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Topic: Shoshone-Bannock Tribe's comments on NUREG-1773

Dear Mr. Blevins,

We wish to thank the Nuclear Regulatory Commission for allowing the Shoshone-Bannock Tribe to comment on the EIS proposed draft report identified as NUREG-1773, Environmental Impact Statement for the Proposed Idaho Spent Fuel Facility at the Idaho National Engineering and Environmental laboratory in Butte, County.

After review of the NUREG-1773 document we are providing the following comments.

The Idaho National Engineering and Environmental laboratory (INEEL) is located on what is considered previous aboriginal and treaty right areas of the Shoshone-Bannock Tribe. The INEEL holds very significant impacts for the tribal people and the environment with natural and cultural resources. We as a tribe have a working government to government relationship with the Department of Energy and the current M&O contractor. We currently have a five (5) year Agreement in Principle with the Department of Energy. The following will be concerns regarding the development and construction of the fuel storage facility on the INEEL.

We applaud the Department of Energy, U. S. NRC, Foster Wheeler Environmental Corporation, in recognition for the need of construction and operation of the Idaho Spent Fuel Storage Facility to transfer, safely store, and remove from Idaho existing spent nuclear fuel located at various facilities on the INEEL. We also applaud the National Environmental Policy Act for implementing regulations 10 CFR Part 51.

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E-RIBS = ADM-03  
Ccd = M. Blevins (MXB6)<sup>1</sup>  
J. Randall (JRH)

## **SHOSHONE-BANNOCK TRIBAL COMMENTS:**

### **(Page xxiii) Costs Associated with Decontamination and Decommissioning**

Based on information within the document we have concerns with issues with Long Term Stewardship of the Idaho Spent Fuel facility and the operation in regards to the final end state of the facility and future land use. Previous facilities or buildings have been identified as clean up areas but due to funding or other issues they have been left in place as concrete monoliths.

Statements within the document refer to dismantling, decontamination and decommissioning of the facility in the proposed year of 2018, it is our understanding that this facility will also prepare SNF to be removed from the INEEL and the state of Idaho by 2035. Based on this information in this document are we to understand that the SNF removal program may be completed by the year or prior to 2018, years ahead of the state of Idaho Settlement Agreement removal of spent fuel milestone.

### **3.9.4.1 Early Native American Cultures**

In regards to cultural resources such as Native American sites, it is the wishes of the tribe that they be involved when and if there are any cultural items or human remains to be found. It is our understanding that if remains are found that the construction will halt until further investigation has been completed. This area that has been identified for the facility to be constructed had been previously surface surveyed by the M&O contractor Cultural Resource personnel. Items below the subsurface may be uncovered when the construction phase begins. The Tribe would like to be informed if and when this happens and to be a part of the decision making process regarding these issues. In this document there has been indication that the historical, cultural and paleontological resources have been identified as small, but has consideration been taken regarding cultural items that may be below the surface.

### **Table .21 Page 2-14- Waste Management**

The document mentions that there will be small quantities of radioactive waste that will be generated for the first 3 years of operation of SNF receipt and repackaging. It also mentions that this will be transferred to the Radioactive Waste management Complex (RWMC) located on the INEEL. At this point it is the Tribes understanding that it will also be scheduled from removal from the state of Idaho and if not then our other concern is will it be permanently stored at the RWMC facility.

### **4.2.2 Shipment of SNF to a Proposed Geologic Repository**

A very crucial issue and concern for the Tribes is once this facility has been built and is deemed a suitable and safe storage, repackaging and preparation of SNF, will it also then be addressed in the future to handle SNF from other states, private, or commercial reactors. It is our understanding that this facility will only handle SNF from the INEEL and not any other type of fuel from outside states or facilities. We wish to convey the message that the State of Idaho and the DOE Settlement Agreement does not take into consideration the Shoshone-Bannock Tribes, therefore the agreement may be altered in the future which may allow access of various type of different SNF to come into the

INEEL and transported across the Tribal reservation. The issue of removal of SNF from the INEEL to a permanent repository has been a concern for the Tribes in such that if a permanent repository is not identified and approved then all of the SNF will be left in place at the INEEL and never removed from the state of Idaho.

#### **4.11 Environmental Justice Impacts**

All aspects of this section of the document is greatly appreciated in regards to issues and recognition of the Shoshone-Bannock Tribes. The continual dialogue and communication between DOE, U.S. NRC and FWENC will have added assurance of Tribal concerns. Based on economic benefits that may be directly related to the Shoshone-Bannock Tribes, currently the Tribes have a high unemployment rate on the reservation. Previously Tribal members have been employed at the INEEL with current and prior M&O contractors but at this time due to contractor budget constraints there is a limited number of employed tribal member at the INEEL. Within the Tribal Business structure there are numerous individually Tribal owned businesses that can do work outside the reservation. There has been educational programs that have been in existence which specifically identified tribal youth as recipients but has faltered due to funding cuts.

#### **4.12.1 Normal Operations**

This section of normal operations deals with non radiological and radiological impacts and the employees are protected by health and safety and OSHA programs. There is no mention of a Operator Qualification Training Program that is identified that will ensure qualified personnel are in operation of this facility. The training program should identify qualification progressions, certifications and how often requalifications are to occur. The program should also identify what hours (24 hours or day shift only) the facility will be operated at and staff that is required to operate in a safe productive manner.

#### **General Summary**

The Shoshone-Bannock Tribes understand the need for a facility to be constructed to store existing SNF that is currently stored in older buildings on the INEEL. The Tribes are also in agreement that this SNF needs to be safely repackaged and prepared for removal from the INEEL and the state of Idaho. One concern is that when all of the fuel is stored in one location then it may be become identified and may be vulnerable to probable terrorist activity.

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