

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a
Limited Liability Company;

(Independent Spent Fuel
Storage Installation).

Docket No. 72-22

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**OHNGO GAUDADEH DEVIA'S REQUEST FOR HEARING
AND
PETITION TO INTERVENE**

Petitioner, Ohngo Gaudadeh Devia ("OGD") by and through its counsel, Jean Belille, of the Land and Water Fund of the Rockies, 2260 Baseline Road, Suite 200, Boulder CO 80302, in accordance with 10 C.F.R. §2.714 (1996) of the Nuclear Regulatory Commissions ("NRC") regulations hereby submits the following **Request for Hearing** ("request") and **Petition to Intervene** ("petition"). In support of it's request and petition, OGD states as follows:

I. INTRODUCTION

This request and petition is filed regarding the application of Private Fuel Storage ("PFS") a limited liability company which has applied for a materials license to possess spent fuel and other radioactive materials associated with spent nuclear fuel in an Independent Spent Fuel Storage Installation ("ISFSI") in and upon the Skull Valley Goshute Indian Reservation in Skull Valley Utah. See, 62 Fed. Reg. 41,099 (July 31, 1997).

This petition is supported by the attached Affidavits hereby incorporated by reference and made a part hereof. Affidavits of the Chairwoman of the organization, OGD, Margene Bullcreek, Garth J. Bear, Vice Chair of OGD, Lester Wash, member of OGD, and Abby Bullcreek, member of OGD are attached. All of the above are members of the citizen's group and all live within five (5) miles of the proposed PFS site. The majority of members of OGD are members of the Skull Valley Band of Goshute, and the majority of members of OGD reside within the Skull Valley Goshute Indian Reservation in Skull Valley Utah, and all are very active in the community and have many significant interests in the Reservation.

II. REQUEST FOR HEARING AND PETITION TO INTERVENE

The Notice of Docketing affords the opportunity to request a hearing and petition to intervene. 10 C.F.R. §2.105; Notice of Docketing, 62 FR 41,099 (July 31, 1997). Pursuant to the Notice and regulations, Petitioner OGD hereby requests a hearing and leave to intervene in this proceeding.

III. FACTUAL BACKGROUND

A. Ohngo Gaudadeh Devia

Ohngo Gaudadeh Devia is an unincorporated organization. The address for OGD is P.O. Box 155, Tooele, Utah 84074. As asserted in the attached affidavits incorporated hereby by reference and made a part hereof, OGD is an organization dedicated to preserving

and continuing the cultural heritage of the Skull Valley Band of Goshutes. The organization has committed itself to protecting the way of life of its members through the members' culture, through the members' physical surroundings and environment and through the members' traditions. The organization was formed specifically to oppose the building of this high level nuclear storage facility on the Goshute Reservation. Most of the members of OGD are members of the Skull Valley Band of Goshute. Most of the members of the organization live in very close approximation to the proposed ISFSI site. The members of the organization assert that their health and safety may be directly affected by the NRC's decision in this proceeding. Each of the members of the organization assert that their spiritual, cultural and traditional ways will be directly affected by the NRC's decision in this proceeding. Each of the members of the organization assert that their economic interests will be adversely effected by the NRC's decision in this proceeding. Each of the members who will suffer the most by the NRC's decision to grant this license have asserted that they have authorized OGD to represent their interests in this proceeding.

B. Skull Valley Reservation

The Skull Valley Reservation ("reservation") is located sixty-five (65) miles to the southwest of Salt Lake City. The reservation is bounded on the west by the Cedar Mountains and on the east by the Stansbury and Anauqui Mountains. The reservation is in one solid unit encompassing eighteen thousand, seven hundred (18,700) acres of land at an elevation of four thousand five

hundred (4500) feet. Vegetation native to the reservation consists of budsage, shadseale, and greasewood shrubs. Traditionally the Goshute have gathered choke cherry and elderberry which are also found within the reservation. See the attached affidavits of Margene Bullcreek, and Abby Bullcreek. The grass species are mainly Indian rice, needle and thread, western wheat, Sandburg bluegrass, and cheat grass. Animal life consists of badger, bobcat, ringtail cat, coyote, fox, mountain lion, porcupine, various species of rodents, with occasional blacktail jack rabbits, cotton tail rabbits, golden eagles, bald eagles and mule deer. The members of OGD enjoy veiwing these animals on and around their homes. Topography of the area is moderately undulating. The climate is semi-arid with an annual precipitation of six to seven inches. Temperatures vary from a high in the summer of 110°F. to a low in the winter of -15°F.

The reservation has approximately twenty (20) tribal members as well as other Native Americans living within the borders of the reservation. One hundred twenty (120) people make up the entire band of Goshute, with seventy (70) of those members being voting members of the Tribe. The reservation is made up of eighteen thousand six hundred (18,600) acres of trust land and one hundred (100) acres of allotted land. There is no fee simple land on the reservation.

The nearest permanent residential dwelling of an OGD member is less than four thousand (4000) feet away from the proposed ISFSI site. See attached affidavit of Garth Bear. The majority of homes

are within three (3) miles from the site.

There is a local tribal store called the Pony Express Station located within the three (3) mile radius of the proposed site. Members of OGD shop at this store. There is within a five (5) mile radius the Tekoi Rocket Engine Test Facility operated by Alliant Techsystems. Alliant Techsystems employs close to fifteen (15) people. They often have visitors and often up to 30 people may be present at the plant at any given time. There is also a community building called the Goshute Cultural Center within the five (5) mile radius which is used for purposes such as community meetings, funerals, birthdays and a variety of other reasons. Members of OGD use this building often.

C. PFS License Application for ISFSI

On June 25, 1997, PFS submitted their license application for an ISFSI on the Goshute Reservation. The site of the proposed facility is approximately 840 acres and the storage area itself will be built on ninety-nine (99) acres within the 840 acres. See, License Application, L.A. Chapter 12, p. 12.1. The proposed facility is expected to store spent fuel and other radioactive materials associated with spent fuel storage in a dry storage cask system. The facility ("site") will store nuclear fuel that has been discharged from U.S. commercial nuclear generating plants. Spent fuel will be transported to the site by rail. One of two alternatives will be selected for transport between the railroad main line and the site. The shipping cask will either be off-loaded at an intermodal transfer point at the railroad main line

and loaded onto a heavy haul tractor/trailer for transporting to the site, or the shipping cask will be transported via a new railroad spur connecting the site directly to the railroad main line. Both of these options would occur off of the reservation within the State of Utah.

Multi-purpose canisters will be utilized for both the shipping casks and storage casks. The canisters will be stored at the site in a vertical configuration inside concrete storage casks, which will be stored on concrete pads on the site.

