

65 FR 39206
June 23, 2000

(12)

TESTIMONY OF
GOVERNOR MICHAEL O. LEAVITT
STATE OF UTAH

Regarding the
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE CONSTRUCTION AND OPERATION OF AN INDEPENDENT
SPENT FUEL STORAGE INSTALLATION ON THE RESERVATION OF THE SKULL
VALLEY BAND OF GOSHUTE INDIANS AND THE RELATED TRANSPORTATION
FACILITY IN TOOELE COUNTY, UTAH
Docket No. 72-22, Private Fuel Storage, LLC

Salt Lake City Utah
July 27, 2000

I want to thank the Nuclear Regulatory Commission, Bureau of Land Management, Bureau of Indian Affairs, and the Surface Transportation Board for the opportunity for the public to provide comments, tonight in Salt Lake City, and tomorrow evening in Grantsville, regarding the plan by Private Fuel Storage, a limited liability corporation, to "temporarily" store high level nuclear waste fuel rods on the Goshute Reservation in Skull Valley.

The decision you are preparing to make is an extremely important one to the future of Utah, to the Goshutes, and to the Nation as a whole. It could have significant, long-term impacts on the health and safety of Utah's citizens, and of individuals who live on high level nuclear waste transportation corridors throughout the Nation. Approval of PFS' proposal would cause the unprecedented movement of massive amounts of high level nuclear waste throughout the Nation, creating risks that may, in the end, turn out to be unnecessary. It could also have significant, long-term impacts on Utah's economy, and could even harm the nation's military readiness.

Such an important decision deserves your very careful review and consideration. This Draft EIS will not support that careful review.

The DEIS is seriously deficient in information and analysis required by the National Environmental Policy Act, by federal regulations, and by common sense. It will not come as a surprise to you that I continue to oppose the transportation and storage of high level nuclear waste within Utah. The initial review of this Draft EIS only heightens my concern.

The PFS high level nuclear waste storage facility is the largest facility of its kind ever proposed for licensing by the NRC. The consequences and cumulative impacts are equally significant, and have not been adequately analyzed.

I'm sure the NRC is aware of the magnitude of this proposal, but the cooperating agencies and the public should be made aware of the extreme nature of this proposal. This site will store 40,000 metric tons of high level nuclear waste in 4,000 casks. To put this in perspective, today

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there are only 436 storage units or casks for commercial spent fuel in the entire United States, 1/10th the number proposed for Skull Valley. Furthermore, 12 of the 13 storage sites are within ¼ mile of a nuclear power plant. The experience to date with transportation of commercial waste involves short distances compared to the cross-country route required for the PFS facility.

The DEIS ignores or inadequately addresses many issues that could have a significant impact on the health and safety of Utah's citizens. Potentially significant risks associated with earthquakes are not analyzed at all in the DEIS. Nor are risks associated with nearby military activities. Information about the risks resulting from the transportation of high level nuclear waste to the facility is scarce in the DEIS. It is surprising that, given the unprecedented volumes of high level nuclear waste that would be transported if this project were approved, NRC has chosen to rely on outdated studies, with little project-specific analyses.

The individual and cumulative impacts on military installations and operations in, over, and near Skull Valley are not even described, much less analyzed in the Draft EIS. The risks from Cruise Missile and F-16 crashes, the emergency evacuation route through Skull Valley in case of a chemical agent leak, the essential ongoing use of the airspace over Skull Valley for access to the Utah Test and Training Range (UTTR) – discussions of all of these and numerous other military activities are missing from the analysis in the Draft EIS. Furthermore, the socio-economic impacts to Hill Air Force Base and its surrounding communities if UTTR operations are curtailed are never considered in the Draft EIS. These are critical impacts of significant consequence. They cannot be ignored or overlooked.

