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RULEMAKINGS AND  
ADJUDICATIONS STAFF

Docket No. 72-22-ISFSI

Nils Diaz, Chairman  
Edward McGaffigan, Jeffrey Merrifield,  
Gregory Jaczko, Peter Lyons, Commissioners  
c/o Annette L. Vietti-Cook, Secretary of the  
Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

April 18, 2005

Dear Commissioners Diaz, McGaffigan, Merrifield, Jaczko, and Lyons,

I urge you to disapprove the license application by Private Fuel Storage, LLC (PFS) to open an "interim storage site" for irradiated nuclear fuel at the Skull Valley Goshutes Indian Reservation in Utah. On its face, the storage or disposal of highly radioactive waste on a tiny, poverty-stricken Native American community that did not even benefit from the nuclear generated electricity raises significant environmental justice concerns, but the crisis at Skull Valley exacerbates such concerns. There is a long running dispute over the legitimacy of the tribal leadership that supports PFS. In fact, disputed Tribal Chairman Leon Bear, the primary proponent for PFS, has been indicted on federal charges of embezzlement of tribal funds as well as tax evasion. Tribal members who oppose PFS claim they have been severely intimidated and harassed, and allege irregularities such as bribery and extortion have been used to secure support within the tribe for PFS. These are very shaky foundations upon which to build dry cask storage for 44,000 tons of commercial irradiated nuclear fuel, nearly 80% of what currently exists in the U.S.

Last October, U.S. Energy Dept. Yucca Mountain Project transport director Gary Lanthrum was quoted in the Salt Lake press as saying that the Yucca Mountain Project would simply not accept irradiated nuclear fuel from PFS, as that would violate the terms of the Nuclear Waste Policy Act which requires DOE to accept only freshly packaged fuel directly from nuclear utilities at reactor sites. PFS would lack the capability to perform such repackaging. This DOE statement contradicts assurances by PFS (and NRC staff in the proposal's Environmental Impact Statement) that irradiated fuel would remain at Skull Valley for no more than 40 years before transfer to Nevada for permanent burial. Thus, PFS could very well lead to de facto permanent "disposal" of 4,000 casks of high-level radioactive waste, out in the open, exposed to the elements, and vulnerable to accidental crashes of military aircraft from the U.S. Air Force bombing range next door. The Genesis satellite crash into the Utah Test and Training Range last September should be proof enough that accidents do happen.

Lastly, I am concerned by allegations raised by ComEd/Exelon whistleblower Oscar Shirani. Citing numerous major quality assurance violations in the manufacture of the storage/transport containers proposed for use at PFS, he questions their structural integrity. This not only raises the risk of irradiated fuel degradation and increased container vulnerability during storage at Skull Valley, but also of potentially catastrophic radioactivity release during transport due to a severe accident or terrorist attack.

Please deny PFS's license request. The Skull Valley Goshute Reservation is neither a safe nor just solution!

Sincerely,

  
Juliet Chung  
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