

1 we as citizens of Utah should have to keep this
2 waste here and should have to put our families at
3 severe health risks by transporting this waste in.

4 On a fact sheet that I got from Hill,
5 Utah, it points out that the final Environmental
6 Impact Statement, NRC approved, assumes that only a
7 severe accident should cause damage to a spent fuel
8 capsule. Accidents that would result in
9 significant release of radioactivity are considered
10 to be unlikely. The radiological risk of an
11 accident during rail transportation of spent
12 nuclear fuel is small.

13 However, two doctors with the
14 Radioactive Waste Management Association released a
15 report in November of 2001 analyzing the economic
16 and health effects if the train accident had
17 occurred in the Baltimore Tunnel last July
18 involving a steel cask. The July 18th rail
19 accident in Baltimore Tunnel caused a fire that
20 burned for five days and was hot enough, up to
21 1,500 degrees, to breach a large rail cask of spent
22 nuclear fuel. The report found that if such an
23 accident happened and clouds of radioactive
24 particles put nuclear leaks out of the ends of the
25 tunnel and carried by wind, a worse case scenario

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1 could cause seals in either end of the metal
2 container to crack, subsequently releasing enough
3 radiation to expose over 3.5 million people and
4 cause 8 to 50 different types of cancer.

5 So in closing I would just say that the
6 risk of transporting this waste is entirely too
7 high for the entire nation, let alone the citizens
8 of Utah. So I ask you to stop this proposal.

9 (Applause.)

10 JUDGE FARRAR: Thank you. Ms. Webster,
11 after you we have Ron Allen. Is he here? You'll
12 be next after Ms. Webster. Go ahead.

13 MS. WEBSTER: I am speaker SL110 for
14 your reference and I'm not happy with any of the
15 responses that I got to my comments and I just
16 don't feel --

17 JUDGE FARRAR: I don't understand SL110.

18 MS. WEBSTER: Okay. In the
19 Environmental Impact Statement I'm listed, but my
20 comments are SL110. And I'm not happy with any of
21 the responses that I got.

22 In the Draft Environmental Impact
23 Statement it states very clearly there's no reason
24 why the waste could not be stored on site at the
25 nuclear power plants. This is not about where to

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1 put this stuff because, you know, it can stay where
2 it is and not expose half of the country to the
3 dangers in transit. This is all about conflict of
4 interest and the fox guarding the chickens, and the
5 NRC, as an arm of the Federal Government, which is
6 also this same Federal Government being sued to
7 provide a storage place. And you guys are so in
8 bed with the nuclear waste industry it's
9 ridiculous.

10 (Applause.)

11 In the Draft Environmental Impact
12 Statement it says there may be an environmental
13 justice problem. That statement just sort of went
14 away. Where did it go? And you know, my comments
15 there about the environmental justice problem, the
16 NRC has not really addressed that at all. It's a
17 joke. I think it's very unethical what's going on
18 here.

19 In addition, since September 11th my
20 world has changed considerably. I'm in long
21 security lines. Why in this Environmental Impact
22 Statement does it say that the NRC staff has not
23 yet identified any specific additional requirement
24 for storage of spent nuclear fuel with respect to
25 sabotage. This is like right in your Appendix G,

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1 page 295. What a joke!

2 (Applause.)

3 In addition, what about toe missiles,
4 the kind they're using in Afghanistan, fired at
5 casks in transit? Hello. You know, this is a new
6 world here. You guys are not addressing these
7 issues and I think you are morally and ethically
8 responsible. This book here, which is called "The
9 Plutonium Files," written by Eileen Welsome, is a
10 complete indictment of the parent organization of
11 the NRC, I'm referring to the DOE and the AEC,
12 about the gentlemen and women who completely
13 ignored public safety and they conducted radiation
14 experiments on their own people.

15 And I submit to you gentlemen that this
16 is one great radiation experiment, not only on the
17 people of Utah, but on every rail route from these
18 -- from these plants to where it's going to end up.
19 And if you think that you will not be held morally
20 and ethically responsible and that history will not
21 record your actions here tonight and your actions
22 of the past two years and in the future if you
23 grant this license, this is a witness here of
24 federal -- federal records. Eileen Welsome won a
25 Pulitzer for this and it's a great read. I don't

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1 know how you guys are going to sleep at night if
2 you grant this license.

3 Also, in response to Elise Lazar's
4 comments about Utah being a Garden of Eden, I
5 submit John Parkyn sitting right over here on the
6 fifth row in the black suit is a snake in the
7 Garden of Eden because this is reprehensible.

8 (Applause.)

9 I think that you gentlemen need to start
10 really being frank and honest about this because
11 your Environmental Impact Statement is
12 unacceptable, unethical and it's a joke.

13 (Applause.)

14 JUDGE FARRAR: After Mr. Allen, is Ron
15 Hansen here? Mr. Allen, go ahead.

16 MR. ALLEN: Thank you. Welcome to Utah.
17 My name is Ron Allen I am chief of NATO Indian
18 Nation. I would like to say that I do have a
19 respect for the job that you have to do. It is a
20 tremendous responsibility. It requires a
21 tremendous amount of trust from the public for what
22 you do. However, it concerns me when you are given
23 material false statements on which to make your
24 decisions. Who is supposed to tell you that the
25 information you are being given upon which to make

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1 your decisions is in error?

2 Last September, on about the 10th or the
3 12th, the Skull Valley Band of Goshute Indians
4 mailed out an announcement for an election and they
5 did have one September the 22nd, which replaced
6 Leon Bear. Rex Allen resigned and a new executive
7 committee was elected. And they can speak for
8 themselves, they're here tonight. My concern is
9 that the Goshutes themselves have never even had an
10 opportunity to read this purported lease. They
11 have not had a chance to see it, much less read it,
12 they have not voted on it.

13 If you were given the impression that
14 this is happening, it has not. After the election
15 of September 22nd the Goshute new executive
16 committee was challenged in that Leon Bear said he
17 wanted to hold another election. So the Goshutes
18 brought their issue to NATO Indian Nations Court
19 for validation. Evidence was submitted, Roll call
20 was taken, there was a quorum. Mr. David Allison,
21 the area Director of the Bureau of Indian Affairs,
22 said he was at that September 22nd election and he
23 saw that there indeed was not a quorum there. And
24 of course that was before he announced that the old
25 election will take the whole thing. Showing two

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1 things: First, he wasn't there, and secondly,
2 there was a quorum there and it was a fair and
3 valid election.

4 Mr. Bear went ahead and had his meeting
5 on October the 13th anyway, and although a quorum
6 was never had, some Goshutes did show up to talk
7 and they voted with their feet, they left. He
8 still went ahead and declared himself as still
9 chairman. How, I don't know. And yet we find the
10 Bureau of Indian Affairs supporting him again.
11 What does it take for the will of these Goshute
12 people to be heard?

13 (Applause.)

14 With that I would like to give any
15 remaining time to people down the line. Thank you.

16 (Applause.)

17 JUDGE FARRAR: Thank you, Mr. Allen.
18 Ms. Hansen? After you is Henry Clayton. Is he
19 here? And Alberta Mason after that. Go ahead, Ms.
20 Hansen.

21 MR. ALLEN: Thank you. My name is
22 Janice Hansen. I'm the voice of Utah County. I'm
23 a board member and representing the Environmental
24 Justice Foundation, a nonprofit organization that
25 seeks justice for Native Americans and minority

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1 communities targeted for the disposal of hazardous
2 nuclear waste.

3 I can testify before you today that the
4 Skull Valley Goshute tribal members have been
5 grievously treated by the Bureau of Indian Affairs
6 during this licensing procedure. Through their
7 blatant incompetence or their misdealing the Bureau
8 of Indian Affairs have failed in their judiciary
9 responsibilities and trust. Tribal members have
10 submitted allegations of embezzlement of tribal
11 funds, bribery and corruption to the proper BIA
12 officials concerning the PFS lease agreement, but
13 yet the BIA supports a purported Goshute executive
14 committee headed by Leon Bear.

15 Throughout the time period of the
16 purported lease agreement the BIA ignored all the
17 election results which did not conform with Leon
18 Bear being retained in office. All elections
19 supporting Leon Bear were invalidated by the
20 blatant presence of bribery and corruption and
21 these issues stand in the Federal District Court in
22 Salt Lake City, Civil No. 2:01CV317C. There are no
23 BIA administrative records concerning their
24 approvals. No response to a 75-page declaration
25 written by Sammy Blackbear and other tribal

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1 members, a submission of the allegations detailed
2 in comprehensive evidence in support of these
3 allegation. The BIA never responded to election
4 documentation demonstrating the will of the Goshute
5 people. We urge the Board to review all evidence
6 of criminal activity regarding this minority group.

7 The Tribal General Council were excluded
8 from participating in this licensing procedure,
9 denied a complete disclosure of PFS lease
10 agreement, including facts pertaining to health,
11 welfare, safety and tribal liabilities with the
12 proposed facility, yet they are expected to sign
13 documents relating to it. Additionally, they have
14 never voted on it.

15 This lease has been the sole interest of
16 Leon Bear, a few tribal members, and Bear's
17 Attorney Danny Quintana who introduced the PFS deal
18 to the tribe. They have acted alone without tribal
19 general council authority or consent. Mr. Bear
20 abolished the tribal quorum requirements so that he
21 can act alone and conduct business with PFS. He
22 does not have authority to speak for the entire
23 tribe.

24 (Applause.)

25 Gentlemen, because of the great

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1 significance that this proposal will bear, we
2 implore that the Board examine the consequence of
3 your recommendation.

4 1. PFS could essentially set the
5 national policy concerning nuclear waste and become
6 licensed only through criminal activity on tribal
7 lands.

8 2. Precedent will be set for other
9 tribal sovereignties and impoverished communities
10 that have no legal recourse, background or
11 political clout to stop bribery, embezzlement and
12 corporate federal agenda. When the Blackbear
13 declaration pursues its appeals process and
14 prevails in a lawsuit in the Federal Court, I ask
15 you, what happens to your trust responsibility if
16 the NRC licenses this facility? Would you risk the
17 Commission's reputation and public trust to that of
18 a BIA local superintendent who decided to act
19 against federal mandates and simply disregard all
20 of the allegations of corruption while dismissing
21 the rights and the will of the Goshute people?

22 (Applause.)

23 We urge the Board to carefully consider all of
24 the issues in the Blackbear declaration and
25 lawsuit. We shall persevere so that the public

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1 trust will not be betrayed. We will do this
2 without the millions of corporate dollars that Leon
3 Bear has received. Is this the only way the
4 nuclear industry can get a license and a dumping
5 ground? We need your participation to review all
6 of this. We need you to seek justice.

7 Thank you very much.

8 JUDGE FARRAR: Ms. Hansen, I said this
9 wasn't a dialogue, but in view of the request you
10 made that we address some of these issues, it's
11 only fair that we let the group know that some
12 weeks ago we wrote an opinion dealing with this
13 issue. Several of the parties took an appeal to
14 the Commission. The five commissioners have stated
15 the impact of our decision and it now rests in
16 their hands. So we are at this point without any
17 jurisdiction to deal with that.

18 Mr. Clayton?

19 MR. CLAYTON: Good evening. Thank you,
20 your Honor. Is it on? All right.

21 JUDGE FARRAR: Go ahead.

22 MR. CLAYTON: Good evening and thank
23 you, your Honors. I am the Chief Justice of
24 unified sovereign indigenous communities referred
25 to as NATO Indian Nation. The reason we're here,

1 all of us, is because the precedence that are being
2 set here in Utah are impacting all the tribes
3 across the United States and in Canada, for the
4 citizens of Utah to know that as we have worked
5 with the First Nations in Ontario, 28 of them to be
6 specific, that they are watching very closely what
7 is happening here in Utah in Canada because they
8 are considering the same kind of results that is
9 going in as your Honors are making decisions on it.
10 So it's being watched very closely. And that's why
11 we have involvement.

12 I've got association with the Skull
13 Valley Band of Goshutes and the issues before your
14 Honor for four to five years. For the record, the
15 Skull Valley of Goshutes is a federally recognized
16 sovereign Indian tribe. It operates a traditional
17 non-RIA form of government. General council
18 establishes its own rules and follows a set of
19 practices in the operation of tribal government
20 functions, including the election and removal of
21 its leadership.

22 There are three issues that are
23 basically what we are here for. One is that the
24 lease is void at its inception of those purposes.
25 The intrusion and the interference of the Bureau of

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1 Indian Affairs continually, and I emphasis
2 continually, not only with the Goshutes, but with
3 other tribes across the United States, my own tribe
4 the Cherokees, with the Hopis, with the Hochunk,
5 the Ogibway, the Oglalla, all these tribes, the
6 interference is continual and goes on consistently.

7 A hearing was held on October the 9th
8 that I conducted at the request of the new
9 leadership of the tribe. A decision was rendered
10 so as to validate the 22nd elections of 2001 as
11 authoritative and valid. The BIA Superintendent
12 David Allison failed to appear, but continued to
13 recognize Leon Bear as the purported chairman and
14 offered his personal opinion to certain
15 institutions that Mr. Bear was the best qualified
16 person to run the tribe's economic activities.

17 At the same time the NRC, having
18 inquired as to the tribe's leadership, apparently
19 Mr. Tom Coleman a retired former regional solicitor
20 prepared an affidavit in October of 2001 for Mr.
21 Allison's signature to the NRC in which Mr. Allison
22 asserted that he was not aware of any evidence or
23 material to persuade him that the new executive
24 committee was the tribe's new leadership, even
25 though he had in front of him provided evidence to

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1 the tribal court decision to prove the authority
2 and validity of a new leadership that has already
3 been referred to as a videotape and other written
4 documentation with the signatures of the General
5 Council members.

6 Under Federal Indian Law the right of
7 tribal self government is a fundamental aspect of
8 tribal existence. See White Mountain Apache Tribe
9 vs Bracker, 8448, U.S. 136, Wheeler vs The
10 Department Of Interior, 811 10th Circuit, 1987. In
11 situations of federal tribal interaction where the
12 Federal Government must decide what tribal
13 leadership to recognize, it, the government, must
14 do so in harmony with the principles of tribal
15 self-determination. See Wheeler 811 at 552. In
16 this instance there is neither statutory nor tribal
17 authority to warrant any BIA intrusion into the
18 internal affairs of the tribe. The tribe's general
19 counsel established its own rules through a quorum
20 vote.

21 Mr. Bear has provided material false
22 statements before the NRC and he has refused to
23 provide evidence to the NRC in support of the NRC's
24 inquiry concerning the allegations that have been
25 referred to earlier of embezzlement, bribery and

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1 corruption. Mr. Bear falsely claims sovereign
2 immunity and the BIA through interference in tribal
3 affairs by ignoring material facts that have been
4 supported in res judicata in a court hearing to
5 improperly and illegally support Mr. Bear so the
6 tribal members will remain helpless to advocate the
7 NRC in pursuance of its inquiry into these matters.