The proposed site is located on the Skull Valley Indian Reservation which is within Tooele County, Utah, 27 miles west-southwest of Tooele. The site is located 1.5 miles west of Skull Valley Road also designated Federal Aid Secondary ("FAS") Road 108. The exact location of the site is located in Sections 5,6,7 and 8. Township 5 South, Range 8 West, Salt Lake Base and Meridian described as follows: All of Section 6, the north 700 feet of Section 7 from the west to the east. Section 7 boundary, the west 700 feet of Section 5 from the north to the south Section 5 boundary, and the north 700 feet of section 8 from the west Section 8 boundary to a point 700 feet east. Containing 820 acres more or less. This description is important because the reservation does not have street signs to designate where the location is in relationship to other areas within the reservation. The majority of the population of the Skull Valley Reservation is located directly east of the above described site all within a 5 mile radius.

IV. PETITIONERS HAVE STANDING TO INTERVENE

A. Legal Requirements

Under the Atomic Energy Act and the rules and regulations of the Nuclear Regulatory Commission, "any person whose interest may be affected by a proceeding and who desires to participate" may file a petition to intervene. 10 C.F.R. §2.714 (a) (1). A party's standing to intervene under the Atomic Energy Act, Section 189 (a) is based upon a showing where petitioner must first allege an injury in fact from the licensing action being challenged that is "concrete and particularized and actual or imminent, not conjectural or hypothetical". Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992). In a NRC proceeding, the injury must fall within the zone of interest protected by the Atomic Energy Act ("AEA") or the National Environmental Policy Act ("NEPA"). Vermont Yankee Nuclear Power Station, LBP-90-6, 31 NRC 85, 89 (1990), citing Portland General Electric Co., CLI-76-27, 4 NRC 610, 613-14 (1976). Secondly, the injury must be fairly traceable to the challenged action. Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1) CLI-85-2, 21 NRC 282, 316 (1985). Such a determination depends not on whether the cause of injury flows directly from the challenged action, but whether the chain of causation is plausible. Sequoyah Fuels Corp. and General Atomic (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 75 (1994). Third, it must be likely, rather than speculative, that a favorable decision will redress the injury. Lujan, 504 at 561; Sequoyah, 40 NRC at 71-72.

1. Injury-in-fact

The proposed ISFSI threatens an injury to petitioner and its members that is "distinct and palpable". Kelly v. Selin, 42 F.3d 1501, 1508 (6th Cir.), cert. denied, 115 S.Ct. 2611 (1995), quoting Warth v. Seldin, 422 U.S. 490, 501 (1975). The injury is also directly "traceable" to the proposed license application and can be redressed by a decision denying the application. Id. If the proposed facility is licensed, there is a "distinct and palpable" risk of an accidental radioactive release from the dry casks that would injure and compromise the health and safety of the members of OGD and also injure the integrity of the natural environment in which they live. The approval of this license application by the NRC would be a directly "traceable" injury suffered or likely to be suffered by petitioner OGD.

An accidental release could contaminate the air, ground and surface water, the land, and surrounding people, animals, and plants. "The Commission has long recognized that a petitioner's claim that he or she resides within a certain geographic proximity to a facility is sufficient to establish the requisite injury in fact in proceedings involving construction permits, operating licenses or significant amendments to operating licenses for power reactors. Florida Power & Light Co. (St. Lucie Nuclear Power Plan, Units 1 and 2) CLI-89-21, 30 NRC 325, 329 (1989). Those cases involve "clear potential for the offsite environment, or major alteration to the facility with a clear potential for offsite consequences." Id. For example, spent fuel pool expansion

proceedings have been found significant enough to warrant standing based on geographic proximity to the facility. See, e.g., Virginia Elec. and Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-522, 9 NRC 54 (1979). In that the majority of the members of ODG are within a three (3) mile radius (see attached affidavits) from the proposed ISFSI and the ISFSI is a spent fuel storage site, it appears that the petitioners have demonstrated injury in fact based on location. See, Kelley v. Selin 42 F. 3d 1501, 1509-10 (6th Cir. 1995) as quoted in Northern States Power Company (Independent Spent Fuel Storage Installation), NRC Staff's response, Docket 72-18-ISFSI, (where petitioners sought injunction and other relief against loading or storage of waste in VCS-25 casks, the close proximity of petitioners to the proposed site for spent fuel storage and the plant was sufficient to establish injury for standing.) An accidental release would cause significant adverse economic consequences, including diminished property values, economic stigma to the area, loss of traditional plants and cultural opportunities for the members of ODG. See, Northern States Power Company (Independent Spent Fuel Storage Installation), NRC Staff's response Docket 72-18-ISFSI.

ODG members' health, safety, economic stability and traditional ways would be effected. See affidavits of Garth Bear, Marjean Bullcreek, and Abby Bullcreek. Traditional sites and plant gathering would be threatened and the way of life of the Goshute band would be forever changed.

2. Plausible Chain of Causation

Where a licensee was seeking permission to expand the capacity of its facility's spent fuel pool it has been held that "a petitioner's close proximity to the facility is enough to establish the requisite interest for intervention." Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 3 ALAB-522, 9 NRC 54 (1979)).

There are several scenarios that could plausibly cause the injuries enumerated in subsection one (1) above, including fire, cask explosion scenario, terroristic sabotage, airplane crash into the casks, or a loading or unloading accident.

Construction is scheduled to start on January 1, 2000 at the proposed facility with a completion date of December 31, 2001. See, License Application, L.A. Chapter 1, p.1.8. It becomes very plausible that operations in the facility will began at about the same time that the Winter Olympics scheduled for the year 2002 are being held in Salt Lake City, Utah. Salt Lake City is only sixty-five (65) miles Northeast of the proposed site. It becomes very plausible that this is a "specific situation which has historically attracted terrorist activity and threats." See, Georgia Institute of Technology, LBP-95-6, 41 NRC 281 (1995). This area may well prove a "tempting target for terrorists." Id., at 289. OGD's concern in this situation is that the facility is so far away from emergency services that should a situation arise such as this the response time for rescue and emergency teams to arrive would put tribal members or citizens in grave danger of being exposed to

large amounts of radioactivity.

Michael Army Air Field is located on the Dugway Proving Ground less than sixteen (16) miles southwest of the proposed site. This military airfield has a 13,125 foot runway, and can accommodate all operational aircraft in the Department of Defense inventory. Safety Analysis Report, SAR Chapter 2, p. 2.23. Military Airway IR-420 passes directly over the proposed site. The probability of an airplane crashing onto the site may be small, but the concern of OGD is again related to the response time of emergency personnel.

