

Environmental Impact Statement Scoping Process

**Supplemental  
Scoping Report**

**Private Fuel Storage Facility**  
Skull Valley Indian Reservation, Tooele County, Utah

November 1999



U.S. Nuclear Regulatory Commission  
Washington, DC

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**DOCKET 72-22**

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## 1. INTRODUCTION

Private Fuel Storage L.L.C. (PFS), a company owned by eight U.S. electric utilities,<sup>1</sup> has applied to the U.S. Nuclear Regulatory Commission (NRC or Commission) for a license to construct and operate an independent spent fuel storage installation (ISFSI). Pursuant to the Atomic Energy Act, as amended, and the Commission's regulations in Title 10 of the *Code of Federal Regulations*, PFS filed an application (Docket No. 72-22) with an accompanying Environmental Report on June 20, 1997, for a specific license to receive, transfer, and possess nuclear power reactor spent fuel and other radioactive material associated with spent nuclear fuel (SNF) storage in an ISFSI. The application proposed to construct and operate the ISFSI on land leased from the Skull Valley Band of Goshute Indians. The proposed facility would be located on an 820-acre site in the northwest corner of the Skull Valley Band of Goshute Indian Reservation. The reservation is located within the geographic boundaries of Tooele County, Utah, approximately 27 miles west-southwest of the city of Tooele. The proposed facility would store up to 40,000 metric tons of uranium (MTU) in a maximum of 4,000 casks. The application also proposed that SNF would be transported from the reactor sites via rail to an Intermodal Transfer Point (ITP), located at Timpie, Utah. From the ITP, the fuel would be transported to the site via Skull Valley Road (using a heavy haul vehicle) or via a proposed rail line that would run parallel to Skull Valley Road. By letter dated August 28, 1998, PFS submitted an amendment to its application. The amendment proposed to (1) move the ITP approximately 1.8 miles West of Timpie, and (2) construct a rail line along the base of the Cedar mountains from the Low Junction (Skunk Ridge) to the ISFSI site in lieu of the rail line parallel to Skull Valley Road. This proposed rail route would traverse land managed by the Bureau of Land Management (BLM).

Pursuant to its regulations in 10 CFR Part 51, the NRC is preparing an environmental impact statement (EIS) on the proposed facility as part of its decision-making process. In addition to the EIS, the NRC is preparing a Safety Evaluation Report (SER) to address safety aspects of the proposed facility.

Both the Bureau of Indian Affairs (BIA) and BLM are cooperating agencies in the preparation of the EIS. As trustees for the Skull Valley Band of the Goshute Indians, BIA has responsibility to ensure that the interests of the tribe are not compromised by construction and operation of the proposed ISFSI. Therefore, BIA must approve any lease agreement between the PFS and the Skull Valley Band of Goshute Indians. To date, BIA has conditionally approved the lease between PFS and the Skull Valley Band of Goshute Indians, contingent upon the completion of an EIS, inclusion of mitigation measures identified in the BIA's Record of Decision, and the issuance of an NRC license. As manager of the Federal land over which rail access to the site is being proposed, BLM must issue a right-of-way to PFS for the construction and use of the proposed rail line. The

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<sup>1</sup>As per p. 1-10 of the PFS License Application, the members of the limited liability company are: Genoa FuelTech, Inc., Indiana Michigan Power, Consolidated Edison Company of New York, GPU Nuclear Corporation, Northern States Power Company, Illinois Power Company, Southern Nuclear Operating Company, and Southern California Edison.

Resource Management Plan (RMP)<sup>2</sup> for the Federal land in question does not allow major rights-of-way, such as a rail line, outside of designated corridors. As the proposed rail line location is outside a designated corridor, BLM must amend the RMP prior to or concurrent with the issuance of a right-of-way for the proposed rail line.

The proposed facility would store SNF inside sealed canisters, which are enclosed in steel and concrete casks that provide shielding and additional mechanical protection to the fuel. The canister/cask-based system confines radioactive wastes and would be licensed by NRC in accordance with 10 CFR Part 72 requirements for storage of SNF. The proposed facility would be designed to store SNF for an initial license period of 20 years that would be subject to renewal for an additional 20 years. The applicant anticipates that by the end of the 40-year period all SNF stored at the proposed facility would have been transferred offsite, and the ISFSI site would be decommissioned. PFS anticipates receiving a license by 2002 in order to commence operation. Ownership and ultimate responsibility for the SNF would continue to remain with the utilities that generated it until such time as the fuel is transferred to the U.S. Department of Energy (DOE).