8 For the citizens of Utah, so they know,
9 we have had conversations with Mr. Shurtleff, the
10 State Attorney General, and we understand have been
11 told that the ultimate decision of whether this
12 facility is here or not resides with the Goshute.
13 That is the power of sovereignty, which is a very
14 important issue for us as Native Americans, and
15 this is something that has been under attack for
16 hundreds of years. Not just the last two or three,
17 not just the last 40, but hundreds.

18 My ancestors that have been chiefs of
19 tribes of the Cherokee Nation for many, many, many
20 years, and as such we've been fighting for our
21 rights for a long time, and this battle here in
22 Utah is the battle. It is the battle, whether you
23 want to believe it or not. The cases that are
24 before federal courts right now will be the
25 deciding factor.

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1 I urge the citizens of Utah, if you are
2 interested in seeing this resolved that you support
3 the Goshutes that are in these battles for their
4 sovereign rights. The other issue that has come up
5 in this that I feel as a citizen you should know
6 because these issues are being withheld from the
7 media, and that is the duplicity that exists
8 between PFS, the Bureau of Indian Affairs and Mr.
9 Bear.

10 I appreciate the opportunity to be in
11 Utah. It is a beautiful place. And it is a sacred
12 place of our people and we want to see it stay that
13 way and we want to protect the rights of our people
14 from this time forward and we appreciate the
15 opportunity for you hearing our words. For which,
16 thank you.

17 JUDGE FARRAR: Mr. Clayton, we
18 appreciate your remarks. Alberta Mason is next.
19 And then Sammy Blackbear. Is he here? Go ahead,
20 Ms. Mason.

21 MS. MASON: Good evening everybody. My
22 name is Alberta Mason and my statement is going to
23 be short and sweet. I am a member of the tribal
24 council of personal chiefs of NATO Indian Nations
25 and I'm here to speak on behalf of Native American

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1 communities across the United States. What happens
2 here on this small reservation of the Goshute, of
3 the Skull Valley Goshutes will impact everyone of
4 us and our ancestral families. I am now, and along
5 with other First Nations, we are concerned that the
6 U.S. Government is trying to solve a nuclear waste
7 problem by setting up nuclear waste storage sites
8 on tribal lands by a course of foul play, if
9 necessary, as illustrated by a field study
10 conducted by the local BIA agency towards the Skull
11 Valley Goshute Tribe. I am also the executive
12 director of the Environmental Justice Foundation, a
13 nonprofit organization. Our primary purpose is to
14 ensure indigenous people and communities from
15 environmental injustice. What I have witnessed
16 here these past five years is environmental racism
17 at its worst.

18 (Applause.)

19 The pattern never changes, You suit the
20 purpose of the dominant society regardless of the
21 health, welfare and traditions of the native
22 people. When is it ever going to change?

23 (Applause.)

24 We have a consortium of corporations
25 from back east generating billions of dollars per

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1 week coming to the Goshute Tribe offering a string
2 of beads, so to speak, to store nuclear waste on
3 their tribal lands. The Skull Valley Goshute
4 people are only asking for fair play. Yes, they
5 would like economic development for themselves and
6 their children. But at what cost? How many of you
7 are willing to give of up your backyard for a
8 nuclear waste dump by giving up your sovereign
9 rights?

10 (Applause.)

11 I hope the issues I have outlined here
12 are perfectly clear. It's very simple. Tribal
13 sovereignty and the right to self-determination of
14 the Native American people are constantly being
15 undermined. I am here today to declare that we
16 will no longer allow this to happen. NATO American
17 communities -- Native American communities stand in
18 support behind the newly elected Skull Valley
19 Goshute tribal government in their fight for
20 self-determination, self-empowerment and dignity as
21 a sovereign people. Thank you.

22 (Applause.)

23 JUDGE FARRAR: Is Marlinda Moon here?
24 Mr. Blackbear?

25 MR. BLACKBEAR: I will also be quoting

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1 from the Blackbear declaration. Hi, my name is
2 Sammy Blackbear, Sr., and I am the Vice Chairman of
3 Skull Valley Band of Goshutes.

4 (Applause.)

5 And I also live in Skull Valley and I
6 also would like to take this time to say that Leon
7 Bear is not the chairman of Skull Valley, Marlinda
8 Moon is.

9 (Applause.)

10 The band has had numerous elections that
11 has removed Leon Bear from his position, but the
12 BIA refuses to listen to the people of Skull Valley
13 and keeps putting him into office despite the will
14 of the people. But the tribal members told us that
15 they have spoken for the last time and that they
16 wanted to tell everyone that the general council
17 chooses its leaders, not the BIA.

18 (Applause.)

19 The Band had an election on September
20 22nd, 2001 which a quorum was present at that. All
21 the Band's requirements were being met and the
22 tribal customs were being followed to ensure that
23 we had a fair and valid election. Leon Bear was
24 made aware of that election and at that time it
25 would take place in Skull Valley. But it was his

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1 decision not to appear and take place in that
2 election because he knew the BIA would do
3 everything in its power to keep him as chairman
4 despite of what the people wanted. But in the end
5 result of that election Marlinda Moon is chairman,
6 Sammy Blackbear, Sr., vice chairman and Miranda
7 Wash as secretary.

8 The Band has had numerous elections
9 since the purported lease was first signed and the
10 BIA keeps ignoring all election results which did
11 not conform with Leon Bear being retained into
12 office. So I say again, when will the will of the
13 people be heard and upheld?

14 I would also like to say at this time
15 that all elections supporting Leon Bear were
16 invalidated by the presence of bribery and
17 corruption and in most cases the absence of a
18 quorum. I have been present when tribal members
19 had told Leon Bear that, "If you keep bribing me, I
20 will keep supporting you and PFS." I have
21 witnessed this. Not only myself, but other tribal
22 members have submitted allegations of embezzlement
23 of tribal funds as well as bribery and corruption
24 to the proper BIA officials, but to no avail.
25 Submitted with these allegations was detailed and

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1 comprehensive evidence in supporting these
2 allegations of these criminal activities.

3 In one particular instance evidence
4 shown that the purported lease had not even been
5 seen by the majority of our tribe, and that the
6 issues have never been voted on in Skull Valley,
7 and that the monies from the lease have not even
8 reached the Band. And that we are still asking
9 today, "Where did that money go?" We got no
10 answer.

11 I was in court when the BIA stated to
12 Judge Campbell that they didn't even have any
13 administrative records of this nuclear waste
14 facility, but they were in the process of making
15 some up. Making some up. And they say Indians
16 aren't competent. The judge said at that time,
17 "Before you go any further you have to deal with
18 these folks legally." I said three years ago, "Why
19 are you still in the licensing process because you
20 are well aware when we win in court this whole --
21 this will change the whole process."

22 Apparently the NRC has ignored us as
23 well, but I hope you listen to what we have to say
24 today. The BIA has claimed to have ongoing
25 investigations during all these many years. And

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1 the Band keeps asking, "Where are they?" The BIA
2 does not dispute any of the allegations, nor
3 questions the evidence, but no evidence of any
4 investigation appears, and no results have been
5 released by the BIA. Nonetheless, the BIA
6 continues to provide funds to Leon while claiming
7 his regime is under investigation for embezzlement,
8 bribery and corruption.

9 I received a letter from the BIA
10 superintendent on 3-25-2002, notwithstanding the
11 September 22nd elections, and continues to affirm
12 Leon Bear as chairman and they continue to ignore
13 the results of the September election and not even
14 mentioning the newly elected officers, Marlinda
15 Moon, chairman, Sammy Blackbear, Sr., vice
16 chairman, and Miranda Wash, secretary. The BIA in
17 the letter, the BIA states its policies of
18 non-interference in tribal affairs, yet the BIA
19 letter is addressed to Leon Bear and the letter
20 states that Leon Bear is the person to whom the BIA
21 will furnish tribal funds regardless to whom the
22 council has elected, and regardless of the fact
23 that the BIA claims -- the BIA claims to have Leon
24 Bear under investigation for embezzlement, bribery
25 and corruption. And I can't wait for that

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1 explanation.

2 I would also like to say that the Band
3 is tired of the BIA's constant interference in
4 Skull Valley matters. I have also witnessed the
5 BIA using their police force to disrupt our tribal
6 elections to keep Leon Bear in office, which is a
7 slap in the face to our people. We are well aware
8 of the BIA's objective and goals and we know that
9 if they keep supporting Leon Bear they think the
10 people of Skull Valley won't ever find out the
11 truth about their involvement in questionable
12 activity concerning the nuclear waste facility.
13 But even they can't hide the truth from us.

14 Myself and other tribal member council
15 members have been pursuing a lawsuit against the
16 BIA and the BIA officials, both in their official
17 and individual capacities for improperly supporting
18 this ongoing and long-term pattern of embezzlement,
19 bribery and corruption. And for the record, it was
20 stated before, but I'll say it again, our Case No.
21 2:01CV317C is filed in the Central District Court
22 in Salt Lake City, Utah. And our lawsuit also
23 claims that the BIA has failed to properly pursue
24 its investigation in all of these criminal
25 activities, but keep in mind we will be pursuing

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1 ours as well. So I suggest you do the same.

2 I would also like to say that Leon Bear
3 has provided false material before the NRC and
4 refuses to provide evidence in support of the NRC's
5 inquiring into allegation of embezzlement, bribery
6 and corruption, and instead he claims immunity
7 shield against the NRC and against the Band as
8 well, with also assistance from the BIA. It is
9 obvious the BIA tends to improperly support him and
10 his position. I'm just about finished. Tribal
11 members will remain helpless unless the NRC pursues
12 its inquiries. But keep in mind we will keep
13 pursuing ours and that we will keep pursuing our
14 lawsuit until justice is upheld and the will of our
15 people.

16 So I will say it for the last time, the
17 general council chooses its leaders, not the BIA.
18 Thank you.

19 (Applause.)

20 JUDGE FARRAR: Thank you, Mr. Blackbear,
21 for what I know are very heartfelt remarks. How
22 are you doing?

23 THE REPORTER: Pretty good.

24 JUDGE FARRAR: The most important person
25 in the room is the court reporter. If she slows

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1 down on us I can't go ahead. You're okay, then?

2 THE REPORTER: I'm fine, thank you.

3 JUDGE FARRAR: Ms. Moon, go ahead.

4 MS. MOON: My name is Marlinda Moon.

5 I'm the chairperson of the Skull Valley Band of
6 Goshutes and I would like to take this opportunity

7 --

8 (Applause.)

9 I want you to know that Leon Bear is not
10 the chairman of the Skull Valley Band of Goshutes.
11 And as I've said before, we've have had numerous
12 elections that have removed him from his position.
13 The latest was on September 22nd where we did have
14 a quorum present and all requirements being met for
15 a fair and valid election was happening. Skull
16 Valley Band tribal tradition and traditions were
17 followed. Leon Bear is no longer the chairman.
18 We, the newly elected executive committee, have
19 been elected into this office. Me, Marlinda Moon
20 as chairman, Sammy Blackbear, vice chairman, and
21 Miranda Wash, tribal secretary. In other words,
22 the Tribe removed Leon Bear as chairman and they
23 removed Royce Gippy as vice chairman. Over half
24 the adult voting members signed in at that
25 election. Everyone voiced a desire for change in

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1 leadership. They knew what this meeting was for
2 and was concerned enough to vote for new
3 leadership. The BIA cannot make that decision for
4 us, nor can anyone else. The BIA by what they are
5 now doing is corrupt and are failing in their
6 fiduciary duties and trust responsibilities.

7 JUDGE FARRAR: Ms. Moon, can I interrupt
8 you for a second? I know how important this is to
9 all of you and I let Mr. Blackbear go on much
10 longer than the time allotted because of that.
11 Because of that and the number of other people, and
12 I know how important this is to you, because of
13 that and the number of people we have yet to hear
14 from, could you try not to repeat what Mr.
15 Blackbear said, but touch on the things that you
16 have that are different from his?

17 MS. MOON: Okay.

18 UNIDENTIFIED FEMALE: She may have my
19 time.

20 UNIDENTIFIED MALE: Mine too.

21 UNIDENTIFIED FEMALE: Mine too.

22 (Applause.)

23 MS. MOON: Leon Bear --

24 JUDGE FARRAR: Wait a minute. The
25 second date I had with my wife was to the -- many

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1 years ago, you'll know by the name of the movie,
2 was to see the movie Spartacus. And I never
3 thought I would see people do what those of you saw
4 -- maybe you're all too young to have seen it --
5 but when the Romans wanted to know who the slave
6 Spartacus was -- pardon me?

7 MS. MOON: Go ahead.

8 UNIDENTIFIED MALE: You're wasting time.

9 JUDGE FARRAR: Fine.

10 UNIDENTIFIED FEMALE: I guess the
11 difficulty is just that there's so little time.
12 I'm interested in your story, but --

13 JUDGE FARRAR: I was just commenting on
14 people's reaction --

15 UNIDENTIFIED FEMALE: I appreciate that.

16 JUDGE FARRAR: But if you don't want to
17 hear it, go ahead. Who are the people who offered
18 the time? What's your name?

19 MR. ROBINSON: Burt Robinson.

20 JUDGE FARRAR: And who else?

21 MS. RUTH: Jerry Ruth.

22 JUDGE FARRAR: Thank you.

23 MS. MOON: PFS has chosen to work with
24 Leon Bear. Leon is now only a member of the
25 general council, and as such is under investigation

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1 for embezzlement, bribery and corruption. At the
2 local level the BIA has written a letter stating
3 that he is the only person to whom the BIA will
4 furnish tribal funds. The local BIA superintendent
5 disregards the tribal general council -- disregards
6 to the tribal general council has elections. They
7 are now entrusting Leon with federal funds and
8 financial responsibility even though he is under
9 investigation of embezzlement, bribery and
10 corruption but continue to work with Leon saying
11 they don't want to work with the tribe as a whole.

12 Leon is not the only owners of our
13 tribal lands. The Skull Valley Goshute Tribe has
14 practiced the traditional form of government. The
15 people are the decision makers. Their voices do
16 count. Leon almost forget that when PFS came
17 along. We are told the fees from PFS were supposed
18 to benefit all tribal members. It has not. The
19 reservation was also supposed to benefit. It has
20 not. Only Leon Bear's supporters have benefited
21 and he has denied other economic development on the
22 reservation because of the PFS lease agreement.

23 When it comes to the lease, not everyone
24 has seen it so maybe it's just between Leon Bear
25 and PFS. If that's so, then we ought to draw up a

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1 contract with all members on it because we all own
2 the reservation. We removed Leon Bear because we
3 wanted a leader who would treat everyone equally.
4 Leon was denied us that. It does not follow our
5 traditional form of government.

6 In conclusion I would like to note all
7 -- we are all property owners of our tribal lands
8 called the reservation and the decision is up to
9 all tribal members, not just one. And I would like
10 to repeat a statement by one of our elders who
11 said, "Why couldn't they leave us alone? Why do
12 people, when they never cared about us or what
13 happened to us, they never came out to the
14 reservation until this nuclear thing happened, why
15 don't they just leave us alone."

16 Thank you for your time.

17 (Applause.)