According to the Emergency Plan submitted with the license application, an event such as a fire involving a loaded storage, transfer, or shipping cask that lasts longer than 15 minutes "could effect the transfer cask neutron shield materials which could be affected by high temperatures involved in a fire and significant fires could potentially damage the neutron shield, resulting in higher dose rates in the vicinity of the canister". Emergency Plan, EP Chapter 2, p.16. This coupled with the fact that the Emergency Plan requires only two fire trucks to be on site, with one manned by a totally volunteer crew would in itself seem to be a very serious problem. If there were an airplane crash into the casks it would likely take much longer than 15 minutes to extinguish the fire.

"Tooele County Fire department will be called to assist in extinguishing fires beyond the capabilities of the onsite fire brigade." Emergency Plan, EP Chapter 3 p. 3.5. This also is troublesome to OGD as they are very aware of the time that it takes

to get from Tooele, to the proposed site. "Because of the intervening Stansbury Mountains it is a drive of approximately 55 miles from Tooele to the site, with the north route completely around the mountain range, and the south route through the mountains by means of Johnson Pass." See, Emergency Plan, EP. Chapter 1 p. 1-4. The members of OGD would be put in grave danger of extremely high radiation exposure should this scenario happen.

Another imminent danger looms around the possibility that there may be a load drop accident. See, Northern States Power Company (Independent Spent Fuel Storage Installation), LPB-96-22, 44 NRC 138 (1996), p. 158, where it was said that "for a variety of reasons including mechanical failure and human error, nuclear facility load drop accidents do happen that result in damage, sometimes substantial, to facility equipment." The Judge went on to hold in that case that "while again asserting it is based on a very low probability event, ... there could be some off-site consequences to such an occurrence, albeit in a range well below the public exposure limits established in 10 C.F.R. Part 100."

In any of these incidents the members of OGD or other citizens downwind could suffer immediate severe radioactivity related illness or death from high-level radiation exposure. Other scenarios involving high or low level exposure could result in increased cancer and leukemia rates or cellular and genetic defects many years into the future. An accidental release would also cause significant adverse economic consequences, including diminished property values and a loss of cultural, and traditional

opportunities for the members of OGD.

This accidental release could occur by means of a transportation accident, or a design or manufacturing flaw in the cask used. A criticality accident could cause a radiological explosion. An accident could also occur by sabotage or terrorism, or by a cask drop during transfer, or by other means.

It seems very clear that injury to the petitioner would be fairly traceable to the granting of the license by the NRC and that in the above mentioned scenarios the chain of causation is very plausible. In fact, in Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 3 ALAB-522, 9 NRC 54 (1979), the NRC held that "neither the Licensing Board nor we are in a position at this threshold stage to rule out as a matter of certainty the existence of a reasonable possibility that expansion of the spent fuel pool capacity might have an adverse impact upon persons living nearby."

Petitioner is concerned that PFS's license application for the ISFSI lacks sufficient measures to protect them from such an accidental release, thus posing an undue risk to their health and safety. Petitioner's concerns may be redressed by denial of the license application on the ground that it fails to provide sufficient measures to protect health and safety.

OGD asserts that the likelihood of these scenario happening are enough to show a plausible chain of causation between the injury in fact and granting of this license application.

3. Petitioner's Interests Fall within the Zone Protected

by the Atomic Energy Act and National Environmental Policy Act.

Petitioner's concerns regarding the health and safety risks posed by the proposed ISFSI fall within the "zone of interest" protected by the Atomic Energy Act, whose purposes include the protection of the public from undue hazards posed by the nuclear industry. Vermont Yankee, supra, LPB-90-6, 31 NRC at 89; 42 U.S.C. §§2133 (d), 2210(b). The National Environmental Policy Act's ("NEPA") "zone of interest also encompasses petitioner's interest in protecting the quality of the environment and conserving a sound economic base for the community through protection of property values ... and through maintenance of the environment in a condition that is conducive to agriculture, fishing, recreation, and preserves its unique historic character. Kelly v. Selin, 42 F3d at 1509, citing Lujan v. Defenders of Wildlife, ___ U.S. ___, 112 S.Ct. 2130, 2149 (1992) (holding that injury to economic interests through loss of property values confers standing under NEPA).

As is evidenced by the attached affidavits, OGD was formed specifically for the purposes of maintaining preserving and continuing the cultural heritage of the Skull Valley Band of Goshutes. The organization has committed itself to protect the way of life of it's members through preservation of their culture, through the preservation of the members physical surroundings and environment and through the Tribal traditions of its member, by directly opposing the building of this high level nuclear storage

facility on the Goshute Reservation. The majority of the members of OGD are members of the Skull Valley Band of Goshute. Most of the members of the organization live in very close approximation to the proposed ISFSI site. Each of the members of the organization are very concerned that their health and safety may be directly affected by the NRC's decision in this proceeding. Each of the members of the organization maintain that their spiritual, cultural and traditional ways may be lost by the NRC's decision in this proceeding. Each of the members of the organization assert that their economic interests will be adversely affected by the NRC's decision in this proceeding. And finally each of the members of OGD have authorized OGD to represent their interests in the proceedings. (See attached affidavits). These interest seem to fall directly into the "zone of interests" that both the AEA and NEPA purport to protect. This area of Utah has a unique historic character especially for the Goshute as this is a portion of the historic homelands of this Tribe and of these tribal members. Members of OGD still collect plants and traditional medicines from the area around the reservation. They desire to protect a way of life that has become familiar and also to protect the environment of the area so that they and their children can continue to live without fear and worry that they may have to leave the land if it becomes polluted with nuclear waste. The members of OGD live, play and practice traditional ways upon this land and only desire to keep it as safe as possible for themselves and their children. These are the concepts and the "zone of interest" that both the AEA

and NEPA are meant to protect.

V. OGD HAS GROUP STANDING TO INTERVENE ON BEHALF OF ITS MEMBERS.

In order for an organization to establish standing, it must either demonstrate standing in its own right or claim standing through one or more individual members who have standing. Georgia Institute of Technology (Georgia Tech Research Reactor), CLI-95-12, 42 NRC 111, 115 (1995). To establish standing from members, an organization must show that at least one of its members suffers "immediate or threatened injury as a result of the challenged action of the sort that would make out a justiciable case had the members themselves brought suit..." Warth v. Seldin, 422 U.S. 490, 511 (1975). An organization normally must identify at least one member by name and address and must demonstrate that the named member has authorized the organization to represent that member in the proceeding. Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 393-96 (1979). An organization must normally submit affidavits of its members to demonstrate that it has authorization to represent them. Sacramento Municipal Utility Dist. (Rancho Seco Nuclear Generating Station), LPB-92-23, 36 NRC 120, 126 (1992), rev'd on other grounds, CLI-93-3, 37 NRC 135 (1993).

The members of OGD who have attached affidavits reside and live within a very close distance to the proposed site and are very concerned about a healthy environment. They have an economic

interest in the value of the land upon which they have chosen to live, and they are interested in protecting their way of life, culturally, physically and traditionally.