The scoping process was initiated on May 1, 1998, with the publication in the *Federal Register* of a Notice of Intent (NOI) to prepare an EIS and conduct the scoping process (63 *Fed. Reg.* 24197-98). As described in the NOI, the objectives of the scoping process are to:

1. define the scope of the proposed action which is to be the subject of the EIS;
2. determine the scope of the EIS and identify significant issues to be analyzed in depth;
3. identify and eliminate from detailed study issues which are peripheral or are not significant;
4. identify any environmental assessments and other EISs which are being or will be prepared that are related to but not part of the scope of the EIS under consideration;
5. identify other environmental review and consultation requirements related to the proposed action;
6. indicate the relationship between the timing of the environmental analyses and the Commission's tentative planning and decision-making schedule;
7. identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completion of the EIS to the NRC and any cooperating agencies; and
8. describe the means by which the EIS will be prepared, including any contractor assistance to be used.

As a part of the scoping process, a public scoping meeting was held on June 2, 1998, in Salt Lake City, Utah. Several interested parties attended the meeting and provided comments. In addition to the comments received at the meeting, written comments were also provided to the NRC. In September 1998, the NRC issued a scoping report which summarized the determinations and conclusions reached in the initial scoping process. The initial scoping process was based on the description of the ISFSI contained in the June 20, 1997, application, which did not include the changes made to the proposed facility as a result of the August 28, 1998, amendment. Similarly, BIA's contingent approval of the lease was issued prior to the PFS amendment. The NRC, BLM, and BIA determined that the revision to the transportation proposal contained in the PFS amendment warranted supplementing the scoping process. Two additional public scoping meetings were held on

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<sup>2</sup>The rail line would traverse land within the Pony Express Resource Management Plan.

April 29, 1999, one in Salt Lake City, Utah, and a second in Tooele, Utah. The focus of the meetings was limited to environmental issues related to the proposed rail line, the request for issuance of a right-of-way over public lands managed by BLM, and any environmental concerns associated with the proposed lease agreement that may not have been addressed in the NRC's initial scoping process. In addition to the comments received at the public meetings, written comments related to the proposed rail line and the lease agreement were also accepted until May 28, 1999. This report summarizes the oral and written comments received as a result of the most recent scoping activities. Individuals and organizations who provided comments during the scoping period will receive a copy of this report and subsequent documents such as the Draft and Final EIS. This report supplements the September 1998 scoping report. The NRC staff is currently preparing a draft EIS. Oak Ridge National Laboratory is the contractor selected by NRC to provide technical assistance in the preparation of the EIS. The environmental comments received as a result of the scoping process will be duly considered in the preparation of the draft EIS.

After publication of the draft EIS (anticipated to be Spring 2000), the public will be invited to comment on that document. After evaluating comments on the draft EIS, NRC will issue a final EIS that will serve as the basis for the Commission's consideration of environmental impacts in its decision on licensing the proposed ISFSI and for issuance of decisions by the cooperating agencies with authorizing actions. Section 2 of this report summarizes the comments and concerns expressed by government officials, agencies, and the public associated with the applicant's proposed August 28, 1998, amendment and any environmental concerns associated with the proposed lease agreement that may not have been addressed in the NRC's initial scoping process. Section 3 identifies the issues the EIS will address and those issues that are not within the scope of the EIS. Where appropriate, Section 3 identifies other places in the decision-making process where issues that are outside the scope of the EIS may be considered.

## 2. SUMMARY OF ISSUES RAISED DURING THE SCOPING PROCESS

### 2.1 OVERVIEW

On April 29, 1999, NRC held public scoping meetings in Salt Lake City, and Tooele, Utah on certain aspects of the EIS for the proposed ISFSI in Skull Valley, Utah. Specifically, the scoping meetings focused on the environmental issues of the proposed rail line, the request for issuance of a right-of-way over public lands managed by BLM, and any environmental concerns associated with the proposed lease agreement that may not have been addressed in the NRC's initial scoping process. During the scoping meetings, 20 individuals offered comments about the proposed action. Of these 20 speakers, 1 represented a member of the U.S. Congress, 1 represented a sovereign Indian tribe, 5 were representing State of Utah agencies or departments, and 13 spoke on behalf of other organizations or as private citizens. In addition, 9 written statements from individuals, organizations, and agencies were received during the scoping period. Some of these submittals were written statements or summaries of the verbal testimony. This active participation by the public in the scoping process is an important component of determining the major issues that the EIS should assess.

