have birds. We have a lot of things that we as
21 Native Americans consider as being part of our history, as
22 being -- we have stories that were handed down from
23 generation to generation and is still being told today about
24 how at one time the animals were people. This is why we
25 respect them in that way.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 And then I feel that the BLM should consider what
2 I am saying today because I am very concerned about our
3 reservation. I live there. My children live there. And
4 when they go to work, they travel 80 miles to go to work
5 because there's no jobs available for them. Although there
6 are some there, we haven't been considered as part of
7 employees for the reservation. What I am saying is really
8 important. I want you to understand that those lands that
9 you are going to give to the PFS to put their railway up on
10 the reservation, I want the NRC to have some compassion
11 about what I am saying because I understand that there's no
12 place to put this waste and our tribal leaders using
13 sovereignty has said you can use our reservation. I feel
14 sovereignty is being misrepresented here. I feel
15 sovereignty is a tool to a strong government to be able to
16 hold on to our reservation and to improve it, to make
17 improvements on it for our economic developments.

18 I feel that there haven't been other -- economic
19 developments have not been considered. The governor had
20 offered one but they have not considered it because they
21 feel that they have more monies with the PFS. But I feel
22 that they are wrong in thinking that way because we live
23 there and this is a highly high-level radioactive material
24 we are talking about and we are a small group of people. I
25 mentioned that at our general council meeting about how we

1 were very few, that we can be considered an endangered
2 species, but I was laughed at.

3 This is true, because there isn't that many of us.
4 We have our relatives, the Goshutes where we all came from.
5 We are all related. But they have more people there. But I
6 also understand they have programs. They have grants that
7 they had applied for, which we hadn't done. For the past 15
8 years we have been at a standstill. We have been spending
9 money, but we haven't been bringing anything in. And I feel
10 that -- I hope that what I am saying will be considered.

11 I feel overpowered by people that's going to make
12 a decision that's going to affect our lives and it's going
13 to affect our animals and our birds and our sacred sites,
14 our traditional way of life, our cultures. This is very
15 important to a Native American. And there are people I feel
16 that ought to recognize these things and ought to recognize
17 it in a way where they can consider it in their decisions.
18 I understand that there are certain things that the NRC
19 cannot -- what can I say, cannot look at or be part of their
20 decision making. That is who we are as Native Americans.
21 We are looking at dry lands out there. We are looking at
22 dry creeks, or however you can be able to say to make
23 yourselves feel like you are not doing anything wrong.

24 You are in very powerful seats right now and I
25 understand why the railroad is up along the Cedar Mountains

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 because of what the governor did to the county road. But
2 along the route that the railway is going to be, that's
3 where our people had frequented. They had traveled. They
4 have told me of spots up along the mountain where there's
5 spring water, where they used to stop on their way to
6 travels and nobody else knows but the Native Americans, how
7 we always pride ourselves into knowing things more than
8 other people. But this is what I was told.

9 And I have my horses that was down there, and now
10 at the last tribal meeting they said they were going to
11 fence it up and they are going to fine me \$200 if my horses
12 get out of that fence. But that was a wide open country at
13 one time and now we are all being fenced in. We don't have
14 any water out there. But they were planning on building a
15 big dam up above our reservation and spending millions of
16 dollars on it. At that time they said it was going to be a
17 recreation area, but I know now that it wasn't for that,
18 that it in some way is going to be for the water for the
19 private facility below us.

20 MR. BRACH: Excuse me, if you could summarize, we
21 have more speakers. With time permitting, you may be able
22 to come back.

23 MS. BULLCREEK: That is my concern, because the
24 Native Americans, that's the way we talk. Thank you.

25 MR. BRACH: Thank you.

1 MR. DELLIGATTI: Steve Erickson?

2 MR. ERICKSON: My name is Steve Erickson and I
3 represent Downwinders.

4 I haven't prepared any formal remarks here. We
5 reserve the right, of course, to submit written comments on
6 this scoping process to the NRC and to the Bureau of Land
7 Management.