18 JUDGE FARRAR: Next we have Rainer
19 Knutsen and Barbara Gander. Is she here?

20 MR. KNUTSEN: My name is Rainer Knutsen.
21 I would like to thank everybody for coming out
22 here. It's really important for everybody to be
23 here. I am here today to charge the Nuclear
24 Regulatory Commission with attempted crimes against
25 humanity and the environment for issuing a faulty

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1 Final Environmental Impact Statement on the
2 proposed nuclear waste dump at the Skull Valley
3 Goshute Reservation. I demand that you take this
4 opportunity to deny the license and make up for the
5 mistake of this -- this huge colossal mistake of
6 this Environmental Impact Statement that you have
7 released.

8 The FEIS fails to address serious
9 health, safety, environmental and economic
10 consequences of transporting and storing of 40,000
11 metric tons of highly deadly waste at Skull Valley.
12 As far as I'm concerned, the Final Environmental
13 Impact Statement is basically 13 pounds of garbage
14 that's not worth anything other than just putting
15 it in my recycling bin, and I demand that you take
16 this opportunity to not only deny -- if you're not
17 going to deny the license right now, then to redo
18 the entire Environmental Impact Statement and
19 seriously look at the consequences of transporting
20 this nuclear waste from around the country on the
21 nations highways and railroads, through major
22 cities and through neighborhoods on its way to
23 Utah.

24 PFS signed an illegal lease with the
25 prior executive Tribal council. This lease should

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1 be null and void. I demand that the Nuclear
2 Regulatory Commission recognize the new Goshute
3 Skull Valley tribal council and the majority of the
4 Goshute people who oppose the nuclear waste.
5 Marjean Bullcreek, a good friend of mine for the
6 past five years, has told me over and over again,
7 "Our sovereignty is not for sale." I'm asking you
8 to help us protect our beautiful desert and our
9 future generations. It is time for a safe and sane
10 nuclear policy.

11 I'm also here to join with probably the
12 majority of the people in this room to let you know
13 that Utah is not the dumping ground for the nuclear
14 industry. And I'm asking the NRC to take a stand
15 and to protect our people and our environment for
16 the future by denying this outrageous proposal to
17 bring nuclear waste and store it on the beautiful
18 Skull Valley Indian Reservation. Thank you.

19 (Applause.)

20 JUDGE FARRAR: Thank you, Mr. Knutsen.
21 We've got Ms. -- we've got Ms. Gander?

22 MS. GANDER: Yes.

23 JUDGE FARRAR: And then Mary Dickson.
24 Go ahead, Ms. Gander.

25 MS. GANDER: I would like to thank the

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1 licensing board and the chairperson for listening
2 and being patient with us all tonight. Thank you.

3 I'm a Salt Lake County resident and a
4 parent of three young girls. I grew up in Utah and
5 I left the state for ten years and I came back to
6 raise my family, and I love living in Utah.

7 I'm very opposed to this project. I
8 feel that it jeopardizes Utah's safety and I want
9 to keep Utah a safe place for our families. My
10 first and foremost concern is that -- is the
11 proposal site's safety. Proposed is a temporary
12 site for accommodating up to 40 years of nuclear
13 waste. Once the nuclear waste is here just 45
14 miles from Salt Lake City it will be out of site
15 out of mind to the rest of the country and could
16 remain in Utah indefinitely.

17 I'm extremely concerned about the safety
18 of waste stored in canisters that are placed
19 unenclosed upon concrete pads surrounded by a chain
20 link fence. This site is unprotected and
21 vulnerable. The site's proximity to Hill Air Force
22 Base concerns me. This is not a safe and
23 responsible proposal. It is unacceptable to me to
24 build a temporary nuclear waste site. A storage
25 site should be designed and built as a permanent

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1 facility with ongoing monitoring, maintenance and
2 responsibility.

3 The LLC status of the consortium that is
4 advocating this project concerns me greatly. If
5 some catastrophic event occurs, who will take
6 responsibility? I think that a permanent facility
7 should be sought after, Yucca Mountain or wherever
8 an appropriate safe site is, and the permanent
9 site's construction should be fast tracked and then
10 all the nuclear waste should go directly to a
11 permanent facility.

12 I'm extremely concerned about the
13 transportation of nuclear waste along our railroad
14 system which passes through and by populated areas.
15 I think that the safety of the containers could be
16 very easily jeopardized and I think that planning
17 to move the waste twice, once to a temporary
18 facility and later to a permanent site, compounds
19 the risk for a transportation accident.

20 I recognize this is a tremendously
21 difficult decision. You should be making the
22 decision based upon the best possible site that
23 provides the utmost safety permanently. I think
24 that the Skull Valley temporary site should be
25 denied. We've spent millions of dollars bringing

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1 the Olympics to Utah to showcase our beautiful
2 state and to entice tourists. Approving this
3 project sends the message that we are a pretty
4 great state for nuclear waste, and that's the wrong
5 message.

6 Please keep Utah safe for our families.
7 Imagine what it would be like if you lived in Utah.
8 Thank you.

9 (Applause.)

10 MS. DICKSON: My name is Mary Dickson,
11 I'm a resident of Salt Lake City and I am a
12 downwinder so I have lived with the effects of this
13 sort of thing. I know a lot of people who should
14 have been here tonight to offer their objections to
15 this proposal. They're not here because, quite
16 frankly, they don't have any confidence in this
17 process. I have heard a lot of those people say,
18 "This is a done deal, these hearings are just a
19 formality." And if we look at the record it's easy
20 to see why so many of us are disillusioned.

21 In NRC's history it has failed to
22 approve only one proposal. This Commission has a
23 major credibility problem. Too many of us don't
24 believe that you have any incentive to objectively
25 weigh anything we say. I urge you respectfully to

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1 please listen to the points you're hearing tonight,
2 please thoughtfully consider them.

3 In his recommendation of Yucca Mountain,
4 NRC Secretary Abraham cited scientific studies,
5 most of them concluding that the best way to secure
6 nuclear waste is to store it in a deep underground
7 repository. If that's the overwhelming scientific
8 evidence the government claims it is, why are we
9 just talking about storing waste temporarily on a
10 concrete pad above ground in Utah?

11 (Applause.)

12 Utah was chosen, as we all know, not
13 because it's the safest, nor because it's the more
14 secure site, but because a consortium of
15 out-of-state powerful utility corporations needed a
16 place to dump their waste so they cut a deal with
17 the Skull Valley Band of Goshutes. You've heard
18 tonight that that deal is mired in controversy and
19 plagued by allegations of misconduct. You know the
20 tribe is deeply divided over the PFS plant. You
21 also know the FBI has been investigating
22 allegations of corruption. It's not surprising
23 that the BIA last week proclaimed Mr. Bear, who
24 advocates storing the fuel, as being in charge.
25 But there is no definitive impression of the will

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1 of the Skull Valley Band of Goshutes concerning
2 either intertribal leadership or storage of the
3 waste. To approve the PFS plant in a time of
4 tribal division is nothing more than opportunistic
5 exploitation of the Native American culture.

6 (Applause.)

7 Utah has known the Skull Valley site is
8 risky. We have lived with earthquakes and
9 wildfires, we have suffered, as I said, the health
10 effects of atomic fallout. And now, like all
11 Americans, we know the very real threat of
12 terrorism. In a post September 11th world it makes
13 absolutely no sense to concentrate most of the
14 nation's nuclear waste above ground in one place
15 and protect it with a chain link fence.

16 Then there looms the question of
17 transportation safety. Over the past three decades
18 more than a dozen rail and highway accidents in
19 this country were so severe they could have
20 compromised the steel casks. The possibility of
21 accident or attack puts the risk not to just
22 Utahans, but to every American living along the
23 transportation corridor. We ask you to objectively
24 weigh our points. Too many of us suspect that
25 nothing we say matters. Please, I beg you, prove

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1 us wrong. Prove that these hearings are not a mere
2 formality. Prove that the system still works, that
3 we citizens still have a voice. Do your duty and
4 not the bidding of the nuclear industry. Thank
5 you.

6 (Applause.)

7 (The Board conferred off the record.)

8 UNIDENTIFIED FEMALE: No secrets.

9 JUDGE FARRAR: Next is Ursula Zwick.

10 UNIDENTIFIED MALE: Gone but not
11 forgotten.

12 JUDGE FARRAR: Peter Hines? After him
13 would be Bonnie Macri. Is she here? Mr. Hines, go
14 ahead.

15 MR. HINES: My name is Peter Hines and I
16 live in Ogden, Utah. I'm strongly opposed to the
17 PFS proposed high-level nuclear waste dump at the
18 Skull Valley Indian Reservation. This is because
19 of the immediate and long-term threats this waste
20 will pose to our communities. They tell us that
21 the nuclear waste slated for Skull Valley will be a
22 temporary solution with the illusive promise that
23 this waste will be eventually transferred to Yucca
24 Mountain. I, as a citizen of Utah, know better.
25 If the nuclear nightmare ever comes to Skull Valley

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1 it will never leave. It will be there 10,000 years
2 from now, still toxic and still deadly. You may
3 wonder how can I have such confidence that this
4 would be the case.

5 Well, first, by the year 2020 Yucca
6 Mountain will have -- will not have enough capacity
7 to hold all the nation's projected waste which
8 increases by 2,000 metric tons each year. And
9 second, because of the "not-in-my-backyard"
10 syndrome, the public opposition of other states
11 refusing this toxic stew would be fierce. In the
12 near future the allowing of this waste into our
13 communities poses potentially catastrophic and
14 unthinkable threats to our communities from either
15 acts of terrorism, accidents or both.

16 I, for one, am not willing to allow our
17 futures and that of generations to come to be
18 risked by these highly toxic and dangerous wastes.
19 Not only am I opposed to the Skull Valley waste
20 site, I am also opposed to the use of Yucca
21 Mountain as a permanent storage site. To many this
22 opposition may seem unrealistic, but they say the
23 waste has to go somewhere -- because they say the
24 waste has to go somewhere. But to those who say
25 this I have several answers. First, since no one

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1 wants this waste in their backyard and since it is
2 highly lethal for over 10,000 years, we should not
3 be in the business of creating it to begin with.

4 (Applause.)

5 Second, we have vital industrial grade
6 renewable power technology at our disposal and we
7 should have an Apollo man-on-the-moon type program
8 to wean ourselves from the use of nuclear power and
9 the continued creation of waste that no one wants.
10 This option makes all the more sense because it
11 would actually be cheaper when all the external
12 costs of the nuclear industry are properly factored
13 in.

14 Third, because the states that use
15 nuclear power that creates this waste to begin
16 with, they should be responsible for its disposal.
17 And so I do not want to enable the nuclear industry
18 to believe they have solved the problem by allowing
19 us to sweep their dirty little problem under our
20 proverbial rug, i.e., dumping it in our backyard.

21 Four, as a nation we have a moral
22 responsibility to future generations and to the
23 planet to create no more of this destructive
24 material. In place of the nuclear waste dump at
25 Skull Valley, I would propose that the State of

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1 Utah, with the help of the U.S. Government develop
2 industrial grade renewable power. By taking this
3 leadership role Utah could help protect the
4 environment and set an example to the nation and
5 the world. In addition, we could also help our
6 state and enable the American economy by developing
7 a whole new renewable power industry. Our country's
8 national security would also benefit as we become
9 more energy independent.

10 In conclusion, I strongly urge the NRC
11 to not allow any nuclear waste to pass through the
12 borders of the State of Utah. In addition, I call
13 for Utah and Nevada to stand shoulder to shoulder
14 in resolute opposition to the use of their lands
15 for the nation's nuclear dump. We must have a
16 long-term solution. And with this in mind, I
17 propose an aggressive pursuit of renewable energy
18 at the national and state levels with a
19 corresponding reduction in the use of nuclear
20 power.

21 Thank you very much.

22 JUDGE FARRAR: Thank you, sir. Bonnie
23 Macri followed by John Adamson. Is he here?

24 MS. MACRI: I think that I represent
25 Justice Economic Dignity and Independence for

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1 Women, JEDI Women here in Utah, and we deal
2 everyday with corporate welfare. And I think this
3 is just another example of corporate welfare, PFS.
4 The only people that benefit financially will be
5 PFS and the people that bring them here. The
6 people of Utah will not benefit financially. The
7 Indian nation will not. The Goshute nation will
8 not benefit financially, all of their people will
9 not benefit.

10 We need to look at the reality here and
11 see what's really happening. I think that their
12 cover-up is so obvious and for you to continue to
13 even sit there and pretend that this is not going
14 to be approved is an embarrassment to the whole
15 state, it's an embarrassment to me and it's an
16 embarrassment to the people of Utah and the people
17 of the United States. I think that at this point
18 nothing more needs to be said. I think that
19 whatever you choose to do you have your own
20 conscience to live with and I think that's all that
21 needs to be said.

22 (Applause.)

23 JUDGE FARRAR: Mr. Adamson.

24 MR. ADAMSON: Thank you. Good evening.

25 My name is John Adamson, I'm a fifth generation

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1 Utahan on my mother's side and the fourth on my
2 father's. I'm trained as an anthropologist and an
3 economist. I'll give you a 30-second view of this
4 project from those disciplinary lenses. This would
5 fall under what the economists call an externality.
6 In other words, if the leaves fall from my tree
7 onto my neighbor's yard and I don't want to rake
8 them up, I pay my neighbor 10 bucks, he pays his
9 kid five and the leaves get bagged. He makes a
10 little profit and I get to watch football and
11 everyone is happy. The underlying assumption is
12 that money solves everything; it addresses any
13 imbalance in the social fabric.

14 Gentlemen, this is not true. Also,
15 economic theoretical underpinnings fail to take
16 into account special circumstances, for example,
17 the leaves burn up, the entire block goes up in
18 flames. We who live five houses down who got no
19 benefit from this tree and get no benefit for the
20 compensation for the leaves are simply out of luck,
21 except usually in this society we are protected by
22 free market excesses, by the tyranny of the
23 minority through overarching social, political and
24 legal remedies, i.e., our political system.

25 We as a state have acted as a body

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1 politic through our Governor, our Mayor and our
2 legislature to reject this proposal, but some
3 genius of a cynic has come up with the idea that we
4 can be circumvented in our entirety by bringing up
5 the issue of tribal sovereignty.

6 That's what I wish to speak about, and
7 I'll be quick, is the anthropology side. You have
8 the ammunition to block this right there because
9 the very principle that's being invoked will, in
10 fact, be undermined by this project because every
11 one of these canisters comes replete with a hidden
12 army of government control and regulation. The
13 Federal Government can never abdicate its
14 responsibility for this waste. Therefore, they
15 become partners with this tribe forever as long as
16 that waste is there and you gentlemen, by approving
17 this license, put your commission in the Indian
18 affairs business, which you're ill-suited to be in.
19 The legal complexities of tribal versus state
20 sovereignty is far beyond your purview or should
21 be..

22 What you can do is you can kick this
23 back to Washington, D.C. You can declare a
24 moratorium on any temporary storage plant, which
25 should have been done September 12th, anyway.

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1 That's what the --

2 (Applause.)