OGD was formed specifically to oppose the building of this high level nuclear storage facility on the Goshute Reservation. Each of the members of OGD are members of the Skull Valley Band of Goshute or some other Native tribe. Most of the members of the organization live in very close approximation to the proposed ISFSI site. Each of the members of the organization assert that their health and safety may be directly affected by the NRC's decision in this proceeding. Each of the members of the organization assert that their spiritual, cultural and traditional ways will be directly affected by the NRC's decision in this proceeding. Each of the members of the organization assert that their economic interests will be adversely affected by the NRC's decision in this proceeding. And finally each of the members of OGD assert that they have authorized OGD to represent their interests in the proceedings. (See attached affidavits). The proposed ISFSI threatens these interests. OGD asserts that the only way that each of the above assertions can be redressed would be by denial of the license application by the NRC. Thus, OGD does have group standing and is entitled to intervene in this proceeding for the purpose of protecting its members' interests from the injuries-in-fact threatened by the proposed ISFSI.

VI. STATEMENT OF "ASPECTS" ON WHICH PETITIONER WISHES TO INTERVENE

Pursuant to 10 C.F.R. §2.714 (b) (2), the petitioner is required to state the "specific aspect or aspects of the subject matter of the proceeding" as to which it wishes to intervene. The purpose of this requirement is not to judge the admissibility of the issues, as the petitioner has the right to amend its petition to intervene with contentions later in the proceeding. Consumers Power Co. (Midlands Plant, Units 1 and 2), LBP-78-27, 8 NRC 275 (1978). Rather, the purpose of the requirement is to determine whether the petitioner specifies "proper aspects" for the proceeding. Id. Thus, the petitioner may satisfy the requirement "by identifying general potential effects of the licensing action or areas of concern that are within the scope of matters that may be considered in the proceeding." Vermont Yankee, supra, LBP-90-6, 31 NRC at 89, citing Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2), ALAB-146, 6 AEC 631, 633 (1973).

The aspects of the subject matter on which OGD seeks to intervene are as follows:

1. The license application poses undue risk to public health and safety because it lacks sufficient provisions for prevention of and recovery from accidents during storage resulting from such causes as sabotage, fire, cask drop and bend, lid drop damage or improper welds.
2. The license application, specifically the emergency plan submitted with the license application fails to address the safety

provisions made for those individuals living outside of the facility within a five mile radius of the facility. The emergency plan addresses only those measures that pertain to employees and have not addressed the provisions that would apply to those people living around the facility. They have not even addressed a warning system such as would be implemented to put the residents on notice of an accident.

3. The license application poses undue risk to public health and safety because it lacks sufficient provisions for protection against transportation accidents, including a criticality accident. For instance, the design of the shipping cask does not provide sufficient protection against a criticality accident during transportation. Nor does the license application provide sufficient measures for protection of shipping casks during the harsh summers and sub-zero temperatures of winter.

4. The license application poses undue risk to public health and safety because it has not provided procedures for returning casks to the generating reactor. The SAR indicates that the casks will be inspected for damage prior to "accepting" the cask and before it enters the Restricted Area. SAR p.5.1-4. If the casks are damaged or do not meet the criteria specified in LA APP. A, p.TS-19 there is no provision for housing the casks prior to shipping the cask back to the generating reactor.

5. The license application poses undue risk to public health and safety because it fails to provide information and a plan to deal with casks that may leak or become contaminated during the 20 to 40 year storage period. Sending such casks back to the generating reactor may not be an option for several reasons, such as: PFS does not have the facilities to repackage contaminated canisters, the casks may be too contaminated to transport, or the nuclear power plant from which the fuel originated may have been decommissioned. This is especially important since there is currently no assurance that the storage will be only "interim". Yucca Mountain in Nevada is currently being evaluated to store all of the Nations spent fuel rods, but currently several technical problems have arisen that make the site questionable. In a statement by Governor Mike Leavitt of Utah made on April 14, 1997 on KBYU, Governor Leavitt acknowledged the fact that once these materials are brought into the State there is a strong possibility that the material will never be moved again.

6. The license application poses undue risk to public health and safety because it fails to make clear provisions for funding of estimated construction costs, operating costs, and decommissioning costs. 10 C.F.R. §§72.22 (e), 72.30(b). The application does not demonstrate that PFS "either possesses the necessary funds, or.. has reasonable assurance of obtaining the necessary funds" as required by 10 C.F.R. §72.22 (e).

7. The license application poses undue risk to public health and safety because it fails to provide for adequate radiation monitoring to protect the health of the public and workers. It also fails to provide for adequate radiation monitoring necessary to facilitate radiation detection, event classification, emergency planning and notification.

8. The license application poses undue risk to public health and safety because it fails to provide adequate protection of the ISFSI against intruders. The site is in such a remote area that it would take at least two (2) hours for access to the site to be made by emergency personnel. The license application provides only that facility be protected by a fenced perimeter. One layer of fencing will be chain link security fence. One layer of the fencing will be bounded by typical range fence. See, License Application, LA Chapter 12 p. 12.1. There will be an intrusion detection system. But since the security plan is not public information, one can only speculate about whether this security system will be manned full time or by how many individuals.

9. The license application poses undue risk to public health and safety because it calls for use of a cask whose design is unsafe and untested for long periods of time and which has not been certified for either transportation or long term storage.

10. The license application violates NRC regulations because the ER

fails to address the status of compliance with all permits, licenses and approvals required for the facility. See, 10 C.F.R. §§51.71(c), (d). For example, the ER fails to address federal water discharge requirements and the certifications and permits required for water and storm water discharges, erosion and sediment control for prevention of pollution of water; air quality requirements and the construction of a stationary source permit.

11. The license application poses undue risk to public health and safety because it does not address how the facility will deal with paying for or returning casks that may prove unsafe should the generating reactor have been decommissioned.

12. The license application poses undue risk to public health and safety because it provides that operators will not be trained for the specific job when hired and that operators will undergo on-the-job training, and classroom training leading to certification. The license application states that "of necessity, the first individuals certified may have to improvise in certain situations to complete the practical factors." See, License Application, LA Chapter 7 p. 7.1 This is not a safe situation.

13. The license application poses undue risk to public health and safety because it makes no provision for transportation accidents that might occur. Dugway Proving Grounds receives and ships conventional Army weapons approximately 95 times a year. Some of

the shipments will travel the Skull Valley Road. The License Application recognizes that this presents "potential for an explosion" near the site. There are no provisions for dealing with this scenario should it occur.

14. The license application poses undue risk to public health and safety because it fails to address the possibility of a leak occurring that might contaminate the present water system that members of the community rely on. The application admits that several wells are going to have to be built to meet the demand that will be presented by the facility. Neither contingencies to deal with contamination nor lowering of the present water table are discussed.