8 We have been opposed to the proposed storage of
9 high-level spent nuclear fuel at the Goshute reservation for
10 a variety of reasons which are somewhat outside the scope of
11 your intent here today. So I'll try to restrict my comments
12 to specifically the rail spur that is now proposed as an
13 alternative for transporting the fuel to the site.

14 First, this is clearly in conflict with the BLM's
15 Pony Express resource management plan that has been placed
16 now for a number of years with a few revisions. We have
17 commented in the past upon a number of those issues
18 pertaining to the management plan for these lands. Nowhere
19 in that resource management plan was it ever contemplated
20 that a new railroad would be established on BLM properties
21 within that district. I don't think that's resolvable
22 without reopening the entire resource management plan. So
23 we would suggest that the BLM go through an entire process
24 regarding the plan if we are going to have this much of a
25 major impact as a result of this development should it go

1 forward.

2 Secondly, I know that you will be studying as part
3 of the issue, but I just want to reiterate our concerns that
4 you deal with soils in particular on the route for the
5 placement of these tracks, and something that you may tend
6 to overlook but we suggest that you not, and that is in the
7 analysis of soils you need to be aware of the potential for
8 what has been called by scientists in the past the secondary
9 aerosol effect. What I am referring to is the potential for
10 radiological contamination of soils as a result of open air
11 testing of radiological materials at the Dugway Proving
12 Grounds and of course residuals from atmospheric nuclear
13 testing in the valley in the late '50s, early '60s.

14 You may also keep an eye out and a safe approach
15 to dealing with any of the construction through this area
16 and these will be planned for in the Environmental Impact
17 Statement for any residual chemical wastes from activities
18 at Dugway and potentially for biological materials that
19 could be still in the soils. We know of instances in the
20 past from Dugway where there have been just nearby the spur
21 Venezuelan encephalitis outbreaks among wild horses in the
22 region. So we ask you to be very careful in that process
23 and analyze potential risks from suspension of soils during
24 the construction of the rails and those soils may be
25 containing contaminants that would endanger workers' health.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 Of course you will be looking at the issue of
2 wildlife. We know there are horses in that particular
3 section of the Cedar Mountains. Having driven the road
4 along there and having seen the piles, we know that they
5 frequent the corridor that is under discussion for this rail
6 spur. Fire is a potential that needs to be examined. As
7 you know, wild fires do occur in this region with great
8 frequency. Fires can also result from the operation of a
9 train along tracks that are close by vegetation.

10 Floods and erosion potential should be considered
11 in the process. Not knowing the exact corridor, I doubt
12 there are any wet land issues, but there are wet lands in
13 the Skull Valley. Those need to be avoided so that there's
14 no need for mitigation. Of course you'll be doing a risk
15 analysis of accidents and other potential problems with this
16 process as part of that risk analysis. We would suggest you
17 also look at all potential alternatives for storage of spent
18 nuclear fuel that are not associated with this particular
19 site and program from Private Fuel Storage.

20 The archeology of the region, the history of the
21 region, I think Margene has covered quite well. You need to
22 analyze that in great care. The cumulative Environmental
23 Impact Statement is something we hardly ever see on issues
24 pertaining to public land use in the State of Utah. I can't
25 think of one, though I probably read 20 or 30 over the years

1 that did an adequate job of cumulative impact analysis. You
2 are well aware that there are other facilities in the area
3 which pose some potential hazards to people in the region
4 downwind. It would be nice to see for a change a thorough
5 environmental impact cumulative analysis that takes into
6 account activities of the Air Force, the Army and other
7 agencies operating in this region.

8 Lastly, I want to mention that we have heard
9 concerns and in fact some proposals that this rail spur
10 might serve a dual purpose, that its primary purpose of
11 course would be to transport spent fuel to the site on the
12 Goshute reservation. We have also heard that there have
13 been those who are interested in extending the rail spur at
14 Dugway for other purposes, for other carriers of
15 transportation of other equipment and material to the Dugway
16 Proving Grounds. We want ironclad assurances in this
17 process that that is not going to be the case. And if it is
18 going to be the case, then we need to expand this entire
19 process one more time. Those proposals may sound
20 farfetched, but we know that that is an agenda for some in
21 the region and we would want this environmental impact
22 analysis to review that potentiality. With that I conclude
23 my remarks.