3 -- most robust and vigorous channels of
4 democracy do their job. Do not let these poor
5 people sell their birthright for this particular
6 bowl of porridge. It's bad economics, it's bad
7 science, it's bad environmental policy, but the
8 implications it has for Native America are truly
9 dire. This precedent could end sovereignty as they
10 know it. Don't let that happen. You have the
11 power to stop it. Let democracy, not bureaucracy,
12 and certainly not hypocrisy be the final arbiter of
13 this complex issue. Thank you.

14 (Applause.)

15 JUDGE FARRAR: Thank you, Mr. Adamson.
16 Peter Litzler.

17 MR. LITZLER: Hi there. My name is Pete
18 Litzler and I too am speaking in opposition to
19 dumping the nation's high-level nuclear waste in
20 Skull Valley and transporting it across and all
21 throughout the United States. Comments I wanted to
22 make, I had one original comment that I've been
23 thinking of, but an observation from watching this
24 hearing is, first, I would like to comment on the
25 interruption of Marlinda Moon. I think that was

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1 really disgraceful.

2 (Applause.)

3 And a lot of the reason I think that was
4 disgraceful is because I think it demonstrates the
5 disregards the leadership, when the legitimate
6 elected leadership of Skull Valley is not taken
7 seriously by the Bureau of Indian Affairs, by the
8 NRC, by the Federal Government, and I think you
9 just demonstrated right there what that looks like
10 in front of all of us. It was really, really
11 amazing.

12 (Applause.)

13 I mean even if -- and I think this is an
14 important point, that even if she was being
15 redundant, even if she was going to be, even if she
16 whispered what she had to say, she was actually
17 articulate, she was incredibly heartfelt and
18 emotional. She had a right, even if she was being
19 redundant with Sammy, she had a right to assert her
20 heart, she had a right to assert her authority.
21 She had that right. She's the chairman of the
22 tribe. I mean, how can you do that?

23 (Applause.)

24 I mean, that's one point I just bring up
25 now that that's happened. The second point is, if

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1 this goes through and we can't through the proper
2 channels -- see, basically I hope this testimony is
3 being taken seriously and this isn't just a
4 kangaroo hearing. I mean, I have been to other
5 hearings where it just seems like, you know, the
6 panel is gracious and they're complimentary to the
7 people who are here and they seem like they're
8 listening, but then everybody walks away and it
9 seems like people's heartfelt desire is not really
10 taken all that seriously because the economics, the
11 politics and the bureaucracy and the hypocrisy just
12 kind of allows all that stuff to be forgotten.

13 Now, if this stuff is approved and this
14 waste gets to come out here and this waste gets to
15 be shipped every place it gets shipped through,
16 every inch of road and rail it gets shipped
17 through, I am going to be -- the civil response is
18 going to be amazing. I mean, the escalation that
19 I'm seeing here, okay, we have seen what has
20 happened in other parts of the world when they have
21 tried against the public will to ship high-level
22 radioactive waste. You know, it's really, really
23 incredibly lame, but people end up getting hurt
24 just due to the fact that we've gone through the
25 proper channels to try to stop this stuff. And I'm

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1 really hoping we can in this process put a stop to
2 this.

3 I support everybody that says we should
4 stop producing this stuff in the first place, but
5 if this gets approved, if we can't keep it where
6 it's at and find a way to manage it in the states
7 where it's produced in, and this stuff starts
8 coming across the country we're going to have an
9 embarrassing mess on our hands, and you guys know
10 it. Everybody here knows it. Everyone around the
11 world who has tied themselves to railroad tracks to
12 stop shipments knows it. And I just hope that as
13 we go through this process -- I hope it stops at
14 this process. But I hope this process proceeds in
15 that we're kind of hoping to avoid a future like
16 that.

17 (Applause.)

18 JUDGE FARRAR: Next is Lawrence Bear.
19 Mark Bushnell?

20 MR. BUSHNELL: Good evening. I also
21 would look to add my remarks of appreciation and
22 respect for how you're handling the whole situation
23 and your patience with the audience who comes from
24 many diverse areas, as you're well aware. My name
25 is Mark Busnell. I represent the Utah Defense

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1 Alliance. I come from a background as a former
2 combat pilot, and presently as a board member of
3 the Utah Defense Alliance want to share that our
4 charter is the preservation of the military
5 installations that we have here in the State of
6 Utah. So any threat that we see that could perhaps
7 encroach on these military installations and
8 ultimately the economy and welfare of the northern
9 Utah, we take issue.

10 So we do take issue with the storage of
11 nuclear waste in Skull Valley. And the issues are
12 on a number of fronts, many of which are contained
13 in the Environmental Impact Statement. But I want
14 to bring up one which has come up again and again,
15 but perhaps not in the detail that I want to share
16 with you. That's the issue of the threat of
17 terrorism to the stored waste above ground in Skull
18 Valley.

19 Disregarding any terrorist threat in
20 transportation, I just want you to be aware that a
21 F-16 fighter jet, which flies here quite regularly,
22 if it were to impact one of these casks at the
23 speed that we fly it would breach the cask. This
24 fact, according to my information, is in the
25 records of the study conducted by the NRC itself.

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1 Now, breaching the cask, of course,
2 releases this radioactive material, and we're
3 talking about perhaps an accident, but furthermore,
4 I think it's even more likely that not an accident,
5 but an intentional attack on this installation
6 would be very likely, particularly in light of what
7 we've seen now as a nation in the City of New York.

8 We could expect an attack either from
9 the ground because the place is not secure and not
10 defended. Weapons exist that can be launched from
11 the ground into the area of the storage with
12 weapons accessible to terrorists that can breach
13 these concrete casks. Also from the air it would
14 be very easy. As a former pilot, I can see how
15 easy it would be to equip an aircraft with weapons
16 capable of breaching the casks and attacking this
17 collection.

18 What greater target would terrorists
19 have than 40,000 tons of high-level nuclear waste
20 that when released into the air will completely
21 shut down the Wasatch Front, Hill Air Force Base,
22 the Utah Range, Interstate 80, Salt Lake City
23 Airport, and virtually shut down the State of Utah.
24 What a great success it would be.

25 (Applause.)

1 My thrust to you, if you would, please,
2 is to please approach this question with the wisdom
3 and the truth that I know is imbued in your seat in
4 the judgment that you require. I would ask that
5 this issue be properly looked at because it has not
6 yet been so, and then I am sure that there would be
7 a decision after a proper look that storing nuclear
8 waste in Utah should be denied.

9 (Applause.)

10 JUDGE FARRAR: Thank you, Mr. Bushnell.
11 Michelle Bowden McDura, I can't quite read it, and
12 then Nolani Taylor. Is she here? And then John
13 Hadder. Go ahead.

14 MS. McDURA: I'm going to be reading
15 from "The White Paper" which is compiled by a
16 coalition regarding terrorism. "Radioactive
17 contamination from an accident or terrorism on site
18 or enroute would damage water and air resources and
19 threaten public health. PFS does not have the
20 necessary financial assets to address the losses.
21 One nuclear fuel assembly through pressured water
22 reactor, PWR, about 1/2 ton of fuel, contains as
23 much long-lived radioactivity as ten Hiroshima
24 bombs." The National Commission on Radiation
25 Protection and Measurement recently released a

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1 report entitled "Radiation Protection Issues
2 Related to Terrorism Activities that Results in the
3 Dispersal of Radioactive Material." It showed that
4 a blast of 1,000 pounds of TNT will release enough
5 radiation for more than 100 kilograms of nuclear
6 fuel, about 1/5 of a PWR nuclear fuel assembly, to
7 expose everyone within a 20-mile radius to a lethal
8 death of radioactivity.

9 PFS has failed to adequately evaluate
10 the risks from terrorism and does not have the
11 aspects to repair the inevitable damage that would
12 result from an accident of terrorism. Prior to
13 license issuance NRC will not require PFS to
14 demonstrate that it will be able to obtain
15 sufficient funds to build, operate, safeguard and
16 close the proposed facility. Instead, NRC will
17 allow the PFS to build the storage facility upon
18 showing PFS has sufficient commitments rather than
19 actual funds in hand to cover construction.

20 In addition, NRC will allow PFS to
21 operate if it has contract commitments, not funds,
22 to cover costs of storing the volume of waste
23 designated by PFS contracts. None of these
24 commitments cover victims of accidents at Skull
25 Valley. Potential economic costs of a storage or

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1 transportation accident could be significant. The
2 NRC has no on-site nuclear property or nuclear
3 liability insurance requirements. NRC cannot look
4 to PFS's liability under the lease with the Skull
5 Valley Band because it's ordinarily limited to the
6 amount of money available through commercially
7 reasonable nuclear liability insurance even if
8 actual costs are much higher.

9 Furthermore, the contractual lease
10 agreement between PFS and the Band are beyond NRC's
11 control and they change over the liability. In
12 sum, there are no assurances that there will be
13 financial resources available to address potential
14 on or off-reservation impacts from an on-site
15 incident. It is unclear whether Federal law will
16 allow recovery of damages for accidents that occur
17 in transportation that occur either to or from this
18 facility. But even if it does, nuclear utilities
19 would be liable for less than a maximum of \$9.43
20 billion of accident costs. The Federal Government
21 and ultimately the U.S. taxpayers are responsible
22 for the rest, and the rest could be significant.
23 The Band could be financially destroyed and the
24 victims would not be helped. The estimated
25 economic costs for a transportation accident in a

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1 metropolitan area range from 14 to \$313 billion.
2 So I ask you not to -- to vote against this
3 proposal as a concerned citizen.

4 (Applause.)

5 JUDGE FARRAR: Thank you. Mr. Hadder.

6 MR. HADDER: Finally. My name is John
7 Hadder, J-O-H-N H-A-D-D-E-R. I'm speaking tonight
8 on behalf of myself and Citizen Alert, a Nevada
9 based non-profit. For the record, Citizen Alert
10 and myself oppose this project. We stand with,
11 like most of the people in this room, in opposition
12 to it. And I'm reminded of DOE hearings tonight.
13 This is very similar to hearings we have in Nevada
14 with the Department of Energy on Yucca Mountain.
15 Many people come out, they're very angry, they're
16 not sure if they're getting listened to, and they
17 go very late. I will try to be as brief as
18 possible.

19 Like the Western Shoshone in Nevada,
20 native lands are again a target for nuclear waste,
21 both the Nevada test site at Yucca Mountain as well
22 as Shoshone land. We see that the efforts of
23 nuclear industry under the veil of the Office of
24 the Nuclear Waste Negotiator has landed us here.
25 Other tribes were the focus of this strategy;

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1 McDermitt Reservation in Nevada, Mescalero Apache
2 in Arizona. This is the pattern of environmental
3 injustice, period, and it needs to stop.

4 I would also like to make a comment
5 regarding this document, the Final Environmental
6 Impact Statement. We never received one in our
7 office, even though we were supposedly on the list
8 to receive one. My attempts to receive one were
9 very difficult or were unsuccessful. This is a
10 copy of a local copy. So I would like to ask,
11 request that the NRC make this process a little bit
12 less opaque to the public and be able to supply
13 materials. I attempted to use something called an
14 ADAMS system on the Internet to obtain information.
15 So this was not a simple process and, in fact, I
16 don't think my computer has ever accepted the
17 software. So please work on that one.

18 This is something we've also seen with
19 the Department of Energy too, so I hope it's not a
20 Federal Government pattern. The few things that I
21 have been able to glean from the Final
22 Environmental Impact Statement in the 24 hours that
23 I've been here is, first of all, there is no
24 credible alternative and there are no credible
25 analysis on on-site storage alternative. It is

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1 only briefly discussed under the idea of no action
2 alternative, no action as a baseline, but the
3 analysis is not detailed in terms of on-site
4 alternative for the next 20 or 40 years.

5 In fact, what little is actually said
6 about on-site storage is that there is no
7 significant impact over the next 30 -- I think 30
8 years. That's in section -- Chapter 9, page 10.
9 So that in itself is very interesting. I'm going
10 to point to a couple of other things I noticed and
11 connect these together.

12 First of all, on Table A-2 there's a
13 discussion of costs, cost benefit analysis, and it
14 claims there that without the PFS facility it would
15 cost the utilities about \$4.5 billion. Now, it's
16 not entirely clear from the document whether this
17 includes the construction of on-site storage at all
18 facilities or whatever their storage is doing. I
19 know that the State of Nevada has also created an
20 estimate -- that created on-site storage at all
21 facilities that need it of \$14 billion which is
22 based on the experience at Rancho Seco in
23 California where they are doing dry gas storage
24 there. So this table also talks about avoided
25 costs, that if they go to the Private Fuel Storage

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1 then there's an avoided cost of around \$2 billion.

2 Well, I would like to suggest there's a
3 much bigger avoided cost that the industry could go
4 for. According to the Nuclear Waste Policy Act the
5 DOE was supposed to take the spent fuel in 1998.
6 Well, it obviously hasn't because it has no place
7 to put it. The utilities sued the Federal
8 Government on this issue, and of course they won
9 because it says so in the act, they're supposed to
10 take the waste. The Department of Energy then
11 attempted to negotiate with the community and say,
12 Well, you know, we'll build you the on-site storage
13 facilities and we'll use the money from the nuclear
14 waste money. The utilities have refused this
15 offer. That would be a very large avoided cost if
16 they would use that money. So obviously, cost is
17 not an issue around this facility.

18 Now, so we've got cost is not an issue.
19 It's clear even from the Final Environmental Impact
20 Statement that on-site storage is not a significant
21 environmental impact. What is clear is that there
22 are very few that actually benefit from this, and
23 actually those people are negatively impacted by
24 it, even if the claim is a small impact, such as
25 the transportation analysis that has been discussed

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1 in detail. So I will not go into that, but clearly
2 that's one of the big impacts.

3 So the point is, is at the very
4 beginning of the document it talks about the need
5 for action. There is no need for this action.
6 That seems abundantly clear from just what I have
7 looked at. Facilities can be built on site and
8 that can be done soon. The utilities can
9 completely let the DOE do it for them out of the
10 Nuclear waste Fund, which is money which is
11 designed for long-term management of nuclear waste.
12 So it's completely adequate that way. And it also
13 would avoid any transportation impacts that could
14 happen, even if you think that they're small.

15 So the point is that there is no need,
16 and that actually just came from the few things
17 that I found out about the EIS. So it does not
18 justify construction of this site based on what is
19 actually out there.

20 Another point I want to make also is
21 that it says in there that the waste will not be
22 stored on-site permanently and that after the
23 licensing period will be removed. That's a
24 commitment. Now, I know a lot of people don't
25 believe that. And I don't know whether that's

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1 going to happen or not, but the point is is that
2 wherever it's intended to go is a geological
3 repository. But what if we don't have one? That's
4 not discussed.

5 The Yucca Mountain project is in
6 trouble, folks. It is not a good location. Some
7 people may not know this. It's not scientifically
8 sound and may not even make it through Congress
9 this summer. And there is no alternative that the
10 Department of Energy is studying. So the question
11 is, is where will it go if it doesn't go to a place
12 -- if it doesn't go anywhere else. Is it going to
13 go back to the facilities? That's another
14 transportation scheme. So now we've doubled the
15 impact from the first time around, or almost
16 doubled. So that's an important question I think
17 that really needs to be addressed. The assumption
18 that we're going to have this repository up there,
19 and we may not. Almost every other country in the
20 world is struggling with the problem of nuclear
21 waste, and struggling, and there is really no good
22 answer for it.