Individuals providing oral and written comments addressed several subject areas. The comments received were categorized into the following general topics:

- safety and accidents;
- transportation impacts;
- cumulative impacts and scope of the analysis;
- compliance with Federal, State, and local permits (including amending the BLM Pony Express Resource Management Plan);
- geology, soils and seismicity;
- hydrology (surface water and groundwater);
- socioeconomics (including land use, aesthetics, recreational resources, and cost-benefit analyses);
- ecology;
- cultural resources;
- need for the facility;
- emergency preparedness;
- decommissioning and long-term storage; and
- alternatives.

Some of the comments received addressed issues that were discussed during the previous scoping process, and two commentors re-submitted written comments provided during the previous scoping period. The September 1998 scoping report summarizes these comments and, therefore, will not be discussed in detail in this report. In addition, some commentors offered opinions and concerns that typically would not be included in the subject matter of an EIS, for example, general opinions about nuclear energy policy in the United States or issues that are more appropriately considered in the NRC's SER. Comments of this type are taken into consideration by the NRC, BLM, and BIA, but because they do not point to significant environmental issues to be analyzed, they will not be

discussed in detail in this report. Other statements may be relevant to the proposed action, but they have no direct bearing on the evaluation of alternatives or on the decision-making process involving the proposed action. For instance, general statements of support for or opposition to the proposed project fall into this category. Again, comments of this type have been noted but are not used in defining the scope and content of the EIS.

Attachment A to this report lists the commentors and, on the basis of the topics listed above, shows the subject areas covered by their comments.<sup>3</sup> Note that Attachment A lists all comments received (i.e., within or outside of the scope of this scoping report) during the most recent comment period. Attachment B contains a proposed outline for the draft EIS, which considers the oral and written scoping comments received during the most recent scoping activities as well as the previous scoping process.

Section 2.2 summarizes the comments received during the most recent scoping process. Comments that were similar in nature to those received during the previous scoping process are not discussed in detail. Many of the issues raised have a direct bearing on the analysis of potential environmental impacts and the NRC's related decision-making process. Section 2.3 briefly describes other sources of project-related information that were considered during the scoping process for the EIS.

## **2.2 SUMMARY OF ISSUES RAISED**

### **2.2.1 Safety and Accidents**

The comments received in this area did not identify any new or different issues beyond those discussed during the previous scoping process.

### **2.2.2 Transportation Impacts**

Several commentors expressed concern about the potential for accidents and sabotage during the transport of the spent nuclear fuel. Most of the comments echoed those presented during the first scoping process, however, a few commentors did introduce new concerns. One commentor suggested that the EIS consider the cumulative impacts of transportation resulting from the proposed facility, similar to the analysis completed by the NRC in NUREG-1437, Volume 1, Addendum 1, "Generic Environmental Impact Statement for License Renewal of Nuclear Plant." The commentor also suggested that the EIS evaluate design and operation details of the proposed rail line, and identify the necessary State of Utah permits and requirements for the construction and operation of the proposed rail line. One commentor suggested that the EIS consider specific sabotage scenarios. Another commentor suggested that the increasing traffic density on rail lines resulting from increasing consolidation and abandonment of rail lines, due to mergers, will directly affect the throughput of proposed spent fuel rail shipments. The commentor then suggested that the increase in traffic density increases the statistical probability and severity of potential accidents.

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<sup>3</sup> Two individuals re-submitted written comments that were originally provided during the 1998 scoping process. These comments are not reflected in Attachment 1.

### **2.2.3 Cumulative Impacts and Scope of the Analysis**

Two commentors indicated that the EIS cumulative impacts analysis should be comprehensive and include the impacts of construction and operation of the proposed rail line. One commentor noted that the proposed rail line is being constructed solely to move spent fuel casks from the Union Pacific mainline to the Skull Valley Reservation, and the impacts should be considered in the EIS. One commentor suggested that if the intent is to expand the proposed rail line to Dugway, then the EIS address the impacts of doing so in this EIS.