24 MR. BRACH: Thank you.

25 Let me ask as I did earlier this morning -- I

1 realize a number of folks have joined our meeting since we
2 reconvened from the earlier break. Again, while in
3 registering, you perhaps indicated an interest not to be a
4 speaker. Now is an opportunity if you would like to offer
5 views. Now is the time as well, as I mentioned previously,
6 for individual speakers who with time restraints I had asked
7 to maybe summarize and time permitting to come back, now as
8 well would be that opportunity for additional views from
9 past speakers as well. If there's anyone that would like to
10 add views, I would ask you to please come to the mike and
11 identify yourself.

12 MS. BULLCREEK: I just wanted to clarify.

13 MR. DELLIGATTI: This is Margene Bullcreek.

14 MS. BULLCREEK: I am Margene Bullcreek. I just
15 wanted to clarify, I did mention that the majority of the
16 tribe is for the nuclear waste. What I meant to say was
17 there was a strong minority of the tribe that's for the
18 nuclear waste. I say this mainly because the chairman and
19 the supporters are one family. They came from three
20 brothers which were called the Black Bears. They came from
21 that family.

22 Another thing I want to say is, to sum all this
23 up, is that we do not want this nuclear -- or the railway to
24 come up to the reservation and to affect our environment and
25 what is already out there. We feel that PFS has a lot of

1 money to be able to buy their way into what they want and
2 that's what is happening. They may identify it some other
3 way, but there have been some land swaps and there had been
4 some money offered to the Goshute tribe as well. But this
5 is hearsay for now, but I believe that it's not too far from
6 the truth.

7 MR. DELLIGATTI: Are there any additional?

8 This is Chairman Leon Bear of the Skull Valley
9 Band.

10 MR. BEAR: My name is Leon Bear of the Skull
11 Valley Band of Goshutes. I just would like to make a
12 comment on the rail spur. As history and tradition dictates
13 to us in Skull Valley and the Goshute people, the Skull
14 Valley was not our home land. There is a lot of artifacts
15 or things out there as resources. We traditionally came
16 from Tooele Valley. Skull Valley was a pass-through area.
17 I am sure that there is some artifacts, some hunting down in
18 that area through that mountain range, and there were people
19 that crossed the desert that came through that area across
20 the desert.

21 I am sure that as the rail spur and the
22 Environmental Impact Statement starts on that, that they
23 will ask us to come out and evaluate whatever is happening
24 out there and we have people to do that. The tribe has
25 hired Marvin Brewster out of Oregon to help with that study.

1 He's a Native American out of Nevada. He does this as his
2 profession. So he will be out there to evaluate that area
3 to make sure there are no resources that are destroyed by
4 the rails.

5 MR. BRACH: Any additional comments or requests to
6 express individual views?

7 As I have mentioned previously, we are scheduled
8 from 8:00 to 11:00. We will clearly be here until 11:00, so
9 if there are individuals who are planning to come toward the
10 latter part of the 8:00 to 11:00 time period rather than be
11 here at the first, we will be here.

12 Again, I express a thank you to all of you that
13 have provided your comments and views. As I mentioned, our
14 purpose of the meeting is to receive your input for the
15 Bureau of Land Management's and Bureau of Indian Affairs'
16 consideration in the development of the Environmental Impact
17 Statement. We thank you for your views. I again thank each
18 of you for the courteousness shown to the speakers as they
19 have presented in their views and comments which may or may
20 not be in concert with your individual views. I thank you
21 for your courteousness.

22 We will be providing a summary report on the
23 scoping meeting that will be available in about two months
24 and we will provide copies to all of you who have provided
25 us a copy of your mailing address.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 Does anyone have any additional views or comments?
2 If not, I believe at this point we will recess the meeting
3 pending -- I believe we have one more comment.