23 So where will it go? The facility is
24 clearly a back door effort on the part of the
25 utilities to get the waste off site, period. They

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1 just want it out. They don't care where it goes,
2 they don't care who else has to pay for it or who
3 else has to have the impacts, they just want it
4 gone. There's no financial incentive on this
5 project, there's no safety incentive on this
6 project and all of the impacts actually go in the
7 opposite direction. They just want it gone and
8 that is not a reason to move forward. That is not
9 a reason that the Nuclear Regulatory Commission
10 should approve a license because they want it gone.
11 It should be because -- you approve a project
12 because it is beneficial for the health and safety
13 benefit of all Americans.

14 (Applause.)

15 And in closing, I respect the Board's
16 time it has taken tonight to listen to people's
17 comments, but I do have a few process comments I
18 want to mention. One is, it was mentioned earlier
19 that people should come to this hearing and watch.
20 Well, I should remind the Board that you are here
21 to listen, so please do so, and I hope you do so
22 and take all of these comments seriously.

23 I also bristle a little bit at some of
24 the what appear to be intentional intimidation
25 tactics that the Board has used tonight in forcing

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1 people to hurry their testimony along saying,
2 "Well, we're going to leave at a certain time." If
3 you didn't schedule enough time for the hearing,
4 that is not the fault of the public.

5 (Applause.)

6 The Nuclear Regulatory Commission are
7 public servants. You have a responsibility to do
8 this properly and allow enough time. The
9 Department of Energy has made this mistake numerous
10 times in Nevada. In fact, on September 5th we were
11 up until two o'clock in the morning, at a very wee
12 hour for a hearing and they should have done more
13 of them. So I just want to remind the Board to
14 please respect the public's time also in this
15 process. Thank you.

16 (Applause.)

17 JUDGE FARRAR: We've been going for two
18 and-a-half hours. We're past when we said we would
19 quit. Let's all take a ten-minute break.

20 (Recess taken.)

21 JUDGE FARRAR: Let's come back to order.
22 Come to order, please. We've covered 28 speakers
23 and we have that many more left, that's why I was
24 trying to enforce the time limits, so everyone will
25 be heard. Everyone will now not be heard and --

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1 UNIDENTIFIED MALE: That's your fault.

2 JUDGE FARRAR: We'll stay until 10:30.

3 Anyone who wants to speak for three minutes, we'll
4 read their names. If you don't want to speak for
5 three minutes, don't speak. That way we'll get as
6 many in as possible. If you want more than that or
7 if we don't get your name, we have other limited
8 appearance sessions scheduled in Tooele on Friday,
9 April 26th, 3:30 to 5:30 and 7:00 to 9:30. You're
10 welcome to come to that. What's your name?

11 MS. GLEAN: My name is Randy Glean and
12 I'm a citizen of Salt Lake City. And I want to go
13 on record that I oppose this proposal and just
14 wanted to go back again to that -- a lot of people
15 aren't here, I don't even know if the people here
16 were here -- but there was an incident where the
17 chairperson interrupted the Goshute leader. I just
18 wanted to say that I agree with the comment that
19 was made that that was difficult in that you were
20 taking time away from her in order to speak. But I
21 also wanted to say publicly that I saw your
22 intention was a good intention to appreciate people
23 in the audience. And I think we're all upset and
24 angry for various reasons and I just didn't want to
25 let it go that you were attacked without being able

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1 to respond. So I just wanted to say something in
2 that vein.

3 JUDGE FARRAR: Thank you very much. We
4 certainly appreciate that. Michael Begay. Richard
5 Wagner?

6 MR. WAGNER: Yes.

7 MR. WAGNER: Three minutes?

8 JUDGE FARRAR: Yes.

9 MR. WAGNER: My name is Richard Wagner
10 and I am a citizen of Salt Lake City. I represent
11 the Westminster Students for Peace and Justice, the
12 Westminster Action Network and the Westminster
13 College Green Party. I speak for myself and for
14 all of the people who are not able to be here
15 today.

16 The nuclear industry has been founded on
17 lies, deception and misinformation. Corruption has
18 been the only way to impose and railroad this
19 technology onto the American population. As the
20 great Governor Michael Leavitt said, and I
21 paraphrase, This project is founded on lies,
22 deception, and corruption has been its main tool to
23 continue it forward. It has been implemented
24 behind closed door sessions and people have been
25 kept out. We need to know where the money has gone

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1 and why the money needs to go anywhere in the first
2 place.

3 Hanford, Rocky Flats, Beatty and other
4 sites east of the Mississippi have all leaked.
5 Correct me if I'm mistaken, but these casks, aren't
6 they certified to last a mere 50 years while the
7 waste inside shall last millions of years? What
8 will happen if the Yucca Mountain site, for all of
9 the reasons previously stated, is unable to receive
10 the waste from Skull Valley? What contingency
11 plans exist to pay for those leaks that will happen
12 when the material escapes from these casks? And I
13 am wondering, most importantly, what is being done
14 to protect the people of Utah economically? How
15 will they survive? How will they be kept from the
16 burden of paying the millions upon millions of
17 dollars to clean up waste that they did not want in
18 the first place?

19 Thank you.

20 JUDGE FARRAR: Thank you. Rex Allen.

21 MR. REX ALLEN: Hello again. I'm Rex
22 Allen, Tribal Secretary of the Skull Valley Goshute
23 Tribe and former Tribal Environmental Protection
24 Director who also signed the Private Fuel Storage
25 lease, as you guys all know. I do not support Mr.

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1 Silberg, Mr. Donnell and do not support Private
2 Fuel Storage. I am totally against the NRC's
3 decision on placing the storage facility on the
4 Skull Valley Goshute Reservation. Assessments
5 haven't been done within our homes, nor above the
6 reservation, only down where Private Fuel Storage
7 is, on their site.

8 The tribe has had an open dump for
9 generations. It's not a landfill. There are
10 potential groundwater contaminations because the
11 aquifer runs from the mountains and down to the
12 valley where the site, where Private Fuel Storage
13 plans on building Private Fuel Storage. You know,
14 I have seen it as environmental director, that was
15 an issue for me concerning the open dump and also
16 potential contaminations above there close to our
17 homes, our village, what we call the homes of the
18 reservation.

19 Also within the draft EIS I feel
20 offended that the NRC didn't want to review the
21 Skull Valley Environmental Law Codes and Permits.
22 Also, the environmental operations plan. The tribe
23 does have those in process, even though they are
24 drafts.

25 You know, the reason why I feel offended

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1 over this is because the tribe within its
2 jurisdiction will be the first responders on any
3 contamination, on any terrorist attack or anything
4 like that. I believe the tribe don't have the
5 potential to take care of that. They don't have it
6 now, they can't take care of no little waste within
7 their jurisdiction. I believe the tribe can't
8 handle high-level nuclear waste itself. Where is
9 the safety from NRC and Private Fuel Storage? If
10 both of you don't recognize our jurisdiction, our
11 permits, our tribal laws, I believe that's
12 environmental injustice myself, as former
13 environmental director. That's a potential hazard
14 for me to improve anything within the jurisdiction
15 of our reservation because I would like to see more
16 environmental assessments performed within our
17 reservation. Also, as tribal secretary, and you
18 guys know I'm Rex Allen, I want to withdraw my name
19 off the lease and contract. I want you guys to be
20 aware of that too.

21 (Applause.)

22 Private Fuel Storage -- that's my right,
23 that's my right and my, you know -- for my
24 protection of the tribe, I guess. I see the
25 relationship between Indian tribes and the nuclear

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1 industry, the way you guys all treat us Native
2 Americans, Native American communities. What I'm
3 thinking of is treasure -- Prairie Island. You
4 know, I saw the way you guys negotiated that deal,
5 how Prairie Island was not even thought of, I don't
6 know, maybe because it's a small minority community
7 that you guys just want to pass by it. Well, I've
8 seen that you guys passed by, the nuclear industry
9 did pass by because they didn't want to negotiate
10 anything with Prairie Island Indian Community, they
11 wanted to build a road around them. You know,
12 that's what I see the nuclear industry doing is
13 going around jurisdictions. And I see that, doing
14 that because you're bulldozing your way through the
15 State of Utah, local communities, homes, and within
16 our jurisdiction, my sovereign jurisdiction.

17 Because I'm withdrawing my name, and I
18 will fight any way possible, you know, you will
19 hear more of me to get my name off that. I believe
20 my sister Mary Allen will do the same too. Because
21 what I see is corruption and enormous impact of
22 Private Fuel Storage has done to my people. Thank
23 you.

24 (Applause.)

25 JUDGE FARRAR: Louise Hannon here?

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1 Calvin Andrus? And next will be, I can't read the
2 first name, last name Lavine.

3 MR. ANDRUS: Calvin Andrus, businessman,
4 resident of Salt Lake area, fifth generation here
5 in Utah.

6 I would like to respond to some of the
7 points made earlier. I would love to have the
8 balance of the evening since I'm the only one
9 apparently at this point who is in support of the
10 proposal. Did that throw fear into anyone? I
11 would like to seriously have as much time as
12 possible to respond.

13 JUDGE FARRAR: I would like to do that,
14 but we have a three-minute deal.

15 MR. ANDRUS: A three-minute deal. I
16 have noticed that the responses have varied to over
17 20 minutes, 15 to 20 minutes. Let me just respond
18 with some questions.

19 First of all, terrorism. If terrorism
20 is a serious issue, then why would it be so much
21 safer to leave the fuel storage canisters in their
22 present sites, well over 100 distributed sites
23 across the United States, in many cases in fuel
24 vaults. Why is it so much safer, if you will, for
25 us to allow this situation to exist when it makes

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1 imminently more sense to centralize the casks in a
2 location where it can be better protected.

3 Let me address the seismic issue. These
4 casks have been accelerated to speeds of -- freeway
5 speed, 60 to 70 miles per hour, which is between
6 something to 88 feet per second, and withstood the
7 impact. If there is a fault or is there is seismic
8 situation out there that will accelerate these
9 casks to over 88 feet per second, I can guarantee
10 you that we here on the Wasatch Front will not have
11 to be worried about the consequences. We will be
12 utterly destroyed, decimated, and so will the rest
13 of much of North American. A seismic event of that
14 magnitude would be beyond comprehension.

15 For those who have pointed out the
16 nuclear issue would leave us with a dirty little
17 mess, I would like to point out the inconsistency
18 of this argument by pointing to the IPP project,
19 which is exporting electricity largely to Southern
20 California. Thousands of tons of bituminous coal
21 from right here in the State of Utah are freighted
22 up to, by rail virtually, to the IPP site. My
23 associate Dr. Ted Carpenter assures me that a
24 certain percentage of bituminous coal in Utah has
25 uranium in it. As the coal is burned, uranium is

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1 ejected into the atmosphere on the average of
2 between, he estimates, 5 to 10 pounds per day.
3 Now, this is inhaleable, free uranium. Why are we
4 so concerned about casks, relatively safe casks
5 passing through our community when we're not
6 concerned about free uranium inhaled, along with
7 PM10s and the CO2. I would love to debate that
8 issue with you afterwards.

9 Aircraft impact. It's been stated that
10 these casks have not been tested to aircraft
11 velocity. The impact on the towers of 9/11 was on
12 the order of 300 to 350 miles per hour. That
13 proved to be sufficient to take down the towers
14 which were designed, they thought, to withstand the
15 impact of aircraft. I'm asking you, why would it
16 be safer, if you will, to leave the casks and the
17 nuclear materials in densely populated areas across
18 the United States rather than to move them out here
19 to the West Desert. Which is the greater hazard?
20 It seems to me to be a pretty straightforward
21 question.

22 JUDGE FARRAR: Mr. Andrus, let me
23 interrupt you. I've got a little quandary here.
24 In one sense there's been a lot of time spent in
25 opposition to your position.

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1 MR. ANDRUS: Thank you.

2 JUDGE FARRAR: And in a sense you'll
3 take it as unfair that you haven't had time, equal
4 time to respond. On the other hand, I did make a
5 deal with the group that anyone who wanted to speak
6 had to agree to do it in three minutes so we would
7 get as many through as possible. So I've got to
8 ask you to wrap it up.

9 MR. ANDRUS: Thank you. I don't think
10 there were any issues raised so I will terminate my
11 comment on that point. On the legal issues
12 surrounding the Goshute tribe, let me raise the
13 issues of the unconstitutionality of the state's
14 opposition to the Goshute proposal. If I'm not
15 mistaken, it was the Goshutes who initiated the
16 proposal in the first place and I don't see them as
17 victims.

18 Thank you. I appreciate that.

19 JUDGE FARRAR: Thank you.

20 (Applause.)

21 JUDGE FARRAR: Dr. Rex, and I can't read
22 the last name, Cates? Bernadine Lopez?

23 MS. LOPEZ: My name is Bernadine Lopez
24 and I'm a member of the Confederated Tribe of the
25 Goshute on the Utah/Nevada border and I want to say

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1 that I'm not in favor of this nuclear waste thing
2 maybe because I have two or three little things
3 that I have a hang-up about.

4 Number one is the Skull Valley Band for
5 having problems with their political issues, with
6 Leon Bear and everything, this man has attacked his
7 tribal members. And a lot of these people are
8 planning on having him by himself facing to have
9 nuclear waste out there when the vice chairman and
10 the tribal secretary have resigned and had their
11 name removed from that, and one person running
12 everything out there and this is basically
13 everything on him.

14 And then I don't understand why when we
15 Indians were the first ones here, first citizens
16 here, that seems to be an issue, and then I was
17 concerned with the transportation because it's
18 coming through your little land. Excuse me, it's
19 not, it's out on ours. And everything you people
20 do comes back on us and it's going to keep on going
21 and something else is going to come along. And
22 yes, it's in Skull Valley, but you say there's
23 nothing out there, but hey, it's my reservation.
24 You say, "Well, they're out there in the middle of
25 nowhere, let's put it there," or, "There's nothing

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1 out there in Yucca Valley, let's put it there." If
2 it's not us, it will be some place else. Is there
3 nothing else sacred left in this country? Thank
4 you.

5 (Applause.)

6 JUDGE FARRAR: Thank you, Ms. Lopez.
7 Jeff Salt?

8 MR. SALT: Thank you, members of the
9 panel, for sticking around. My name is Jeff Salt,
10 I work for Great Salt Lake Audubon as the Great
11 Salt Lake Keeper. And as the Great Salt Lake
12 Keeper we are members of the Waterkeeper Alliance,
13 which is an international group of brookkeepers and
14 baykeepers and we are opposed nationwide to this
15 proposal. Our organization is mostly concerned
16 with watching out for corporate subsidies and
17 pollution and subsidies for pollution, and we view
18 this proposal as a subsidy for PFS and we would
19 like to ask the question, "Who is PFS"?