### **2.2.4 Compliance with Applicable Local, State, and Federal Regulations**

Some commentors indicated that State permits are required for the construction and operation of the proposed rail line and the ITP. One commentor indicated that permission must be obtained from the Utah Department of Transportation and Utah Department of Environmental Quality regarding a number of design, construction, and operational requirements for the proposed transportation methods where vehicles exceed size and weight restrictions. Another commentor stated that by State statute, the Utah Department of Transportation has the responsibility to approve the establishment of any new rail crossings of public roads as well as any work on existing crossings. Comments were also received that noted BLM is required to coordinate its proposed actions with the State to determine whether the proposed actions are consistent with State purposes, plans, policies, and programs.

Several commentors expressed concern about the proposed amendment to the BLM Pony Express RMP. One commentor suggested that because the RMP never contemplated the establishment of a rail line, the entire RMP should be reopened. Another commentor indicated that in amending the RMP, BLM is required to conform to the same National Environmental Policy Act (NEPA) EIS planning process, and therefore, should consider alternatives, including a no action alternative. Other commentors suggested that the BLM should consider the economic impact to trust lands as a result of amending the RMP to allow a rail line, and that the RMP EIS review not be limited to the rail line, but consider all of the changes occurring in the RMP area.

### **2.2.5 Geology and Soils**

Commentors expressed concern about the geological conditions in the western portion of Skull Valley and the potential impacts that could result from construction and operation of the rail line. One commentor noted that the proposed rail line route would cross two capable faults and a third fault that may be capable. The commentor suggested that the EIS consider the impacts of greater than expected ground shaking and the possibility of a surface rupturing earthquake along the rail route. The commentor also identified other geological hazards along the proposed rail route such as expansive and collapsible soils and debris flows and floods.

Another commentor suggested that the EIS carefully consider the impacts of constructing the proposed rail line, including mitigation measures, because the soils in the area could be contaminated with radiological and chemical materials. One commentor listed several minerals thought to exist near the proposed rail line route. The commentor

suggested that the construction and operation of a rail line in the area could negatively affect the ability to open pit mine for the resources and that the EIS should consider the economic loss to the State and to the Skull Valley Band.

### **2.2.6 Hydrology (Surface Water and Groundwater)**

Commentors felt that the effects of construction and operation of the proposed project on surface water and groundwater resources should be assessed in detail for the proposed rail line and ITP. One commentor noted that during periods of intense rainfall and rapid snow melt, stream floods emanate from the mouth of the canyon. The commentor went on to suggest that these floods could potentially pose a hazard to the operation of the rail line. Other commentors suggested that the EIS discuss the water needs, including water requirements to fight fire, for the operation of the rail line and the ITP; the EIS identify the water rights and methods for obtaining those rights; and the EIS address the flood potential and method of managing floods from the greater watershed along the proposed rail line and at the ITP.

### **2.2.7 Socioeconomics**

Commentors expressed concern about the impacts the proposed rail line could have on land use and value. Other commentors raised other socioeconomic issues such as the potential for increased rail line congestion and cost-benefit analysis issues.

Commentors were concerned about the effect of the proposed rail line on land values in the area, particularly public lands such as State-administered Trust lands and lands owned by other Indian tribes. One commentor stated that the effect of public apprehension on the market value and revenue potential for Trust lands near the proposed rail line are of concern and should be discussed in the EIS. Another commentor indicated that approval and use of BLM land for a rail line could result in a decline in property value and ultimately impact the economy of other nearby Indian Tribes.

Others indicated that the proposed project may alter the land use patterns of the area and set an undesirable precedent for future land use. Specifically, commentors noted that the rail line is due to cross land identified by the Southern Utah Wilderness Alliance as an area possessing wilderness character, and that impacts, such as noise and aesthetics, on wilderness and recreational areas from construction and operation of the rail line must be quantified. Comments from various individuals suggested that the presence of the rail line would disrupt recreational activities such as off-road vehicle use and hunting; that the storage and transportation of SNF in Skull Valley could impact the vitality and mission of the Utah Test and Training Range, operated by Hill Air Force Base, and such an impact should be considered because Hill Air Force Base is a major part of the State economy; and that the rail line could have adverse impacts on livestock grazing and animal movement.

