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CATHLEEN C. GILBERT
826 North Ridge Drive
Bountiful, UT 84010

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August 31, 2000

David L. Meyer
Chief, Rules and Directives Branch
Division of Freedom of Information and Publications Services
Office of Administration
Mail Stop T-6D-59
U.S. NUCLEAR REGULATORY COMMISSION
Washington, D.C. 20555-0001

Re: *Draft Environmental Impact
Statement dated June 2000*

Dear Mr. Meyer:

Of the alternatives presented in the Draft Environmental Impact Statement dated June 2000, which I as a concerned U.S. citizen and Utah resident have read in its entirety, I urge the United States Nuclear Regulatory Commission to select the "no action alternative". Through selection of this alternative, the NRC would deny the application for a license for the proposed Private Fuel Storage Facility ("PFSF"), and the utility companies would continue to store the spent nuclear fuel ("SNF") at their reactor sites either in spent fuel pools or dry casks. This alternative would have minimal impact on energy supplies, and no negative, incremental environmental impact unlike the proposed Skull Valley facility.

The DEIS admits the impact of the No-Action Alternative on the nuclear power plants in the aggregate would be substantially smaller than the expected impact of the proposed Skull Valley facility site. The DEIS admits that the utility companies can continue to accumulate SNF at the existing at-reactor storage facilities or if need be, expand their existing storage capacity.

Template - ADM-013

ERIPS-03
Add Scott Klanders
(SCF)

ADM03

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Also included in the DEIS, are other alternatives such as the option for utility companies to ship their SNF to other reactor sites in this group with sufficient additional storage. For some reason these utility companies have decided to limit their liability, and ship the SNF to a storage facility that they must build. If cost is the determinative buzzword, then it would be less expensive to build the very same facility at one of the reactor sites in Minnesota, Wisconsin, Illinois, Michigan, New York, New Jersey, Pennsylvania, Georgia or Alabama, and simply transport the fuel rods a shorter distance!

The DEIS clearly admits that the impact of the No-Action Alternative on any given nuclear power plant would be substantially smaller than the expected impact of the proposed Skull Valley facility due to the much smaller quantity of Spent Nuclear Fuel that would need to be stored at each individual nuclear power plant (pg. 1viii). In August 31, 1984, the NRC determined: "spent fuel generated in any reactor can be stored without significant environmental impacts for at least 30 years beyond the licensed life for operation of that reactor at on-site or off-site independent spent fuel storage installations." 10 CFR 51.23, 49 Fed. Reg 34688. The NRC reaffirmed this conclusion twice, once in 1990 and once in 1999. In fact, in 1990, the NRC issued a general license for storage of spent nuclear fuel at reactor sites.

Another alternative buried in the DEIS, is the option for the Department of Energy to take title to the utility companies' SNF at the reactor sites until a permanent repository is approved. Given the fact that Department of Energy policy prohibits the approval of a temporary site prior to selection and approval of a final repository, this option is more viable than is the proposed Skull Valley site, the approval of which by standards of DOE policy is illegal.

Finally, according to the DEIS, the Construction of a temporary storage site in Wyoming admittedly has fewer impacts. The proposed site in Wyoming only requires construction of 1 mile of new rail line whereas Skull Valley requires new construction of 32 miles, under NRC's recommended option. Repeatedly, the NRC staff justifies its recommendation for the Skull Valley site due to the "positive socioeconomic effects on the Skull Valley Band." Hence, the NRC staff discounts the Wyoming site on the sheer point that a native American tribe does not economically benefit. Even with sketchy and inadequate information and an incomplete analysis, the Wyoming Alternative has fewer impacts. But it doesn't benefit a native American tribe.

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INADEQUACIES OF THE DEIS:

Cost Benefit Analysis Flawed

The DEIS is flawed and incomplete. The DEIS purports to evaluate the potential environmental impact. However, in the cost benefit analysis, the net economic benefit of constructing the proposed Skull Valley facility is defined as the simple difference between (1) the incremental cost of continuing to store the spent nuclear fuel at the existing reactor sites less (2) the cost of constructing and operating the proposed Skull Valley facility. This reasoning is flawed because it does not consider the environmental impacts nor does it consider the incremental risks. Moreover, by reaching such a conclusion, the NRC is stating that the paramount, determinative issue is the savings to utility companies located elsewhere, regardless of the risk to and environmental impact on the environs of Skull Valley and the citizens of Utah.