20 We know that this company is a shell of
21 a company, and in Utah we have a reputation of
22 accepting companies bringing their waste, leaving
23 the radioactive and heavy metal wastes and
24 disappearing and going bankrupt. That's the type
25 of future that we can expect from a shell company

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1 called PFS. We're concerned also that the
2 transportation of this high-level nuclear waste
3 through our watersheds throughout the country,
4 especially coming from the East Coast, will impact
5 millions of people, water quality and potentially
6 wildlife.

7 To get to the specific proposal for the
8 siting at Skull Valley, I mentioned at one of your
9 last hearings in Salt Lake, your groundwater model
10 is based on data collected in the late '50s, early
11 '60s, published in 1965. A 37-year old groundwater
12 study is not valid for this proposal. Even the
13 USGS admits that the groundwater modeling in Tooele
14 County and Salt Lake County needs to be completely
15 restudied. So we would point out that there's a
16 fatal flaw in the groundwater modeling being
17 37-years old and that the water recharge system
18 from Skull Valley, Tooele Valley, Salt Lake Valley
19 into the Great Salt Lake is very active.

20 My last point is that the transportation
21 of these high-level nuclear casks would go across
22 the Great Salt Lake, which is a navigable and
23 sovereign waterway. It belongs to the people of
24 Utah and also to our predecessors who owned it and
25 still own it before us, the Goshutes, and the

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1 people of Utah have a stake in what goes across the
2 lake and we will not support transportation of
3 these high-level casks across the Great Salt Lake.
4 Thank you.

5 (Applause.)

6 JUDGE FARRAR: Thank you, Mr. Salt. Mr.
7 Yani Yamoti? It's hard to read. Robin Hooten?

8 MS. KIRKPATRICK: Is it Kirkpatrick?

9 JUDGE FARRAR: No, but you're next. Two
10 Robins in a row, he's first and then you.

11 MR. HOOTEN: Good evening ladies and
12 gentlemen, distinguished panel. The founding
13 fathers began talking about the Office of the
14 President of the United States and Benjamin
15 Franklin observed and said, "If some means were not
16 established to remove the chief executive, the only
17 means that ordinary people would have to remove a
18 chief executive who would not willingly resign,
19 thus preventing his tyrannical policies, would be
20 assassination. Accordingly, the framers of the
21 Constitution had the good sense to establish a
22 concept of impeachment and, likewise, the existence
23 of the chief executive serve at the pleasure of the
24 President of the United States.

25 Now, we are gathered here to make a

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1 public comment on this project, which has been
2 obviously put in the trash pile since 9/11, has
3 made an -- excuse me, an above ground facility
4 instead of perhaps a facility up to seven levels
5 deep underground, an extremely stupid project, and
6 a poor excuse for bureaucratic momentum. So let us
7 explain what this project is about. It is not
8 about whether some group of Indians will be
9 enriched or not. The State of Utah can pay tribute
10 to prevent the Goshutes -- excuse me, to prevent
11 the effective Goshute Tribe from exercising its
12 constitutional prerogatives combined with the
13 consent of Congress. So it's not about that.

14 It is not about whether some maniacal
15 kamikaze terrorist could crash a 747 jet into the
16 facility that would make Chernobyl look like a
17 backyard barbecue. The airlines are so screwed up
18 that they could just as easily lose a 747 in the
19 fog, so it's not about that.

20 And it's not about whether Private
21 Storage Facility, Incorporated is a shell
22 corporation who intends to screw up the Indians by
23 making them liable for PFS's waste and exposing
24 them to cumulatively lethal doses of radiation. We
25 have seen other corporations like Kerr-McGee damage

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1 the lives and property of the Indians and then
2 repay them with irrelevant cash payments that will
3 neither repay the victims or prevent damage to the
4 seventh generation. So it's not about that.

5 It's about the regulatory bodies
6 exercising their tyrannical authority in a way as
7 to make us ripe for revolution and civil war, and
8 that's what it's all about. If the regulators
9 choose badly, and clearly given 9/11 there can be
10 only one choice, the results of their choice could
11 be revolution and civil war. By choosing badly
12 they will leave us vulnerable to war, civil war,
13 and revolution.

14 Remember, brothers and sisters, the
15 framers of our constitution wrote the constitution
16 to stop the snowball from becoming an avalanche.
17 They stopped the snowball from becoming an
18 avalanche. Think about that. The revolution that
19 they stopped could have ended up like the madness
20 of the French revolution. Because after the Mafia
21 king and queen, and after it beheaded their
22 aristocracy, they turned on the old bureaucracy and
23 the middle class and finally the peasants and the
24 poor. I tremble to think what a half million
25 radiation induced deaths would do to our country.

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1 Thank you.

2 JUDGE FARRAR: Thank you.

3 (Applause.)

4 JUDGE FARRAR: Ms. Kirkpatrick.

5 MS. KIRKPATRICK: My name is Robin

6 Kirkpatrick and I'm a resident in Salt Lake City.

7 I urge the NRC to recommend the no action

8 alternative. We know the limited liability company

9 hopes to transport forever lethal waste to the

10 remaining land of the Skull Valley Band of Goshute

11 Indians. If you promote this proposal, you all

12 will be disproportionately risking the safety of

13 poor and minority peoples throughout the United

14 States.

15 (Applause.)

16 Within Salt Lake City we have an issue

17 now with people on the west side of our city

18 protesting a major railroad opening its tracks to

19 unlimited rail traffic. When students at one of

20 our newly constructed elementary schools goes to

21 and from school they cross these railroad tracks.

22 When these impoverished mainly minority children go

23 out to recess they play within feet of these

24 tracks. These are mistakes that poor minority

25 people must not be disproportionately and adverse

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1 affected. I shudder to know that the EIS does not
2 even address the issue of poor peoples living
3 within a small radius of the railroad tracks that
4 would carry the nuclear waste.

5 As a human arm of our government I urge
6 you to protect the safety of all citizens,
7 especially and including poor and minority people,
8 by recommending the no action alternative. I'm
9 asking you to consider whether you would make the
10 choice to have your family members live within feet
11 of tracks that carried the most toxic long-lived
12 material known to man.

13 (Applause.)

14 JUDGE FARRAR: Thank you, ma'am.

15 MR. LAM: I feel your pain. I take your
16 comments with me and reflect on what you have said.

17 JUDGE FARRAR: Cindy O'Connell? Carol
18 Johnson.

19 MS. JOHNSON: I also am a fifth
20 generation Utahan and I have been damaged by
21 radiation. I went to work at Dugway Proving Ground
22 when I was 19 years old, worked out there for two
23 years and in the dog area, I was the fifth girl out
24 there, and eventually I ended up at the Nevada Test
25 Site in 1956 and '57.

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1 Now, I know I got radiation because I
2 used to wear a radiation badge, a nuclear counter,
3 and I used to take it off every week and they would
4 check my radiation. And they don't tell you how
5 much you're getting or if it's hurting you or
6 anything. But I started having a lot of problems.
7 I had kidney problems, I've had pancreas problems,
8 I've had thyroid problems. I had four children to
9 support eventually and I was coming home one night
10 and I fell asleep and almost hit the underpass
11 structural cement support. And I went to the
12 doctor and he said, "Good Lord, woman, you're only
13 half alive." So they put me on two grains of
14 thyroid. This was approximately nine years after I
15 worked out there. And also at Dugway Proving
16 Ground.

17 I was going to mention that at Dugway
18 Proving Ground, I had four cousins that worked
19 there, and one of them died at 59 of leukemia, his
20 son died a year later at age 32 of leukemia. My
21 other cousin and his brother had colon cancer, and
22 he's dead also, and the other one also had
23 leukemia. I was fortunate enough to escape that,
24 although I did get cancer in '89, but it wasn't the
25 kind that the Department of Justice says I have to

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1 have, you know, to get compensated. So I'm a
2 sitting duck.

3 Well, today -- so in 1973 I was in the
4 hospital having my gallbladder out, it had
5 completely been affected and gone away. That's
6 another side effect of radiation, by the way, and I
7 got infection and I was in the hospital for ten
8 days and they checked my thyroid again and they
9 said, "You've got to have three grains and you're
10 going to have to take it until you die."

11 So my doctors about a month ago decided
12 I was taking too much because my PSH was low,
13 although my thyroid was normal, the T3, T4 was
14 normal. Today I went and I had an ultrasound and,
15 guess what, my thyroid was about disappeared. They
16 couldn't find it. So the girl went out and got
17 another doctor to come in and look at it, you know.
18 Where's my thyroid? It's gone, it's shrunk away
19 and destroyed. I also have an extreme allergy to
20 iodine. This is all related to radiation. I
21 haven't been compensated for it although the
22 Department of Defense has sent me the papers and I
23 went to the meeting up in Salt Lake City Senator
24 Hatch had recently. It's taken them over ten years
25 to try to get some money, they haven't gotten it

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1 yet, they're still trying. A few have.

2 I've had friends that worked in the
3 tunnels mining uranium. And uranium, I know what
4 it looks like. I had a piece of uranium at my
5 house for a while, I know what it looks like. And
6 when they mined it down there the men became
7 sterile, they could not have any children. They're
8 being compensated for lung damage, some of them.
9 Many of them have died. And also, I would like to
10 know if you could tell me, please, why is Utah the
11 only state out of 50 states that everything that's
12 toxic has to be shipped to or has to be worked on
13 here.

14 When I worked at Dugway Proving Ground
15 it had to be 60 miles from the nearest city, which
16 it was, and they shipped everything -- I mean, they
17 used everything out there. I know because I had a
18 top secret clearance and I worked in the photo lab
19 and I know what it does and I remember when the
20 5,000 sheep died out on the West Desert also, and
21 they've never explained what happened there. I
22 know what happened.

23 And so I think we are tired of being
24 guinea pigs. I have four children and 15
25 grandchildren that live here. As far as the

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1 gentleman over here says, we're not near a big
2 area, what do you think about where three or four
3 million people live backed up against a mountain
4 range? Where is it going to go?

5 This other friend I know that was
6 working out here with the casks that the chemical
7 warfare nerve gas was being stored in at Tooele was
8 installed around 1950, the early '50s, and by 1990
9 it was already leaking. And he said, "I'm not
10 going to work out there anymore because it's
11 leaking." Now you're going to tell us these casks
12 are going to last how long? Come on. All we've
13 got to have is have one earthquake, and it's going
14 to happen, they have earthquakes all the time,
15 we're in a very high zone, and a crack in that
16 cement cask is going to release all this
17 radioactive, high-level radioactive waste that's
18 supposed to be toxic for 10,000 years.

19 Why is Utah the only state that has to
20 assume this risk. If it is so safe why don't they
21 keep it in their own states? There's vacate lands
22 in other states, west Texas, Arizona, New Mexico,
23 all kinds of places I've been through. Why is it
24 just Utah must bear the burden of all 50 states for
25 storing their garbage? That's what I would like to

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1 know.

2 Let's see. Okay. I also have pancreas
3 problems and so now I have diabetes. That's
4 another side effect of radiation. And I feel like
5 I was a guinea pig. I remember Camp Desert Rock
6 and was outside the Nevada Test Site Facility when
7 the soldiers were sent into the tunnels -- I mean
8 to the trenches for the nuclear bombs going off.
9 Which is where I was, I was living on the base. It
10 was going off, you know, right above our head
11 practically.

12 Now I understand that the area that
13 they've got radiation in, which includes Las Vegas
14 and several other states, according to this new
15 adjustment thing that I just got from Orrin Hatch
16 in 2000, this new guidelines. They've included
17 about five or six states that got it. I happen to
18 know my girlfriend's husband was head of the
19 radiation safety in Las Vegas for the Nuclear
20 Nevada Test Site and I know the whole State of Utah
21 got radiated with strontium 90 and it went into the
22 milk and the children drank it, and we have a very
23 high incidence of cancer, young men and women dying
24 of cancer in their early 30s in this state. Why
25 does Utah have to be the only state in this country

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1 that can store this? That's what I would like
2 answered.

3 The Goshute Indians, I think the desert
4 is beautiful. I think all land is beautiful. I
5 have Indian ancestry way back also and I respect
6 the land and we should take care of it and not
7 pollute it. And you can't tell me that all these
8 casks lying up on top of the ground isn't going to
9 be a sitting duck target for some terrorist because
10 I know it will, and these casks are not going to be
11 immune to this. I have been in the twin towers and
12 if those buildings can come down from two planes
13 hitting them, what will these things out here do?
14 They would be gone in a minute. Then who is going
15 to suffer; the Goshutes, their children, their
16 grandchildren, their great grandchildren, and all
17 of the rest of us in the State of Utah. And PFS,
18 do they care? They have no liability, they have a
19 Delaware corporation, so they're not going to give
20 anybody any money out of it.

21 I beg you to save our children,
22 grandchildren and our descendants from this
23 pollution that we don't have to store. The Indians
24 have already said they don't want it on their
25 lands. What else can they say? They're a

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1 sovereign nation. They have the right to say, "No,
2 we don't want this stuff on our lands," and they're
3 smart in saying no because this is what can happen.
4 Your thyroid can just go away.

5 And so I know in Europe they use
6 windmills for power, there's other solutions. And
7 why did you put the nuclear plants near these big
8 cities if you didn't have a plan in action to
9 dispose of the garbage that comes from it and the
10 nuclear waste? That's their problem. What's that
11 got to do with Utah? Why should we have to store
12 their waste? We didn't create it and we shouldn't
13 have to store it. Thank you very much.

14 (Applause.)

15 JUDGE FARRAR: I'll make you all a new
16 offer. I'll go through the list but you've got to
17 limit yourself to two minutes. A lot has been said
18 here and you can say you agreed with this one or
19 that one, but --

20 UNIDENTIFIED FEMALE: Can't maybe
21 somebody stay because I think when you're talking
22 --

23 UNIDENTIFIED MALE: Why don't you
24 schedule another hearing?

25 UNIDENTIFIED MALE: How many others have

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1 you got?

2 JUDGE FARRAR: I've got 16 more. You
3 had your chance to speak. I'm running the hearing.
4 Jason Hansen? Adam Silver? Two minutes.

5 MR. SILVER: Thank you. My name is Adam
6 Silver. I'm a father, student and resident of Salt
7 Lake City. I want to thank you, the panel, as well
8 as everyone else here for their interest in this
9 subject. I consider it the single most perplexing
10 issue facing mankind today. There are no easy
11 answers to a question of this magnitude. It is not
12 enough to say "Not in my backyard." After all,
13 Utah is only one of the 50 United States of
14 America. However, that being said, millions of
15 people would be in danger along the transportation
16 routes to this storage facility.

17 Terrorists can and will use nuclear
18 materials spread across thousands of miles as
19 potential radiological weapons and dozens of
20 American cities between here and the eastern
21 seaboard and even as far as California. Now is
22 really a bad time to move this material. The
23 transportation issues have not been addressed in
24 the environmental issues -- or in the Environmental
25 Impact Statement, excuse me.