One commentor indicated that the cost-benefit analysis must thoroughly evaluate and include the indirect and direct cost of the proposed rail line, including the cost associated with the potential impact to historic trails near the proposed rail line. It was also suggested that the EIS reflect all the social costs and benefits from granting the rights-of-way to build the rail line and the ITP. One commentor suggested that the EIS consider the economic loss if the proposed rail line route prevented the mining of minerals thought to be in the area.

### 2.2.8 Ecology

Commentors expressed several concerns about the impacts of the construction and operation of the proposed rail line on plant and animal species of the region. One commentor suggested that the proposed rail line should not be allowed to disturb these areas that have already been designated as important wildlife habitat, and that BLM should ensure that the rail line and transportation of SNF are consistent with each of the specific Habitat Management Plans, or the BLM should amend the Pony Express RMP, Wildlife and Fisheries Decision.

One commentor indicated that endangered, threatened, and candidate plant and animal species could potentially exist in the Low Corridor. The commentor also suggested that these species, other species, and their food base may be impacted by the construction and operation of the rail line. Another commentor noted that the rail line may disrupt other established wildlife migration patterns for mule deer and pronghorn antelope, and that noise levels from the construction and operation of the rail line may also disrupt mating and breeding activities. The commentor also noted that the RMP proposed to fully cooperate with the reintroduction of the Peregrine Falcon into the Timpie Springs area and that surface disturbing activities on public lands adjacent to these areas would not be permitted to disturb birds or destroy important habitat.

Several commentors noted that wild horses frequent the area where the rail line is being proposed, and one commentor suggested that the rail line would probably cut off the winter feeding range for the wild horses. Other comments received suggested that impacts due to increased mortality from collision with the rail cars be considered in the EIS; that preserving the foothills is necessary because some animal habitats exist at different elevations or some animals need to travel from one elevation to another; and that the operation of the rail line could potentially introduce unwanted species and result in an impact to the area. In addition, one commentor stated that deer near the rail line are hunted and used for food by some members of the Skull Valley Band. The commentor expressed concern that the construction and operation of the rail line may impact this activity.

Commentors also expressed concern about the impact to vegetation in the area. One commentor noted that the hundreds of acres of vegetation that will be disturbed during the construction of the proposed rail line provides habitat for a variety of wildlife species. Several commentors expressed concern about the impact of fire on vegetation near the rail line. One commentor suggested that sparks from the rail line may result in fires that could result in the loss of native vegetation that would then be replaced by less desirable seed grasses. Another commentor noted that the rail line would introduce a new fire source to an area that already has a high incident of wildfires. The commentor went on to suggest that the rail line and the transport of SNF could potentially hinder the ability to fight wildfires and result in increased damage.

### 2.2.9 Cultural Resources

Several commentors indicated that the proposed rail line may have adverse and unacceptable impacts to historic and archaeological resources in the area. They felt that a full analysis of those potential impacts should be included in the EIS. Some commentors noted that the proposed rail line route could possibly cross two historic trails, the Hasting Trail and the Donner-Reed Trail. One commentor expressed concern about access to the

historic trails if the proposed rail line is constructed and also expressed concerns about possible damage to existing ruts and swells in the valley. Other commentators noted that archeological artifacts have been encountered along the proposed rail line route. Another commentator suggested that more artifacts are likely to be found in the vicinity of the proposed rail line. Some commentators noted that the proposed rail line would traverse traditional ancestral lands which are of importance to some members of the Skull Valley Band and other nearby Indian Tribes, and the impacts of this should be considered in the EIS.

#### **2.2.10 Need for the Facility**

Comments received in this area did not provide any new or different information than that discussed during the previous scoping process.

#### **2.2.11 Emergency Preparedness**

Comments received in this area did not present any new or different issues beyond those discussed during the previous scoping process.

#### **2.2.12 Decommissioning and Long-term Storage**

Comments in this area mainly included issues that were addressed in the previous scoping process; however, one commentator did suggest the costs of decommissioning the site, especially after accidents, be compared to the benefits of the lease.