The Draft EIS does not address potential economic costs of a storage or transportation accident. Despite the fact that the Price Anderson Act does not indemnify a private away-from-reactor storage facility, NRC has no onsite nuclear property or insurance requirements. If there is an accident or other problem, PFS' liability under the lease agreement with the Skull Valley Band is normally limited to the money available through commercially reasonable nuclear liability insurance, even if actual costs are much higher. There are no assurances that potential on or off Reservation impacts from an onsite incident will be properly addressed.

It is unclear whether the Price Anderson Act will cover accidents that occur during transportation of high level nuclear waste to or from this facility. But, even if it does, nuclear utilities would be liable for a maximum of \$9.43 billion of accident costs. The federal government - U.S. taxpayers - would be responsible for the rest, and the rest could be significant. The estimated economic costs for a transportation accident in a metropolitan area ranges from \$14 to \$313 billion. Just to put this into perspective, \$313 billion is nearly 47 times my state government's annual budget.

The PFS Facility is not temporary. Once a utility ships its spent fuel to the PFS facility, it can shut down its nuclear power reactors and decommission the power plant. At that point, spent nuclear fuel cannot be returned to the power plant. If a permanent deep geologic storage facility

is not completed or lacks sufficient capacity, the spent nuclear fuel cannot be moved to a permanent storage facility. Therefore, even though utilities in the east, midwest, and California may have liability for their spent fuel rods, those spent fuel rods will be sitting here, in Skull Valley, at a de facto permanent storage site. Amending the license or the EIS in the future will not solve the problem. The facility and the problem will be permanent. The Draft EIS ignores that problem.

The list of problems with the Draft EIS as well as the underlying license proposal is long.

- Benefits considered are skewed in favor of utilities and costs to Utah communities are undervalued or ignored altogether.
- There is no analysis of impacts to Salt Lake City or the Wasatch front from the PFS project, including high level nuclear waste transportation.
- Transportation infrastructure costs are ignored.
- Impacts of transportation accidents and the equipment and costs needed to respond are not adequately considered.
- PFS' financial responsibility and liability are not addressed.
- Interstate transportation routes are not specifically identified or evaluated, and hence the impacts to communities along the transportation corridors are not adequately considered.
- The DEIS fails to acknowledge or consider that transportation casks are not designed or tested to withstand transportation accidents and sabotage.
- The DEIS fails to acknowledge or consider that storage casks are not designed for long-term storage.
- Earthquake and seismic evaluations are excluded from the Draft EIS, effectively prohibiting participating agencies from evaluating risks, costs and benefits, and separate and cumulative impacts. This also eliminates the opportunity for public review and comment.
- Existing restrictions in the BLM Resources Management Plan on transport of hazardous wastes are ignored in the Draft EIS.
- Impacts to RS2477 roads have not been evaluated.
- Wildfire danger, including fires sparked by train operations in Skull Valley, has received inadequate evaluation.

I also have a concern about the public process for DEIS review. The two hearings scheduled are too few and too early in the Draft EIS comment period. The State of Utah's request to reschedule the public hearings and extend the comment period was denied by the NRC. However, citizens have attempted to review a copy of the Draft EIS at the NRC official document repository at the University of Utah Marriott Library only to be told that there was no copy on file. The purpose of this public comment period is to inform the public as well as the cooperating agencies. Therefore, I hope the federal agencies will recognize the importance of timely, available information in the NEPA process and reconsider the request.

In the interest of time, I will not address other concerns this evening. The State is continuing its evaluation of the Draft EIS. Additional written comments will be submitted by the deadline for the Draft EIS, and I will be exercising my consistency review of the BLM Resource Management Plan as provided under BLM regulation.

In closing, I will say simply that the Draft EIS is deficient in so many respects that it cannot serve as the basis for the careful analysis and consideration that a project of this magnitude deserves. It cannot be approved. I also urge you to expand the comment period and availability of the Draft EIS to ensure adequate opportunity for public input.

And, as I have said many times, if temporary storage is so safe, then high level nuclear waste can stay where it is.

Thank you.