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1 Leaving the material where it is runs
2 its own dangers. However, there is a potential
3 solution in sight, and you being the professionals
4 in your fields probably understand better the
5 dangers of thousand year reactors than I will.
6 However, 50 years from now there could -- the
7 technology of fast breeder reactors could bear
8 fruition, we could be able to reduce this
9 high-level waste to low-level waste, which would be
10 much, much safer disposed of regardless of where it
11 goes, whether it's going to be in Utah, Yucca
12 Mountain, wherever else. Once it goes there, you
13 know, the litigation involved to get it there is
14 just enormous. The litigation involved to remove
15 it a second time after 50 years of tightening
16 regulations is just ridiculous.

17 If this facility is approved, it should
18 be licensed and approved as a permanent storage
19 facility with all of the thought, planning, the
20 multiple layers of fail-safe redundancy involved.
21 That's what humans have in our ability to make
22 technology work for us, we have to -- it's a
23 double-edged sword. Everyone knows that.

24 JUDGE FARRAR: Can you finish up?

25 MR. SILVER: Okay, I will. That's

1 pretty much all I have to say. I appreciate your
2 time and I hope you consider my point.

3 JUDGE FARRAR: We will. Thank you, sir.
4 It's after 10:30, let's keep going. Linda Parsons?
5 Kevin Marshall? Cynthia Jeppsen?

6 MS. JEPPSEN: My name is Cynthia
7 Jeppsen. I was born here in Salt Lake City and
8 therefore am a native of this state. To begin
9 with, I would like to thank the panel for the
10 opportunity to speak and I would like to go on the
11 record as saying I am opposed to the nuclear waste
12 site.

13 In the mid 1800s there was a black
14 pestilence that descended upon this territory that
15 is now the State of Utah. It has been said a
16 plague of black crickets bent on destroying the
17 fragile life and environment of the people came by
18 the tens of thousands. After exhausting every
19 means possible to fight the deadly pestilence the
20 people prayed for deliverance. Their prayers were
21 answered. Clouds of white seagulls fell upon that
22 black plague and destroyed it. Today we find
23 ourselves facing a plague far more deadly than
24 those of the past. The black pestilence that
25 descends upon us now is one of nuclear waste.

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1 We must stand and be counted. The time
2 is now. Let us as citizens of the State of Utah
3 unite together to fight this modern day pestilence,
4 for that is what it is. This is a pestilence of
5 biblical proportions.

6 I am only one. I have no position or
7 title. Yet one united with others can create an
8 avalanche of public sentiment and, if necessary,
9 civil disobedience. Hear my words. We are against
10 this. We will fight you.

11 (Applause.)

12 JUDGE FARRAR: John Jensen?

13 MR. JENSEN: Thanks for staying so late.
14 Can you hear me?

15 JUDGE FARRAR: Yes, thank you.

16 MR. JENSEN: Just a couple of comments
17 on the Environmental Impact Statement. I consider
18 there to be a few deficiencies that I would like
19 you to address. I don't know if you can do another
20 version. But transportation, I take issue with
21 some of the assumptions in your section in the
22 FEIS, specifically on pages 551 and 552, such as
23 "Only a severe accident could damage the spent fuel
24 cask. The radiological risk for an accident during
25 rail transport of spent nuclear fuel is small."

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1 I think all of our assumptions about the
2 potential risks of, you know, radioactivity,
3 radiological exposure have to be reevaluated in the
4 wake of September 11. Also in light of last July's
5 tunnel fire in Baltimore. I think that raises the
6 bar on what we could consider a conceivable risk.
7 Before that that was probably considered a highly
8 unlikely accident, but when it happened it was
9 pretty disastrous. You know, the train burned for
10 an entire week in the Howard Street Tunnel at 1,500
11 degrees.

12 I think the NRC needs to take the
13 information from that accident and incorporate it
14 into the Environmental Impact Statement. I don't
15 think that was adequately -- that wasn't really
16 considered a possibility at the time the FEIS was
17 written. I think it now needs to be
18 reincorporated.

19 Also on that note, it was mentioned
20 before the study that Dr. Resnikoff did on that, if
21 that train had been carrying the spent nuclear
22 fuel, what the economic as well as health effects
23 would have been. The FEIS states that the NRC
24 staff believes that the majority of accidents,
25 members of the public would incur little to no

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1 economic cost. Whereas, an extremely small
2 fraction of accidents could have significant
3 economic impacts. That's on page 553. However,
4 according to the Resnikoff study analyzing the
5 Baltimore accident, the cost would be up to \$13.7
6 billion, the cumulative cost, and yet the
7 Price-Anderson Act, as you know, limits the
8 liability for industry accidents to \$9.4 billion.
9 So there's a discrepancy there that the taxpayers
10 ultimately have to pick up, which is unfortunate.

11 Also, I just want to comment on the no
12 action alternative which I, for the record,
13 encourage the NRC to adopt. In the FEIS the NRC
14 states a couple of times, "Based on its analysis of
15 the no action alternative, the NRC staff concluded
16 that the spent nuclear fuel could continue to be
17 stored at the sites without significant
18 environmental impact." And "The NRC agrees that
19 spent nuclear fuel can be safely stored at
20 facilities on or near the site of production."

21 I am confused why the NRC hasn't chosen
22 this alternative because it sounds like throughout
23 the document it's repeated that the NRC staff's
24 opinion is that yes, this is in fact a safe
25 alternative. And basically all I could glean from

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1 finalizing things like that when there isn't a
2 consensus.

3 I am hoping that the NRC can take into
4 consideration the opinions and the feelings of the
5 people who don't want to have this waste that are
6 on the reservation. Also, I do think that this is
7 an issue that really does affect the entire country
8 and I am concerned about what is safest for the
9 entire country. I believe that nuclear waste
10 transportation increases the risk to millions of
11 more people because of the fact that the waste will
12 be transported past many, many more people on a
13 very regular basis, every several days or so, I
14 don't have the exact figure, for many, many years
15 and that thus expose a lot more people to
16 radiation, and that is another thing that I'm
17 concerned with. Those are the main points I wanted
18 to say. Thank you.

19 (Applause.)

20 JUDGE FARRAR: Thank you for that. The
21 next three names are people who spoke this
22 afternoon. I think we said this afternoon that if
23 you spoke this afternoon you could go to the end of
24 the line tonight, but at the end of the line we
25 probably won't be here so we'll pass by those three

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1 names. Am I right Mr. --

2 UNIDENTIFIED MALE: Dr. Sandquist didn't
3 speak earlier.

4 JUDGE FARRAR: I have down that he did.
5 Dr. Sandquist you can now speak if I'm wrong.

6 MR. SANDQUIST: We've heard a lot of
7 accusations against the licensing board. Let me
8 say, my name is Gary Sandquist. I'm a professor of
9 mechanical engineering. Twenty-five years ago in
10 1975 the University of Utah licensed a Cricket
11 nuclear reactor, research reactor. I found that
12 the experience with the NRC was very careful, they
13 were very competent in their activities. They
14 still inspect us on an annual basis. The reactor
15 operates, it provides support for nuclear medicine
16 and other aspects and such. So there's no free
17 lunch.

18 We have electricity. We use electrical
19 power in this country and 20 percent of it comes
20 from nuclear power. That's 50 million people.
21 That's all of the people living in the State of
22 Utah, Nevada, Colorado, across the country, 50
23 million people. Could we live without electrical
24 power? Can we forgo it? No, we can't, I don't
25 think so.

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1 The other item, Yucca Mountain has been
2 approved by the President. Congress will probably
3 override Nevada's veto, I'm sure Nevada will veto
4 it, but that material will still move across Utah's
5 highways and such to arrive at that point. Utah
6 already has some experience with handling
7 radioactive materials. The Vitro site which used
8 to be in our valley 20 or 30 years ago is now
9 located out in the very near area there, it has 2
10 billion cubic metric -- well, 2 million metric tons
11 of waste materials, principally mill tailings, it
12 has 1,500 curies of radon. It's kind of
13 interesting to make the calculation, it will be a
14 hazard for 30,000 years and it is not encapsulated,
15 it is not covered, it is simply sitting out on the
16 desert with a riprap cover on it.

17 What about greenhouse gases? We brought
18 nuclear power a decade ago into this country. Do
19 we simply cut off the nuclear power option? Do we
20 continue nuclear power or do we continue with
21 fossil fuels. I have an interesting comment. We
22 know how to store nuclear waste. It's
23 controversial, but we do have the technology. I
24 would like to hear it from Dr. Resnikoff and
25 others, how do we propose to process the world's

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1 atmosphere? How do we remove the CO2 that will be
2 a problem in the future for us?

3 Finally, with terrorist attacks, if the
4 terrorists were going to attack this valley or
5 such, I would much prefer he would go to Skull
6 Valley as opposed to the refineries north of us, to
7 the Special Events Center or even to this
8 auditorium a few more hours away. Far more people
9 will suffer from an accident such as this. It's
10 unfortunate, it is controversial, no question about
11 it, but nuclear power is with us. France enjoys 75
12 percent of its power from nuclear power, does it
13 very well, seems to have few of the problems that
14 we do, and I think it's important for us to
15 recognize electrical power is essential to our
16 lifestyle. Are you going to forgo it? What is the
17 answer to the situation?

18 Thank you for your time.

19 (Applause.)

20 JUDGE FARRAR: Cynthia of the Desert?

21 CYNTHIA OF THE DESERT: Gentlemen, thank
22 you for staying so late. At least it's not 12:30
23 like Little America last time, but everyone should
24 have a chance to be heard.

25 I will be brief, a lot briefer than my

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1 written remarks because almost all of it has been
2 said tonight. However, I do want to understand
3 something. Why were these hearings scheduled prior
4 to the approximately five weeks of hearings
5 covering things like safety contentions, aircraft
6 crash accidents? All these things are -- oh,
7 environmental contentions. These are all going to
8 be discussed in hearings that the public could have
9 listened to and perhaps maybe learned something so
10 that they could respond in a much more informed
11 manner. And those things were all going to be
12 discussed before the next set of hearings in
13 Tooele. So I have an issue with how you schedule
14 this.

15 And also, it seems as though you always
16 schedule never enough time and I would request that
17 in the future schedule too much time and then we
18 can all pat ourselves on the back because we all
19 got it done, you all can go home and so can we. So
20 just before I get into the issue at hand, I really,
21 really would like you to address that because this
22 has been a repeated issue over and over. The
23 public is not well informed.

24 And five weeks of hearings on all these
25 contentions, geotechnical, seismic stability,

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1 aircraft crash accidents, all kinds of things that
2 we could respond to you behind this microphone more
3 fully if you scheduled limited public appearances
4 after you had the hearings where we could just sit
5 and listen and learn.

6 Okay. Having said that, I really feel
7 that the most important issue is still not being
8 addressed. It's been talked about in different
9 ways tonight, but I feel that you as a Board are
10 still not addressing the environmental racism
11 issue.

12 (Applause.)

13 It's still being glossed over. It's
14 just being listened to, not dealt with, not really
15 discerned here. It's been said much more
16 eloquently than I can tonight. The tribe has
17 issues, it's divisive. I don't need to repeat all
18 of it, although I very well know the history of
19 what's going on. But that has to be your bottom
20 line, gentlemen. This is not the United States of
21 America, this is a sovereign nation. If the
22 President of the United States had stood here and
23 spoken before you tonight you wouldn't have
24 interrupted him.

25 (Applause.)

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1 I'm sorry to have brought that up. This
2 is not a spanking, but this is respect. This is
3 respect. Everybody has their points of view,
4 everybody needs to be heard. We're the hub, you're
5 the Board, this is symbiotic. So I really wish
6 that you had taken no option and not just go
7 through the motions and have this be a done deal
8 because too many people feel like this and have --
9 you see less people here than were here last time
10 and the time before and the time before. It's been
11 said before me. As an organizer with at least two
12 antinuclear groups in the State of Utah over the
13 years, it's very difficult to get people to be
14 continually giving of their time and showing up
15 when they feel that the process is just already
16 done. So I really would like you to address that,
17 and address it by doing the no option. Thank you.

18 (Applause.)

19 JUDGE FARRAR: Alicia Bullcreek?

20 (Applause.)

21 MS. BULLCREEK: We just discussed about
22 where I was on this schedule and I was saying I was
23 the very last one and then you happened to call my
24 name. So my name is Alicia Bullcreek. I spoke
25 with you guys a couple of years ago when you guys

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1 were here and then I was scared about bringing
2 myself out in front of people. But since then
3 we've been fighting with this nuclear facility, the
4 PFS, and so I've come to deal with coming out and
5 talking in front of people. That's a lesson I've
6 been learning. That's one of the lessons I've
7 learned from fighting this facility.

8 I would just like to say that when I
9 talked to you guys last I talked about these things
10 that were happening on the reservation. I live in
11 Skull Valley. Like I've told you before, I'm a
12 third generation there. My nephew lives with me,
13 he's a fourth generation. I know I've got to talk
14 really fast in two minutes.

15 JUDGE FARRAR: Don't go so fast that my
16 court reporter can't get it.

17 MS. BULLCREEK: I'm sorry. And so since
18 that time until today, not much has changed on the
19 reservation. They talk about the money that has
20 been involved with Skull Valley Tribe and PFS. I
21 still yet have not yet seen the lease. And as me
22 being a member and them wanting to build this
23 facility on the place that I call my home, I think
24 I have a right to see this lease. But I still have
25 not seen this lease.

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1 Now, I am really affected by this
2 because it's my home, it's been my family's home
3 for generations, and it affects our children and it
4 affects all our neighbors' lives. Look at all
5 these people that are here, they're waiting
6 patiently to speak, speak in two minutes. Now,
7 that's something that our tribe has brought on to
8 these people and I'm sorry that that has happened.
9 And whether -- I'm not the one that had started
10 dealing with PFS, Leon has, but the thing is, I am
11 an enrolled member with this tribe. So whether or
12 not you decide to approve the licensing or you do
13 not, I have to take that responsibility, even
14 though I'm standing here and trying to go against
15 it and fight against it. Now, this is the burden
16 that all the people in the tribe is going to have
17 to carry.

18 And I've been listening to a lot of
19 people, and maybe that's why I was last, I've been
20 hearing a lot of comments from a lot of people.
21 And that was the problem from the beginning is that
22 with PFS and Leon and the council then, they were
23 always notifying people that the whole people in
24 the tribe was for this facility. But that's not so
25 because as you guys have known, you've seen some

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1 tribal members here speaking and saying they do not
2 want their name on the list. They do have that
3 right to change their mind. We are all members
4 there at Skull Valley and so if we decide not to
5 have it.

6 And this is where we are right now and
7 it's not being heard. They are not listening to
8 the people that are there saying no. Yes, maybe
9 before they thought about it they said yeah, maybe
10 they wanted to go with this facility. But these
11 people realized what the dangers were and they
12 realized how scandalous this whole deal is. And
13 I'll tell you what, I have lived out there. There
14 is not one person in this place that can tell me
15 that I do not know what's going on in Skull Valley.

16 I am Leon's neighbor. I do not benefit
17 nothing from this. I have not seen the lease and
18 all this money that the tribe has apparently
19 received is for economic development. I'll tell
20 you something else about economic development.
21 When I talked to you guys a couple of years ago I
22 talked about the water, how the water was dirty and
23 it was contaminated, and at that time it was like
24 that for a while. And so what happened? They went
25 and looked into it and found out yes, the water was

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1 contaminated.