15. The license application poses undue risk to public health and safety because it fails to address environmental justice issues. In, Executive Order 12898, 3 C.F.R. 859 (1995) issued February 11, 1994, President Clinton directed that each Federal agency "shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations in the United States." It is not just and fair that this community be made to suffer even more environmental degradation at the hands of the NRC. Presently, the area is surrounded by a ring of environmentally harmful companies and

facilities. Within a radius of thirty-five (35) miles the members of OGD and the Goshute reservation are inundated with hazardous waste from: Dugway Proving Ground, Utah Test and Training Range South, Desert Chemical Depot, Tooele Army Depot, Envirocare Mixed Waste and Low Level Radioactive Waste Landfill, Clive Hazardous Waste storage facility, Aptus Hazardous Waste Incinerator, Grassy Mountain Hazardous Waste Landfill and Utah Test and Training Range North.

VII. CONCLUSION

Based upon the foregoing reason, Ohngo Gaudadeh Devia, respectfully requests that they be granted the following relief:

1. Grant Ohngo Gaudadeh Devia's request for a hearing; and
2. Grant Ohngo Gaudadeh Devia's Petition for Intervention and allow the organization to participate as a party to this proceeding; and
3. Grant such other relief as is appropriate.

Dated: September 12, 1997

Respectfully submitted,



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UNITED STATES OF AMERICA
BEFORE THE
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Private Fuel Storage, a
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Docket No. 72-22

CERTIFICATE OF SERVICE

I hereby certify that copies of Request for a Hearing and Petition for Leave to Intervene of Ohngo Gaudadeh Devia in the above captioned proceeding have been served on the following by deposit in the United States mail, first class, this 12th day of September, 1997:

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William F. Kane, Director
Spent Fuel Project Office
Office of Nuclear Material and Safeguards
Mailstop 06G22
Nuclear Regulatory Commission
Washington D.C. 20555-0001


JEAN BELILLE
Counsel for Ohngo Gaudadeh Devia

DOCKETED
USNRC12 47
97 SEP 15 A8:55UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Private Fuel Storage, a
Limited Liability Company;

Docket No. 72-22

(Independent Spent Fuel
Storage Installation).

CERTIFICATE OF SERVICE

I hereby certify that copies of Request for a Hearing and Petition for Leave to Intervene of Ohngo Gaudadeh Devia in the above captioned proceeding have been served on the following by deposit in the United States mail, first class, this 12th day of September, 1997:

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Jay Silberg P.C.
Shaw, Pittman, Potts, &
Trowbridge
2300 N. Street, N.W.
Washington D.C. 20037-8007

Mark S. Delligatti
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards
Mailstop 06G22
Nuclear Regulatory Commission
Washington D.C. 20555-0001

Office of Secretary
U.S. Nuclear Regulatory
Commission
Washington D.C. 20555
Attention: Docketing &
Service Branch

Chairman, Leon Bear
Skull Valley Band of Goshutes
Skull Valley Reservation
P.O. Box 150
Grantsville, UT 84029

Nuclear Regulatory Comm.
Public Documents Room
Gelman Building
2120 L Street NW
Washington D.C. 20555

William F. Kane, Director
Spent Fuel Project Office
Office of Nuclear Material and Safeguards
Mailstop 06G22
Nuclear Regulatory Commission
Washington D.C. 20555-0001


JEAN BELILLE

Counsel for Ohngo Gaudadeh Devia

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited Liability
Company;

(Independent Spent Fuel Storage
Installation).

Docket No. 72-22
Affidavit of Intervenor

Ohngo Gaudadeh Devia

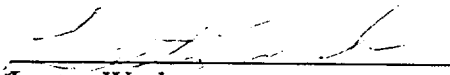
Affidavit of Lester Wash

I, **Lester Wash**, after being duly sworn on oath, state and dispose as follows:

1. My name is Lester Wash, I have lived on the Skull Valley Goshute Reservation for approximately fifteen (15) years, and now reside at a site which is two (2) miles from the proposed Interim Spent Fuel Storage Installation (ISFSI) site. Since the reservation does not have street addresses I will describe my homesite using existing landmarks. I live approximately two (2) miles east of the road known as Skull Valley Road or also known as Federal Aid Secondary Road 108. My home is behind and north of the Goshute Cultural Center.
2. I live with my wife Maureen and our children, Shareen, (age 28), Leslie (age 27), Lavelda (age 24) and Duane (age 18). I have lived in this area for the majority of my life.
3. I am a member of Ohngo Gaudadeh Devia. I am very concerned that the proposed facility will destroy my health and safety as well as the health and safety of my family. I am also concerned that the proposed facility will destroy my culture and the way of life that I and my family now enjoy.
4. I have been a member Ohngo Gaudadeh Devia since its inception. I agree with the organization's stand to oppose the siting of the specific high level nuclear waste storage facility on the Skull Valley Goshute reservation. I am concerned that the building of this facility will cause great harm to myself, my family and my friends on the Goshute reservation.
5. I am a member of the Goshute Tribe. I have decided that siting a high level nuclear waste facility on my reservation would be dangerous. I am concerned that a release of radioactive waste would cause grievous injury to the people and the land.
6. I own my own mobile home which is only two (2) miles from the proposed nuclear waste facility. The value of my home is currently, approximately one thousand (\$1,000.00) dollars and I am very concerned that the economic value of my home will be effected by the siting of this facility so very close to my home.

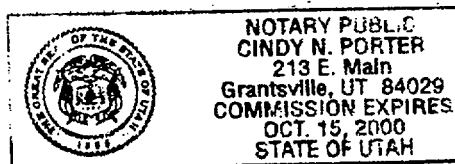
7. Water resources are very scarce on the reservation because of the very arid climate. Our water is supplied by a well which comes from water run off from the mountains. The water is then piped to my home from a water tower which is only two and one half (21/2) miles from the proposed site of the ISFSI. I fear contamination by the accidental release of radioactive material from the proposed facility. Our water system will be gone and water is very hard to find on this reservation.
8. Adequacy of emergency first responders/fire stations, etc. are of great concern. Presently the only fire facility that is present on the reservation is a volunteer fire crew that is in no way prepared to deal with a nuclear emergency. The closest ambulance service is over 55 miles from Tooele City to the site. This is mountain driving so the time may be well over two hours. Response time will be very slow if a nuclear emergency should happen. There are no fire hydrants close to my home.
9. I live within two miles from the road upon which transport of nuclear waste will occur. A transportation accident which resulted in a release of radioactive material could cause me, my family, or other members of the organization serious injury. Dugway Proving Grounds which performs testing of all types of military equipment receives and ships all sorts of conventional Army weapons. Many of these weapons travel the same route along Skull Valley Road as will the proposed spent fuel. An accident involving a highly explosive weapon and the nuclear waste could occur and would result in a dangerous radioactive release which would have grave effects upon myself and the other members of the organization.
10. The organization has decided to request a hearing and petition for leave to intervene in the licensing application before the Nuclear Regulatory Commission. I personally authorize the organization Ohngo Gaudadeh Devia to represent me and my interests in this proceeding.