#### **2.2.13 Alternatives**

Comments in this area mainly included issues that were addressed in the previous scoping process; however, one commentator did suggest an alternative that was not addressed in the previous process. The commentator suggested that the EIS consider an alternative presented by the Secretary of Energy during congressional testimony on the proposed legislation, H.R. 45, Nuclear Waste Policy Act of 1999. The alternative presented by the Secretary would have SNF remain at the reactor sites and the U.S. Department of Energy take ownership of the spent fuel. One commentator emphasized the need for the EIS to consider alternatives to the proposed rail line and ITP. The commentator suggested that the at least three alternatives be considered: granting either the rail line right-of-way or the ITP right-of-way, granting both rights-of-way, or some other hybrid.

### **2.3 OTHER SOURCES OF SCOPING-RELATED INFORMATION**

Comments from the previous scoping process, the April 29, 1999, public scoping meetings, and the written comments received within the most recent scoping period, are being used to assist NRC, BLM, and BIA in defining the issues and alternatives to be addressed in the EIS. As part of determining the scope of the draft EIS, NRC staff has also

reviewed its regulations and generic guidance documents relevant to the preparation of the EIS, as well as many of the documents that were submitted as part of the licensing process for this facility, as appropriate. Some of these documents, although not summarized here, present issues and alternatives that helped to refine the scope of the EIS.

### 3. SUMMARY AND CONCLUSIONS

#### 3.1 SCOPE OF THE EIS

In the September 1998 scoping report, NRC provided an overview of the scope of the EIS. Following the April 29, 1999, scoping meeting and the public comments received, NRC revisited the scope of the EIS to determine if it needed to be modified. The scope of the EIS described in this section reflects consideration of all the scoping comments received to date on the proposed project. As stated in the previous scoping report, the general content of an EIS prepared by NRC, for the most part, is prescribed by NEPA (Public Law 91-90, as amended), NRC's regulations for compliance with NEPA (10 CFR Part 51), and guidance provided by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), as well as NRC, BIA, and BLM NEPA guidelines. These regulations broadly define the areas that must be considered in the assessment of potential impacts resulting from a proposed action. In conjunction with these regulatory guidelines, the scoping process summarized in this report helped to identify and refine the project-specific issues that warrant consideration in the EIS.

The EIS will include a cost-benefit analysis that summarizes the environmental and other costs and benefits of the proposed action. On the basis of the regulations and the scoping process, NRC has initially determined that the EIS will assess the potential environmental impacts of the proposed project, for both construction and operation activities, in the following subject areas, as supplemented by the areas identified in Attachment B:

- **Radiological impacts and human health and safety.** The potential public health consequences of the proposed action will be evaluated primarily in terms of radiological exposure risk during normal operations, including transport of the SNF (including handling, transfer, and inspection activities) and under credible accident scenarios. Nonradiological events and activities with potential human health impacts will also be identified and evaluated.
- **Cumulative impacts.** The EIS will analyze the potential cumulative impacts, if any, of the proposed facility in the context of other existing and proposed facilities and activities in the area of the proposed project area, which includes the site, ITP, and rail line, as appropriate.
- **Socioeconomics.** The socioeconomic issues that fall within the scope of the EIS include the direct and indirect economic effects (both beneficial and adverse) on employment, taxes, residential and commercial development, agriculture, and public services in the area. The EIS will include an economic cost-benefit analysis. The effects of the proposed project on land use in the area, including use of public lands, tribal trust lands, and rights-of-way, will be assessed in the EIS. The EIS will also include an evaluation of the extent to which lands and land use may be disturbed or altered during construction and operation of all portions of the proposed action. In addition recreational and tourism sites, wilderness areas, and aesthetic values of the area will be analyzed.
- **Cultural resources and environmental justice.** The EIS will assess potential impacts of the proposed project on the historic and archaeological resources of the area and on the cultural traditions and lifestyle of Native Americans. An environmental justice review