4 MS. WALKER: My name is Joro Walker. I am here on
5 behalf of SUWA, Southern Utah Wilderness Alliance.

6 SUWA became interested in this issue when the
7 proposed rail spur was aligned along the west side of the
8 Skull Valley or the east side of the north Cedar Mountains.
9 In fact, the alignment of the rail spur is due to cross what
10 has been identified by SUWA in a recent reinventory as an
11 area of land possessing wilderness character. This north
12 Cedar Mountain wildness area possesses the criteria which
13 Congress identified in the Wilderness Act as worthy of
14 preservation for future generations.

15 We hope that the BLM in considering granting the
16 right-of-way for PFS to transport nuclear waste across this
17 beautiful landscape will consider the impact on the
18 wilderness character of the area. In addition to the north
19 where the rail spur continues, there's a wilderness study
20 area which in its inventory the BLM has identified as
21 possessing wilderness character. So there was already a
22 wilderness study area and the BLM has identified new areas
23 which are adjacent to that area possessing wilderness
24 character.

25 It's important to realize the biological diversity

1 and wildlife on large tracts of land and the preservation of
2 plants and animal species. And in addition to large tracts
3 of land, at high elevations they meet the intermediary
4 elevations because animals either exist at different
5 elevations or need to travel from one elevation to another.
6 So that preserving foothills as well as higher elevations is
7 important.

8 These are some of the last areas in the United
9 States of this type. Congress has told us that these areas
10 need to be preserved and these areas, after careful
11 inventory, have been identified as possessing the character
12 that Congress intended to preserve. So we hope that BLM
13 will consider this when they address the issue of the
14 right-of-way. Thank you very much.

15 MR. BRACH: Thank you. Does anyone have any
16 additional views or comments to offer? As I mentioned,
17 then, the meeting will recess. If you during the recess
18 identify some views you would like to offer, please let one
19 of us at the table know. We will shortly then call the
20 meeting back into session so that your comments will be made
21 a matter of the record.

22 As I mentioned before, the meeting is being
23 transcribed in its entirety so views offered at the outset
24 of the meeting or in different segments of the meeting will
25 be made a part of the total record.

1 So at this point, unless anyone has additional
2 views, we will recess. But, please, if you have comments or
3 if additional individuals do come and register, we will call
4 the meeting back to order. Again, thank you very much.

5 (Recess.)

6 MR. BRACH: If I could have your attention for
7 just one minute. In checking again the signup list, no one
8 has identified a request on their part to present additional
9 views or comments. I would ask for those in the audience if
10 anyone here has considered further and have additional views
11 or comments they would like to offer, to please come up.

12 We have a second public scoping meeting planned
13 tonight at Tooele County High School from 6:30 to 9:30 and
14 clearly everyone here will be invited to attend as well and
15 participate, listen, provide additional views as may be your
16 preference.

17 The schedule for next activities, as I mentioned
18 before, a scope of the study will be provided in roughly
19 about two months, a summary of this morning's meeting and
20 this evening. Starting November 1st will be our public
21 hearings with regard to safety issues and contentions, and
22 that will be held here in Salt Lake City as well.

23 So with no other indications of interest to
24 provide comments, I again thank you all for your presence,
25 your comments offered. Those comments will be considered by

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 the three agencies as we proceed in the development of the
2 Environmental Impact Statement. Thank you very much.

3 (Whereupon at 11:00 a.m., the meeting was
4 concluded.)

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

C E R T I F I C A T E

STATE OF UTAH)
COUNTY OF SALT LAKE)

THIS IS TO CERTIFY that the preceding hearing was taken before me, Sharon R. Morgan, Registered Professional Reporter and Notary Public in and for the State of Utah.

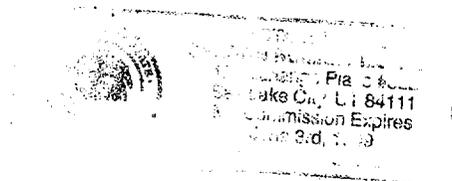
That the testimony was reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages, numbered 1 through 74 inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 2nd day of May, 1999.


Sharon R. Morgan, CSR/RPR/CRR

My commission expires:
June 3, 1999



Sharon R. Morgan, CSR/RPR/CRR
Salt Lake City, UT 84111
Commission Expires
June 3, 1999