The foregoing is true and correct to the best of my knowledge based upon information and belief.


Lester Wash

Signed and sworn before me on
this 11 day of Sept, 1997.


Notary Public
My commission expires: 10-15-2000



UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited Liability
Company;

(Independent Spent Fuel Storage
Installation).

Docket No. 72-22
Affidavit of Intervenor

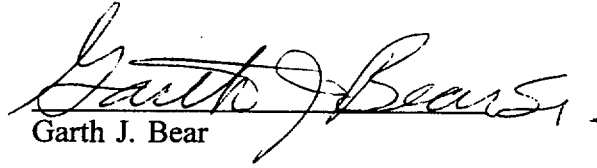
Ohngo Gaudadeh Devia

Affidavit of Garth J. Bear

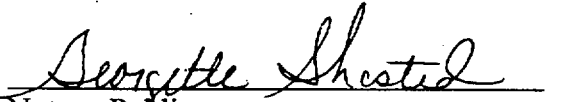
I, **Garth J. Bear**, after being duly sworn on oath, state and dispose as follows:

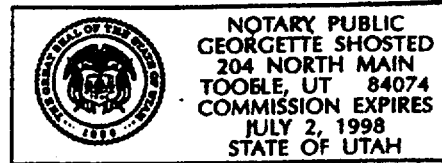
1. My name is Garth J. Bear. I am a member of the Skull Valley Goshute Tribe. I have lived on the Skull Valley Goshute Reservation for twenty-five (25) years, and now reside at a site which is approximately four-thousand (4000) feet from the proposed Interim Spent Fuel Storage Installation ("ISFSI") site. My mailing address is Skull Valley Reservation, Grantsville, Utah 84029. Since the reservation does not have street addresses I will describe my homesite using existing landmarks. I live approximately one-half (1/2) mile west of the road known as Skull Valley Road or also as Federal Aid Secondary Road 108. My home is directly east of the ISFSI site. My home is the closest home to the proposed site. I live by myself.
2. I am the Vice-chair of Ohngo Gaudadeh Devia ("organization"). I was appointed Vice-chair in May of 1997. I helped organize Ohngo Gaudadeh Devia to oppose the siting of the specific high level nuclear waste storage facility on the Skull Valley Goshute reservation. I, as well as the organization have devoted much of our time and energy to organizing, educating ourselves and others, and participating in meetings regarding the siting of this facility on the reservation.
3. I as well as the organization are concerned that the building of this facility will cause great harm to personally, to our families and our friends on the Goshute reservation. I am learning about nuclear waste and through the organization am hoping to educate others about the dangers. I and the organization have made a determination that siting a high level nuclear waste facility on the reservation would be dangerous. We are both concerned that a release of radioactive material would cause grievous injury to the people and the land. I am very concerned that the property value of my home will decrease as well as the property of others living on the reservation. I and the organization are very concerned about the decrease in property values of the area that will result should this facility be built.

The foregoing affidavit is true and correct to the best of my knowledge based upon information and belief.


Garth J. Bear

Signed and sworn before me on
this 18 day of Sept, 1997.


Notary Public
My commission expires: 7-2-1998



4. I own my own home which is only four-thousand (4000) feet from the proposed nuclear waste facility. The economic value of my home is approximately thirty thousand (\$30,000.00) dollars. I am very sure that should this facility be built that property devaluation will be so great that my home would be worth virtually nothing.
5. Water resources are very scarce on the reservation because of the very arid climate. Our water is supplied by a free standing well on my property which comes from water run off from an underground spring. I fear contamination by the accidental release of radioactive material from the proposed facility that would poison the only source of water I have.
6. The possible release of radioactive material that could come from an accidental or other distribution of nuclear waste into the air will endanger me.
7. Adequacy of emergency first responders/fire stations, etc. are of great concern. Presently the only fire facility that is present on the reservation is a volunteer fire crew that is in no way prepared to deal with a nuclear emergency. The closest ambulance service is over 55 miles from Tooele City to the site. This is mountain driving so the time may be well over two (2) hours. Response time will be very slow if a nuclear emergency should happen. There are no fire hydrants close to my home.
8. I live within one half (1/2) mile of the road known as Skull Valley Road upon which transport of nuclear waste will be carried out. A transportation accident could cause me serious injury. My health could be gravely effected by this accident since I live so close to the transportation route. I may live much closer to the road that goes directly into the facility. I don't know the exact location because it hasn't been built. But since my home is so close to the facility, transportation and the loading and unloading of the casks is a great concern to me. It is my understanding that if an accident is going to occur the probability of it occurring during one of these times is great. I and the organization fear that an accident at this stage will endanger my safety and health along with everyone within a five (5) mile radius.
9. The organization has decided to request a hearing and petition for leave to intervene in the licensing application before the Nuclear Regulatory Commission. I personally authorize the organization Ohngo Gaudadeh Devia to represent me and my interests in this proceeding.

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited Liability
Company;

(Independent Spent Fuel Storage
Installation).

Docket No. 72-22
Affidavit of Intervenor

Ohngo Gaudadeh Devia

Affidavit of Abby Bullcreek

I, **Abby Bullcreek**, after being duly sworn on oath, state and dispose as follows:

1. My name is Abby Bullcreek. I am a member of the Skull Valley Goshute Tribe. I have lived on the Skull Valley Goshute Reservation ("reservation") for twenty (20) years, and now reside at a site which is approximately two and one-half (2½) miles from the proposed Interim Spent Fuel Storage Installation ("ISFSI") site. My mailing address is P.O. Box 155, Tooele, Utah 84074. Since the reservation does not have street addresses I will describe my homesite using existing landmarks. I live approximately one (1) mile east of Federal Aid Secondary ("FAS") Road 108 also known as Skull Valley Road. To reach my home one would travel east just off FAS 108 for one (1) mile on Federal Aid Secondary Road 101, I live on the right side of FAS 101 directly across the street from the Goshute Community building.
2. I live with my sister Lisa Bullcreek. I have lived in the area for the majority of my life.
3. I am a member of Ohngo Gaudadeh Devia ("organization"). I joined Ohngo Gaudadeh Devia to oppose the siting of this specific high level nuclear waste storage facility on the Skull Valley Goshute reservation. I, as well as the organization, have devoted much of our time to organizing, educating ourselves and others, and participating in meetings regarding the siting of this facility on the reservation.
4. The organization has close to twenty (20) members. Our goals are to preserve and continue the cultural heritage of the Skull Valley Band of Goshutes. The organization has committed itself to protecting the way of life of it's members, through it's unique tribal culture, through protection of it's physical surroundings and environment and through the Tribe's traditions. This proposed ISFSI site is in direct conflict with our organizational goals. The organization's concern is that a nuclear waste storage facility sited so close to many of it's members will irreversibly harm the environment. The organization is concerned about the negative impacts on wildlife and plant life that will result by a nuclear accident. The organization is distressed about the emotional health of all of those members close to the site. The organization is also very concerned about the loss of

traditional sacred sites and the effect this facility might have on traditional plant gathering and basically that the way of life of the Goshute Band will be forever changed should a nuclear accident occur.

