

## Comment on the NRC draft-EIS for the Skull Valley/Goshute/PFS Proposal

by Chip Ward  
Grantsville, Utah 84029

You don't have to be a rocket scientist to understand that every project and plan has underlying assumptions that are all-important because they change outcomes. For example, the plan for a temporary storage facility for spent nuclear fuel would differ radically from the plans for a permanent facility because of differences in time scales. It is one thing to say it is safe to put 4,000 casks of spent fuel in the open wind under the sun, rain, snow, and occasional wildfire for 40 years and another to say they are safe for 40 centuries. That is why the criteria for a permanent site as originally set by the National Academy of Science described burial in a stable geologic formation. This draft EIS assumes a temporary site and that the casks will eventually be transferred to Yucca Mountain, despite the ever-mounting problems of developing that site, the fact that the state and people of Nevada are vigorously resisting, and despite the fact that our national policy for dealing with spent fuel is in shambles and collapsing. If the Yucca Mountain leg of this plan should fail, as seems likely, there is no back-up plan. Skull Valley becomes, by default, the permanent storage facility - and this draft EIS which facilitates the development of the Skull Valley site becomes a **draft** EIS, a crazy and cruel joke.

Or is it crazy? Last night at your hearing in Salt Lake City, representatives from the state of Nevada who have been assigned to work with the NRC on the Yucca project told the audience that time and time again you have told them that no decision to designate Yucca Mountain as the permanent storage site has been made. Yet that is clearly the underlying (the pun is intended) assumption in the draft EIS. Either you are misleading Nevada or you've built this EIS over a thin foundation that will not support it. The EIS does not pass the smell test. It looks like a document of deceit.

No matter how much documentation you throw at us, we will eventually follow the money. When we do it becomes clear that what sets this whole proposal in motion is not concern about safety but concern for the bottom lines of the rich and powerful Eastern utilities that created PFS, a limited liability company, to shield their assets in case something goes wrong. Continued storage in place is risky but transportation is also loaded with risks. The state of Utah's consultant estimates that the cost for disruption and clean-up if there is a train accident along the Wasatch front would be between \$100 - 300 **billion** dollars. As any Utah downwinder from the atomic era can tell you, there is not price you can place on human health and life.

So what would justify that kind of risk? The safety of people in the more populous East? The viability of Eastern power grids? Maybe, but those are not the reasons we are asked to take these risks. As the EIS makes clear, as spent fuel casks are removed from sites around power plants and shipped out here, they will be replaced by new casks of spent fuel as the power plants continue to operate and produce their deadly by-product. So safety is not changed for those people near the present storage sites and no power plant will shut down even if no fuel is shipped out. However, storage costs for the PFS member utilities will be reduced. Profits for shareholders and rates for customers will be protected.

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If the NRC is going to sit on its throne back in Washington and decide what level of safety is acceptable - what risks are acceptable - to the people of Utah, you ought to at least have the decency to tell us **why** we are asked to take those risks. That makes all the difference in the world because it lets us think about whether those risks are **fair**. Risking your health, your property, and your community for a clear and compelling common good is one thing. Risking all that so a rich utility company back east prospers and its customers get a break is another.

The question of risk is not a math problem. It involves questions about what is ethical and fair, what is necessary and what is not, and who benefits and why. But these are the content of a vigorous civic dialogue, the kind of dialogue our Constitution was designed to encourage and protect. They are not the questions of an NRC draft environmental impact statement. An EIS is no substitute and neither is the NRC's decision-making process. People need time to understand the issues and discuss them face to face. Most people I have talked to couldn't get this voluminous and detailed EIS until a few days before these hearings. That is totally inadequate. Sure, we can write. But again, written comments do not replace the civic dialogue that is demanded by such far-reaching and all-important decisions. A web site with a case sensitive url address almost as long as the rail line out to Skull Valley doesn't fill the gap. Two public hearings for all of Utah where speakers get 2 minutes to talk, like last night, is woefully inadequate. One is left wondering why the rush to make this happen? What are you afraid of?

If I was sitting where you are tonight, I would be afraid. I would be afraid that, given enough time and information, the people of Utah would see this deal for what it is and see your role in making it happen. First, powerful Eastern utilities create PFS to shield themselves from financial accountability and then they find a partner, Leon Bear, who is willing to sell, or at least rent, his tribe's sovereignty so the PFS members can also avoid a meaningful civic dialogue and all of the legal and political constraints that would normally apply to them. Then the NRC blesses the deal in the name of science and reason.

Science - and I do not mean the empirical process with its checks and balances and peer review but science as it is employed and practiced by scientists who are not exempt from the human condition - can be both biased and arrogant. And arrogance is blind. A doctorate does not guarantee either credibility or integrity. You may be experts in your field but if you approve this project, I suggest you retake Civics 101 and read the Constitution of the United States again. You might throw in an ethics course while you are at it.

This document is fundamentally flawed. The deal it describes is corrupt. The process we are engaged in is a sham. You will no doubt go back to Washington and approve this bogus project that serves the interests of your powerful stakeholders in the nuclear industry - the NRC has a long history of such shameful behavior - but we will not roll over. We will not serve as the enabler for your toxic clients. OUR sovereignty is NOT for sale.