2 So instead of fixing the water they
3 brought us little tanks in the water, brought it to
4 our house. And so we used those for a couple of
5 years -- I mean for a couple of months. And then
6 later on the water got contaminated again once they
7 said go ahead and drink it and they said boil your
8 water. And so we continued to do that. But you
9 know what, without going and fixing the problem
10 they put chlorine into our water and there's only
11 like eight families that live out there.

12 You know, everybody needs water. We
13 need water to survive and this is something that
14 could be fixed probably by tomorrow or next week,
15 fix the problem. But it's such a difficult problem
16 to fix and it just goes to show how much, and I
17 hate to say this, Leon cares about the people that
18 live there in Skull Valley because if he really did
19 he would be fixing this water that we have to drink
20 daily and it's not. My water, you come to my
21 house, and I told you guys that then, come to my
22 house and I will pull the water up and the dirt
23 will come out of the water. Well, you know what,
24 today, you can come out tomorrow and I'll do the
25 same thing and the water will come out brown. You

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1 know, you think about how many years that has been.
2 It's been a while and you think that could have got
3 fixed then, but it's not fixed.

4 And this is how irresponsible our tribe
5 is. I hate to say it, but that's the way it is.
6 All these things that are happening with our tribe
7 is so publicly notified, it's publicized a lot.
8 There is a lot of people who have something to say
9 about our tribe, but what about the people that
10 live there? What about me? I'm here and I am not
11 getting nothing from these people. I have not seen
12 any improvement on our reservation.

13 Now, this facility, it's a really big
14 responsibility. And with all the troubles that has
15 been in the newspapers about our tribe, well, that
16 only goes to show you how we are not responsible as
17 a tribe to take care of such a facility when we
18 can't even take care of our little small minor
19 problems that is happening within our council.
20 Now, it is, we are a sovereign nation. When I was
21 born as a Native American woman, that's what I went
22 under, a sovereign nation. I respect everything
23 under that. I believe in my religion, I believe in
24 my culture. Maybe there are other people that are
25 in this tribe that do not believe in that way and

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1 it's too bad because if they believe in that way
2 I'm sure they wouldn't be dealing with you at all.
3 But this is what we believe in, this is what my
4 family believes in, and that's why we're standing
5 here today to fight this whole thing and it is very
6 destructive.

7 I don't know if we matter to you people.
8 I mean, you can look at me and say, "Well, you
9 know, who are you?" Well, I just want you to know
10 that I am somebody that lives in Skull Valley and
11 has spent all my life out there and I do believe
12 that my nephew and our children have a right to
13 have a life also and go back to that place that
14 they call home. That's what is his home. Maybe it
15 doesn't matter to you people. Apparently it didn't
16 matter to Leon because he didn't have enough time
17 to sit here and listen to everybody. But that's how
18 it's been. It doesn't matter what everybody else
19 thinks, it's only what he wants to do and what he
20 wants to do with you people.

21 And I haven't got nothing from him. I
22 don't know who is benefiting from this whole thing,
23 but it's not our reservation. You talk about
24 bringing jobs to our reservation. I'll tell you
25 what. PFS came out to us and gave us these

1 applications that people could apply for jobs when
2 the facility is built. You have to have Bachelor's
3 degree, you have to have so many years of college.
4 You know, if you look in our tribe, most of them
5 hasn't even graduated from high school. And if
6 we're going to be millionaires, you know, it's kind
7 of like what's the use of going to work if we're so
8 deprived of all this stuff and we're going to have
9 money. You know, and people, it's supposed to be
10 go back to the reservation. Well, there's not much
11 out there in Skull Valley and the people do benefit
12 more from living off the reservation. They get a
13 lot more than what we have there on the
14 reservation.

15 It's been years and years and years
16 since we've been dealing with this whole thing and
17 there's nothing been improved out there. But I
18 just want to -- I'm going to cut this off right
19 now. But I just want you guys to know these are
20 the things that have been happening on the
21 reservation since then and there also has been
22 problems as far as our lives being threatened
23 because of this facility.

24 Now, you people are unaware of this, but
25 these things that I'm saying are not lies, they are

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1 truths. I have papers to back it up. And I don't
2 want to have to lose one of my relatives for this
3 PFS, because you know what, their life is more
4 important than this money we haven't seen or this
5 facility that's going to be there. These are all
6 the things that are happening. All these people
7 that are coming here and talking about this place
8 don't really know what's going on. But for the
9 people that live there, we know what's happening
10 and our voices, they don't want to hear it. Maybe
11 because they don't want to hear the truth. But it
12 is, it's the truth, all of this is.

13 And another thing I wanted to say, and I
14 will cut it short after this, Skull Valley is a
15 beautiful place. The desert is beautiful. And it
16 is not a barren place. I've said this before. I'm
17 still here, I live there. In the morning time when
18 I wake up I see this beautiful sun that comes up in
19 the morning. It's very pretty. We live right
20 there by the mountain. I don't know, maybe you
21 people look at this place and say, "Oh, no, they
22 just look at a piece of land. Who cares." But it
23 matters to me.

24 I have woken up every day looking at
25 that sunrise and every evening I have looked at

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1 that sunset set, and if you build your facility
2 there, when that sunset sets, that's where the
3 facility is going to be built. And so I will be
4 reminded every day about how hard we have to keep
5 that from there. But I just don't want to see it
6 there. But I just want to tell you guys that with
7 all the problems that are happening within our
8 tribe as you have read in the newspapers, this is
9 all true. How could we deal with something as big
10 as this when we can't even get our own little tribe
11 situated. Thank you.

12 (Applause.)

13 JUDGE FARRAR: Thank you very much, Ms.
14 Bullcreek. It's now past 11:00. I think our
15 contract just expired for the room. I've got four
16 people left. Are they here, Anna Crowley -- hold
17 on a second, Michael Thacker, Sander Lazar, Scott
18 Fife. You're all left. How long do I have?

19 UNIDENTIFIED MALE: Let them speak and
20 get it over with.

21 JUDGE FARRAR: Off the record.

22 (Discussion held off the record.)

23 JUDGE FARRAR: We're leaving at 11:15.
24 Can the four of you finish by then?

25 MS. CROWLEY: Possibly. My name is Anna

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1 Crowley. I was born here in Salt Lake and I've
2 lived here all my life. I'm a sixth generation
3 Utahan and I represent my father, family and
4 friends, the Westminster Students for Peace and
5 Justice, the People for Peace and Justice. And I
6 would like to be so bold as to say that all the
7 humans in this room who are opposed to nuclear
8 waste represent all animals and life on the planet
9 who don't have an accountable voice.

10 My father grew up here in the west and
11 he has cancer in his thyroid. He went to go have
12 it taken out. Unfortunately, it spread all
13 throughout his body and he is now frail. He can't
14 take care of his three children who are 2, 4 and 6
15 who couldn't be here. I would like to make this
16 short and sweet echoing almost everyone who went
17 before me in asking you to deny this license.
18 Thank you for your time.

19 (Applause.)

20 JUDGE FARRAR: Thank you, Ms. Crowley.
21 Mr. Packer?

22 MR. PACKER: How will this affect the
23 time I have at Tooele if I speak there instead? I
24 mean, are you going to tell them to put me at the
25 end of the line in Tooele?

1 JUDGE FARRAR: If you want to go to
2 Tooele, you're on first.

3 MR. PACKER: I'll do that. Thank you.

4 JUDGE FARRAR: Sander Lazar.

5 MR. LAZAR: I would like to thank you
6 for hearing us out tonight and staying so late.
7 And your interruption of the speaker earlier in the
8 evening brought up a lot of emotion into the crowd
9 and a lot of disapproval. It was not an opportune
10 time, but it did show and demonstrate the amazing
11 amount of integrity and honesty that we have in
12 this room here and that we had throughout the
13 evening. And I kind of wish that I had gotten to
14 hear the rest of what you had to say, albeit
15 laughter, when the speaker was done talking. I
16 imagined you were going to bring up the story of
17 Spartacus where I guess the -- if I remember the
18 story correctly, the Romans were saying, "Which
19 among you is Spartacus? Bring him forth or
20 represent yourself," and everyone started saying,
21 "I am Spartacus."

22 And I would like to thank you for
23 recognizing that kind of -- those qualities that we
24 possess as a group and that were here tonight. We
25 are a group of honest people and people of great

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1 integrity and I would encourage you to, after we're
2 done tonight, sometime in the next couple of weeks
3 perhaps, to rent the movie Spartacus again and see
4 it again, since it's probably a little while since
5 you've seen it, and see why it was that in our
6 people tonight that presented you recognized the
7 quality of Spartacus. And when you see the movie,
8 who is it that you identify with. Thank you.

9 (Applause.)

10 JUDGE FARRAR: Do you want 15 more
11 minutes? Thank you very much for telling the
12 Spartacus story. Scott Fife?

13 MR. FIFE: I want to say that I vote for
14 the no option. And as I was on my way down here
15 tonight and I was thinking about it, and I was
16 thinking about when I first heard about nuclear
17 energy. And I first heard about it when I was in
18 grade school. Back then I even had the knowledge
19 that here's something that will last for 10,000
20 years, why are we creating it? We don't have a way
21 to solve the problem.

22 I think on August 6, 1945 when that
23 nuclear bomb went off at Hiroshima, that's when we
24 merged our version of the old God with technology.
25 Now we have the attitude where technology will

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1 solve the problems created by technologies, it's a
2 never ending cycle where we think that this
3 technoGod is going to solve all of our problems.
4 And I just think, you know, the first step that we
5 need to do is get those nuclear reactors from
6 producing this waste. We've got other options, you
7 know, we've got the wind and solar power that we
8 really need to start exploring. If he would do the
9 same, you know, kind of push this the way we did
10 with that, I think we could really curb this whole
11 cycle.

12 And, you know, I think the only time
13 that the Native Americans' sovereignty is respected
14 is when they want to put a casino or dump out
15 there. Otherwise, they don't -- nobody cares a
16 whit about the Native American sovereignty. And,
17 you know, the Nuclear Regulatory Commission is just
18 like the AEC before it, it has a bad history.
19 Because these corporations, all they really care
20 about is the bottom line of their stockholders.
21 That's the consortium of these eight companies that
22 have come together creating this limited liability
23 corporation. I mean, what -- I mean, who is going
24 to pick up the tab if there is an accident?

25 During the Olympics, it was amazing,

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1 they had a big full page ad that I saw in the
2 Tribune and it said, "Every 15 minutes there's
3 train accident in the country." And it's like, you
4 know, every 15 minutes, that tells us something,
5 doesn't it? There could be a train accident and
6 one of these things could derail. Also, I have a
7 friend had works in Nevada, he has told me some
8 horror stories where he has seen trucks
9 transporting nuclear material on icy roads with
10 huge, you know, snowdrifts, you know, in the worst
11 conditions and he documented it with cameras. You
12 know, and I just think we really should just have
13 it on site, you know, take care of it there. You
14 know, make these people take care of it and then
15 maybe they would start looking at a different way.

16 I mean, we have so little of our energy
17 budget is spent on renewable resources and that's
18 really what we need to look at, and how much energy
19 we waste. Have you ever been over to Vegas? I
20 mean, you can see the town 16 miles away, it's lit
21 up like -- you know, I thought it was the sun
22 coming up when I was down there camping, but it was
23 Vegas. You know, I think we waste so much
24 electricity. I look at this room here. We need to
25 start thinking about, you know, ways of

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1 conservation. And, you know, we're at 6 percent of
2 the world's population and yet we consume 40
3 percent of the world's resources.

4 And so I think -- you know, I was out
5 there in the fall hanging out with Marjean and the
6 Goshute Tribe and it's a beautiful place. You
7 know, there's a beauty about the desert that people
8 don't realize. And when you see it throughout the
9 season, see it through fall, see it through, you
10 know, winter, you realize what a quiet beauty there
11 really is out there.

12 And, you know, the sad thing is and what
13 disturbs me is, you know, I think Utahans are
14 overly patriotic and the Federal Government has
15 used that against us. Because we felt like
16 outcasts because we had polygamy, we had -- you
17 know, because of the Utah wars. They built Fort
18 Douglas on the hill and the soldiers were watching
19 over us and so we had to fight for statehood and we
20 didn't get it until like 1896 and so now we've been
21 overcompensated and been too patriotic and so then
22 they went out there and tested all the nuclear
23 radiation on us. My mother has got cancer and
24 actually got cancer and died five years ago, and
25 she had cancer of the thyroid which was basically

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1 -- I think it was from Hanford and not from the
2 test site. But it was basically the same thing.
3 She was drinking milk when she was a teenager and
4 she got cancer and it spread throughout her body
5 and it was very bad, you know. This woman that
6 spoke tonight, I was moved by what she had to say.
7 And I say we need to shut this whole thing down and
8 that's it. Thanks.

9 (Applause.)

10 JUDGE FARRAR: Thank you, Mr. Fife.
11 We've finally come to the end of the list. I
12 appreciate all of you staying here, everybody
13 talked. And I'll repeat what I said at the
14 beginning, I hope some of you will come to the
15 hearing and hear the evidence that's put in, hear
16 the witnesses on the various issues and we would
17 like to see you there. We will be here for the
18 next five weeks.

19 UNIDENTIFIED FEMALE: Sir, could you
20 tell us when those are?

21 JUDGE FARRAR: Yes, I would be happy to.
22 Tomorrow we start the evidence on the aircraft
23 issues, that's tomorrow here in Little America
24 Hotel in the afternoon, 3:30 to 7:30. Then
25 Wednesday through Saturday we're at the State

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1 Capitol, Room 129, starting Wednesday at 10:30,
2 starting Thursday through Saturday at nine o'clock.
3 Then we're off the next week and then we hear
4 environmental contentions -- from then on we're at
5 the Sheraton; Tuesday, April 22nd, April 23rd,
6 through Thursday, April 25th at the Sheraton. Then
7 starting Monday, April 29th at the Sheraton for the
8 next two weeks, the seismic issues, the weeks of
9 April 29th and May 6th.

10 You can get on our website and get like
11 when they change the schedule from day to day to
12 accommodate witnesses, get on nrc.gov, the website.
13 We'll have schedule changes on there.

14 UNIDENTIFIED MALE: Will it also have
15 the schedule as it stands?

16 JUDGE FARRAR: Yes, it has the current
17 schedule on there. And if anybody didn't get a
18 chance to speak or wants to expand on what you've
19 said you can file limited written statements with
20 us expanding on what you've said.

21 UNIDENTIFIED MALE: What's the deadline
22 for that?

23 JUDGE FARRAR: The next limited
24 appearances are in Tooele on April 26th. If you
25 got something in by then that certainly would be

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1 fine. That's it. Thank you.

2 (Applause.)

3 (The limited appearance session ended

4 at 11:25 p.m.)

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CERTIFICATE

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

Name of Proceeding: Private Fuel Storage, LLC
Limited Appearance Session

Docket Number: 72-22-ISFSI

ASLBP Number: 97-732-02-ISFSI

Location: Salt Lake City, Utah

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



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