5. Several members of the organization still gather choke cherries and elderberries for traditional food uses. The organization is concerned that an accidental release of radioactive material on the reservation will cause these areas to be contaminated and that this aspect of their traditional life will be lost forever. I personally have gathered choke cherries and elderberries and fear that this facility and a resulting accident will cause this tradition to be lost.
6. I, personally am gravely concerned that the proposed facility will destroy my and my family's health and safety. I am also concerned that the proposed facility will destroy my culture, my sisters and brothers future and the way of life that we now enjoy. I am concerned that the building of this facility and the possible nuclear release will cause great harm to myself, my family and my friends on the Goshute reservation. I am very concerned that the property value of my home will decrease as well as the property of others living on the reservation. I am learning about nuclear waste and hoping to educate others about the dangers as I perceive them. I have made a determination that siting a high level nuclear waste facility on my reservation would be dangerous. I am concerned that a release of radioactive waste would cause grievous injury to the people and the land.
7. I own my home which is two and one-half ($2\frac{1}{2}$) miles from the proposed nuclear waste facility. The economic value of home is presently approximately thirty thousand (\$30,000.00) dollars. I am very sure that should this facility be built, I would never be able to resell my home as the property devaluation will be so great.
8. Water resources are very scarce on the reservation because of the very arid climate. Our water is supplied by a well which comes from water run off from the mountains. The water is then piped to my home from a water tower which is a quarter ($\frac{1}{4}$) of a mile from my home. This is only two and one-half ($2\frac{1}{2}$) miles from the proposed ISFSI site. I and the organization fear contamination by the accidental release of radioactive material from the proposed facility into our already scarce resource.
9. Release of radioactive material into the air will endanger myself and my family. Because of the extremely dangerous nature of radiation even low levels of radiation exposure could result in increased cancer and leukemia rates or cellular and genetic defects many years into the future. Both I and the organization are extremely concerned about this danger.
10. Adequacy of emergency first responders/fire stations, etc. are of great concern both personally and organizationally. Presently the only fire facility that is present on the reservation is a volunteer fire crew that is in no way prepared to deal with a nuclear emergency. The closest ambulance service that is equipped to handle any sort of nuclear emergency is over 55 miles away and response time would be very slow if a nuclear emergency should happen since this would involve mountain driving. It could take up

to two (2) hours for any response teams to arrive at the site. There are no fire hydrants close to my home or other homes and facilities on the reservation.

11. I live within one (1) mile of the road upon which the transport of nuclear waste will be carried out. A transportation accident which resulted in a release of radioactive material could cause me, my family, or other members of the organization serious injury. Dugway Proving Grounds which performs testing of all types of military equipment receives and ships all sorts of conventional Army weapons. Many of these weapons travel the same route along Skull Valley Road as will the proposed spent fuel. An accident involving a highly explosive weapon and the nuclear waste could occur and would result in a dangerous radioactive release which would have grave effects upon myself and the other members of the organization.
12. My home is immediately south of FAS 101 just feet from the Goshute Community Center. I use this facility for various purposes such as community meetings, birthday parties, funerals and other gatherings. Many other people use this facility also. This facility is less than two and one-half (2½) miles from the proposed site. I and the organization are very concerned that should a nuclear accident occur large numbers of our population will be exposed to radiation that could eventually lead to a total annihilation of the Skull Valley Band of Goshute people.
13. I also live very close to the only store on the reservation called the Pony Express Station. I and the organization are concerned that the economic health of the area will cause the only store within a 12 mile radius to close because of the threat imposed by the siting of the facility on the reservation. The Tekoi Rocket Engine Test Facility operated by Alliant Techsystems which tests rocket motors and employs at least 15 people is located within five (5) miles of the proposed facility. I and the organization are concerned that the economy that results from the siting of this facility may cause the only employer on the reservation to move their facility to a safer area.
14. The organization has decided to request a hearing and petition for leave to intervene in the licensing application before the Nuclear Regulatory Commission. I hereby authorize the organization called Ohngo Gaudadeh Devia to represent me and by interests in this proceeding.

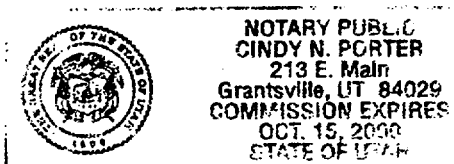
The foregoing affidavit is true and correct to the best of my knowledge based upon information and belief.

Abby Bullcreek
Abby Bullcreek

Signed and sworn before me on
this 9 day of 11, 1997.

Cindy N. Porter
Notary Public

My commission expires: 10.15.2000



UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited Liability
Company;

(Independent Spent Fuel Storage
Installation).

Docket No. 72-22
Affidavit of Intervenor

Ohngo Gaudadeh Devia

Affidavit of Margene Bullcreek

I, **Margene Bullcreek**, after being duly sworn on oath, state and dispose as follows:

1. My name is Margene Bullcreek. I am a member of the Skull Valley Goshute Tribe. I have lived on the Skull Valley Goshute Reservation ("reservation") for twenty (20) years, and now reside at a site which is approximately two and one-half (2½) miles from the proposed Interim Spent Fuel Storage Installation ("ISFSI") site. My mailing address is P.O. Box 155, Tooele, Utah 84074. Since the reservation does not have street addresses I will describe my homesite using existing landmarks. I live approximately one (1) mile east of Federal Aid Secondary ("FAS") Road 108 also known as Skull Valley Road. To reach my home one would travel east just off FAS 108 for one (1) mile on Federal Aid Secondary Road 101, passing the Goshute community building on the left side of the road. My home is on the left of FAS 101 on the driveway immediately east of the Goshute community building.
2. I live with my four (4) children: Marjori Bullcreek, age 14, Lance Bullcreek, age 10, David Bullcreek, age 22 and Tyron Bullcreek, age 24. My children have lived in the area for the majority of their lives.
3. I am the Chairperson of Ohngo Gaudadeh Devia ("organization"). I was appointed Chairperson in May of 1997. I helped organize Ohngo Gaudadeh Devia to oppose the siting of this specific high level nuclear waste storage facility on the Skull Valley Goshute reservation. I, as well as the organization, have devoted much of our time to organizing, educating ourselves and others, and participating in meetings regarding the siting of this facility on the reservation.
4. The organization has close to twenty (20) members. Our goals are to preserve and continue the cultural heritage of the Skull Valley Band of Goshutes. The organization has committed itself to protecting the way of life of it's members, through it's unique tribal culture, through protection of it's physical surroundings and environment and through the Tribe's traditions. This proposed ISFSI site is in direct conflict with our organizational goals. The organization's concern is that a nuclear waste storage facility sited so close