- will be included in the EIS. The EIS will also discuss the status of the consultation on historic properties required by the National Historic Preservation Act of 1966, as amended.
- **Geology and seismicity.** The EIS will describe the geologic and seismic characteristics of the proposed site and evaluate the impacts of construction and operation of the proposed project on the geology and soils. Evaluation of the potential for earthquakes, ground motion, soil stability concerns, surface rupturing, and any other major geologic or seismic considerations that would affect the suitability of the proposed site as a storage location for SNF will be addressed in the SER rather than the EIS; the SER will also address cask design, particularly in the context of potential seismic events.
  - **Transportation.** The analysis of potential impacts resulting from the transportation of SNF will consider relevant aspects of both rail and truck transport to the proposed facility. The EIS will discuss the number, type, and frequency of shipments, as well as routing considerations and the quantities of SNF being shipped. The impacts of transportation will be evaluated primarily in terms of radiological exposure risk during normal transportation (including handling, transfer, and inspection) and under credible accident scenarios. The non-radiological impacts of transportation will also be identified and evaluated. Construction activities required for road or rail systems will be assessed, including input from BIA and BLM.
  - **Accidents.** NRC safety regulations and guidance specify that the facility be designed to withstand various credible accidents, including natural events, without having a significant radiological release. The SER will include an evaluation and determination on the adequacy of the design to withstand credible accidents at the proposed facility, determine if any radiological release will occur as a result of the accident, and determine the significance of the radiological release. The EIS will analyze the potential environmental impacts resulting from credible accidents at the proposed facility.
  - **Compliance with applicable regulations.** The EIS will present a listing of the relevant permits and regulations that are believed to apply to the proposed facility. Regulatory or legal issues that will be covered in the EIS include water rights, land use restrictions such as rights-of-way, and oil, gas, or mineral leases that would interfere with the availability or suitability of the proposed site.
  - **Air quality.** Potential air quality impacts of the proposed project will be evaluated in the EIS. The evaluation will include potential impacts resulting from construction activities and operation and will compare the anticipated air quality impacts, if any, with relevant standards. If appropriate, modeling will be performed to assist in the analysis of potential air quality impacts.
  - **Hydrology.** The EIS will assess the potential impacts of the proposed project on surface water and groundwater resources. The assessment will consider water resources, water quality, water use, floodplains, and the probable maximum flood.
  - **Ecological resources.** The EIS will assess the potential environmental impacts of the proposed action on ecological resources, including plant and animal species and threatened or endangered species or critical habitat that may occur in the area. As appropriate, the assessment will include potential effects on wildlife migration patterns; and mitigation measures to address adverse impacts will be analyzed. The EIS will also discuss the status of any consultation required by the Endangered Species Act of 1973, as amended.

- **Need for the facility.** A discussion of the need for the proposed facility and the expected benefits will be presented in the EIS and will include an estimate of the amounts of SNF generated by participating nuclear power plants and the utilities' capabilities to store that fuel.
- **Decommissioning.** The EIS will include a general discussion of decommissioning of the facility and associated impacts.
- **Alternatives.** The no-action alternative and other reasonable alternatives to the proposed action will be described and assessed in the EIS. Other reasonable alternatives to the proposed action, such as alternative sites or alternative storage methods, will be considered.

### 3.2 ISSUES OUTSIDE THE SCOPE OF THE EIS

The purpose of an EIS is to assess the potential environmental impacts of a proposed action as part of the decision-making process of an agency—in this case, for three agencies, NRC (a licensing decision), BIA (lease approval decision), and BLM (granting a right-of-way). It should be noted that each agency's final decision (i.e., completion of its Federal actions) will not be made until after the Final EIS is issued. Some issues and concerns raised during both scoping processes (June 1998 and April 1999) are not relevant to the EIS because they are not directly related to the assessment of potential impacts or to the decision-making process. Exclusion from the EIS, however, does not suggest that an issue or concern lacks value. Issues beyond the scope of an EIS may be appropriately discussed and decided in other venues, such as the NRC safety review or the BIA lease approval review.

Some of the issues raised during the public scoping will not be addressed in the EIS. These include legal issues such as the potential conflict between Federal laws regarding Tribal sovereignty and State laws regarding waste storage. An analysis of DOE's statutory responsibilities regarding SNF, particularly as legislated in the Nuclear Waste Policy Act, is also outside the scope of the EIS; and DOE's responsibilities regarding SNF do not require that DOE be a cooperating agency for this EIS. Similarly, DOE's activities at Yucca Mountain and questions about the future availability of that site are beyond the scope of the EIS, as is the potential that such a facility may not become available within the next 40 years [see 10 CFR 51.23(b)]. Issues related to DOE's responsibilities for commercial nuclear reactor SNF are addressed in DOE's "Draft Environmental Impact Statement for a Geological Repository for the Disposal of Spent Nuclear Fuel and High Level Radioactive Waste at Yucca Mountain, Nye County, Nevada," DOE/EIS-0250D, July 1999.