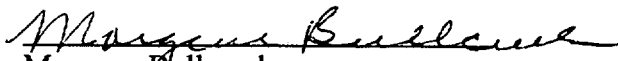
to many of it's members will irreversibly harm the environment. The organization is concerned about the negative impacts on wildlife and plant life that will result should there be a nuclear accident. The organization is distressed about the emotional health of all of those members close to the site. The organization is also very concerned about the loss of traditional sacred sites and the effect this facility might have on traditional plant gathering and basically that the way of life of the Goshute Band will be forever changed should a nuclear accident occur.

5. Several members of the organization still gather choke cherries and elderberries for traditional food uses. The organization is concerned that an accidental release of radioactive material on the reservation will cause these areas to be contaminated and that this aspect of their traditional life will be lost forever. I have gathered choke cherries and elderberries and fear the loss of this traditional way.
6. I, personally am gravely concerned that the proposed facility will destroy my and my family's health and safety. I am also concerned that the proposed facility will destroy my culture, my children's future and the way of life that we now enjoy. I am concerned that the building of this facility and the possibility of a nuclear release will cause great harm to myself, my family and my friends on the Goshute reservation. I am very concerned that the property value of my home will decrease as well as the property of others living on the reservation. I am learning about nuclear waste and hoping to educate others about the dangers as I perceive them. I have made a determination that siting a high level nuclear waste facility on my reservation would be dangerous. I am concerned that a release of radioactive waste would cause grievous injury to the people and the land.
7. I own my home which is two and one-half (2½) miles from the proposed nuclear waste facility. Over the last few years I have made several improvements on my home. The economic value of home is presently approximately forty thousand (\$40,000.00) dollars. I am very sure that should this facility be built, I would never be able to resell my home as the property devaluation will be so great.
8. Water resources are very scarce on the reservation because of the very arid climate. Our water is supplied by a well which comes from water run off from the mountains. The water is then piped to my home from a water tower which is a quarter (¼) of a mile from my home. This is only two and one-half (2½) miles from the proposed ISFSI site. I and the organization fear contamination by the accidental release of radioactive material from the proposed facility into our already scarce resource.
9. Release of radioactive material into the air will endanger myself and my family. Because of the extremely dangerous nature of radiation even low levels of radiation exposure could result in increased cancer and leukemia rates or cellular and genetic defects many years into the future. Both I and the organization are extremely concerned about this danger.
10. Adequacy of emergency first responders/fire stations, etc. are of great concern both personally and organizationally. Presently the only fire facility that is present on the reservation is a volunteer fire crew that is in no way prepared to deal with a nuclear

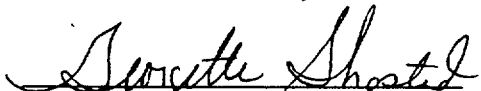
emergency. The closest ambulance service that is equipped to handle any sort of nuclear emergency is over 55 miles away and response time would be very slow if a nuclear emergency should happen since this would involve mountain driving. It could take up to two (2) hours for any response teams to arrive at the site. There are no fire hydrants close to my home or other homes and facilities on the reservation.

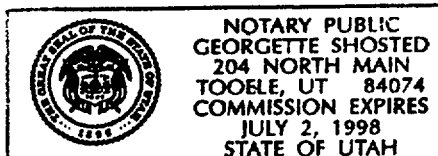
11. I live within one (1) mile of the road upon which the transport of nuclear waste will be carried out. A transportation accident which resulted in a release of radioactive material could cause me, my family, or other members of the organization serious injury. Dugway Proving Grounds which performs testing of all types of military equipment receives and ships all sorts of conventional Army weapons. Many of these weapons travel the same route along Skull Valley Road as will the proposed spent fuel. An accident involving a highly explosive weapon and the nuclear waste could occur and would result in a dangerous radioactive release which would have grave effects upon myself and the other members of the organization.
12. My home is immediately east of FAS 101 just feet from the Goshute Community Center. I use this facility for various purposes such as community meetings, birthday parties, funerals and other gatherings. Many other people use this facility also. This facility is less than two and one-half (2½) miles from the proposed site. I and the organization are very concerned that should a nuclear accident occur large numbers of our population will be exposed to radiation that could eventually lead to a total annihilation of the Skull Valley Band of Goshute people.
13. I also live very close to the only store on the reservation called the Pony Express Station. I and the organization are concerned that the economic health of the area will cause the only store within a 12 mile radius to close because of the threat imposed by the siting of the facility on the reservation. The Tekoi Rocket Engine Test Facility operated by Alliant Techsystems which tests rocket motors and employs at least 15 people is located within five (5) miles of the proposed facility. I and the organization are concerned that the fear resulting from the siting of this facility may cause the only employer on the reservation to move their facility to a safer area. This will cause grave economic consequences to this area.
14. The organization has decided to request a hearing and petition for leave to intervene in the licensing application before the Nuclear Regulatory Commission. I hereby authorize the organization called Ohngo Gaudadeh Devia to represent me and my interests in this proceeding.

The foregoing affidavit is true and correct to the best of my knowledge based upon information and belief.


Margene Bullcreek

Signed and sworn before me on
this 11th day of Sept. 1997.


Notary Public



My commission expires: 7-2-1998



LAND AND WATER FUND

Legal Aid For The Environment

BOARD OF DIRECTORS

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Larry Echohawk

Karan English

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*Serving the
Rocky Mountains
and Desert Southwest*

September 12, 1997

Emile Julian, Chief
Docketing and Services Branch
Nuclear Regulatory Commission
Office of the Secretary
Room 16G15
Washington, D.C. 20555

Re: Private Fuel Storage
Docket No. 72-22

Dear Mr. Julian:

Enclosed for filing with your office please find the Original and two copies of the Request for Hearing and Petition to Intervene of the citizen group Ohngo Gaudadeh Devia in connection with the above-referenced matter.

Sincerely,

Jean Belille,
Dir., Western Communities

Enclosures

cc: Office of General Counsel, NRC
Mark S. Delligatti, Spent Fuel Office
Leon Bear, Chairman Skull Valley Band of Goshute
William F. Kane, Director Spent Fuel Office
Jay Silberg P.C.
Office of Secretary NRC
NRC, Public Documents Room