Some issues raised during the public scoping process for the proposed facility are outside the scope of the EIS, but they will be analyzed in the SER. The EIS and the SER are related in that they may cover the same topics and may contain similar information, but the analysis in the EIS is limited to an assessment of potential environmental impacts. In contrast, the SER primarily deals with safety evaluations and procedural requirements or license conditions to ensure the health and safety of workers and the general public. The SER also covers other aspects of the proposed action such as demonstrating that the applicant will provide adequate funding for decommissioning of the facility (in compliance with NRC financial assurance regulations) and that the site-specific emergency preparedness procedures are appropriate. Also, the design of the transport, transfer, and storage casks will be evaluated in the SER or in separate rulemaking proceedings for conformity with NRC regulations regarding safety and testing. The SER will include an evaluation of the safeguards at the proposed facility (pursuant to 10 CFR Part 73).

**Attachment A**

**Comment Subject Areas by Commentor  
Oral and Written Comments**

Commentor and affiliation (if any)	Transportation Impacts	Safety and Accident	Cumulative Impacts	Emergency	Ecology	Cultural Resources	Socioeconomics	Alternatives	Need for the Facility	Geology & Soils	Hydrology	Decommissioning	Fed, State, Local Permits
<b>Oral Comments</b>													
Lee Allison, Utah Geological Survey						✓				✓	✓		
Lawrence Bear							✓		✓				
Leon Bear, Chairman Skull Valley Band of Goshute Indians						✓							
Margene Bullcreek	✓	✓			✓	✓				✓			
Michael Canning, Beehive Division of Wildlife					✓								
Kelly Casaday, Congressman Merrill Cook's Office									✓				
Steve Erickson, Downwinders			✓		✓	✓		✓		✓			✓
R.J. Hoffman									✓				
Orlando Jerez, Utah Department of Transportation													✓
Cindy King, Utah Chapter of the Sierra Club													✓
Al Mulder, Oregon/California Trails Association						✓							

Commentor and affiliation (if any)	Transportation Impacts	Safety and Accident	Cumulative Impacts	Emergency	Ecology	Cultural Resources	Socioeconomics	Alternatives	Need for the Facility	Geology & Soils	Hydrology	Decommissioning	Fed, State, Local Permits
Dianne Nielson, Utah Department of Environmental Quality	✓		✓				✓	✓					✓
William Patterson													
Justin Quigley, School Institutional Trust Land Administration							✓	✓					✓
Gary Sandquist	✓								✓				
Thomas See													
Greg Simonds, Ensign Ranches of Utah, L.C					✓		✓						
Joro Walker, Southern Wilderness Alliance					✓		✓						
Beverly White									✓				
Cherry Wong, Woman Concerned/Utahns United	✓								✓				
<b>Written Comments</b>													
Lee Allison, Utah Geological Survey										✓			
Louise Hess													
John Paul Kennedy	✓	✓				✓	✓					✓	

Commentor and affiliation (if any)	Transportation Impacts	Safety and Accident	Cumulative Impacts	Emergency	Ecology	Cultural Resources	Socioeconomics	Alternatives	Need for the Facility	Geology & Soils	Hydrology	Decommissioning	Fed, State, Local Permits
Earl Morris, Utah Department of Public Safety				✓									
Dianne Nielson, Utah Department of Environmental Quality	✓		✓	✓	✓	✓	✓	✓		✓	✓		✓
Christopher Robinson, Ensign Ranches of Utah, L.C													
John Tanner, Jr.	✓	✓											
Joro Walker, Southern Wilderness Alliance, Ohngo Gaudadeh Devia, and Margene Bull Creek						✓	✓						
Cherry Wong/Rosemary Holt, Women Concerned/Utahns United	✓								✓				

**Attachment B**

**Proposed Outline for the Draft Environmental  
Impact Statement**

**PROPOSED OUTLINE OF THE DRAFT EIS CONTENTS****PRIVATE FUEL STORAGE FACILITY, SKULL VALLEY INDIAN RESERVATION**

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Appendix D: Comments on the Draft EIS and Responses to Those Comments