Risks not Included in the DEIS:

The DEIS does not include several key risks inherent in the proposed Skull Valley site. Five of these risks not included in the draft EIS will follow.

FIRST: The Risk of Transporting the SNF to the Proposed Temporary Site is significantly greater due to the fact that the proposal is to transport 27 times as much SNF as has been transported in the past and because it must be moved twice because Skull Valley is proposed only as a temporary storage facility.

In the past, the average quantity of commercial spent nuclear fuel shipped/year has been 75 MTUs (metric tons of uranium) and PFS proposes to ship up to 2,000 MTUs/year. That is 27 times as much as has been transported in the past. The accidents that may occur during transportation would be eliminated if the SNF were maintained at the reactor sites.

Further, by moving the SNF twice, there will be twice the risks. The accidents that may occur during transportation from the nuclear power plants to the

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proposed storage facility would be eliminated if the SNF simply remained at the reactor sites.

Second: The Adequacy of the Proposed Site To Withstand Earthquakes Is not Addressed in the DEIS. The adequacy of the proposed facility to withstand seismic occurrences has not been addressed in the DEIS. Moreover, PFS has not constructed such a facility before in an active, seismic region similar to Skull Valley. If the SNF remains in the at-reactor sites, there is no incremental seismic risk.

Third: The Proximity of the Proposed Site to the Military Testing Range Exposes Utahns to Danger, and Threatens the National Security and the Utah Economy if Testing must be Restricted due to the Risks of the Proposed Adjacent Storage Facility.

The military tests large footprint weapons, including cruise missiles, at the Utah Test and Training Range. PFS is to be located to the east of the Utah Test and Training Range. Since December 1997, 3 cruise missiles have crashed, with 2 or the 3 crashes occurring outside of military property.

The proximity of the proposed site to the Military Testing Range exposes Utahns to Health Risks if an accident occurred and the casks inadvertently opened and released radiation. Further, the DEIS does not consider the economic risk and cost to Utah's economy if the military is forced to restrict its testing adjacent to the proposed storage facility due to the resulting health and safety risks. This possible restriction could cost Americans jobs if this restriction affects Hill Air Force Base where 15,000 U.S. citizens are employed. If the no action alternative is selected, then these 15,000 U.S. jobs and the health and safety of Utahns would not be impacted.

Fourth: The DEIS does not mention the fact that The PFS is a limited liability company and does not address who would pay if a Catastrophic Disaster exceeding the assets and insurance of PFS occurred, and whether or not the assets of the utility companies could be reached.

The utility companies have legally limited their liability to the assets of PFS and would not be responsible for any catastrophic disaster at the proposed site. Hence, the citizens of the United States at large would likely pay for any catastrophic disaster. This point was not included in the DEIS.

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Fifth and Finally: The Past Experience of the PFS is inadequate to Be Confident of their ability to Manage the Proposed Site. The testing, and past experience of this relatively new consortium of utility companies with an agenda is insufficient, and as a matter of public policy, should not be stacked against the risks to the public of Utah and the United States. When the utility companies made their mission to run power plants with nuclear fuel, they should have realized that storage of the SNF would be their fiscal responsibility. It is fiscally irresponsible to now shift the risks to Utah, because the costs of storage at the proposed site is favorable to these utility companies.

CONCLUSION

In conclusion, the utilities companies have ownership of the SNF they have generated. Until a long-term storage facility can be approved and built, this SNF is their responsibility. And until a long-term storage facility can be approved, the discussion and approval of a temporary storage facility is violative of Department of Energy policy.

Everyone does not win in the proposed scenario for the Skull Valley Facility. Instead, I advocate the no-action alternative of the DEIS. The losers of the proposed Skull Valley Facility are:

- 1) The U.S. citizens exposed to radiation along the transportation routes;
- 2) The losers are the citizens of Utah who may end up permanently storing the SNF generated by the citizens of Minnesota, Wisconsin, Illinois, Michigan, New York, New Jersey, Pennsylvania, Georgia, Alabama and California, which citizens do not want to temporarily store the SNF in their own states;
- 3) The losers are the citizens of Utah who assume the health risks of the proposed site being constructed adjacent to an active military test range;
- 4) The losers are the citizens of Utah, whose economy could be adversely affected were the proposed site to be approved adjacent to the long-standing military testing facility which could place at risk 15,000 U.S. jobs in the state of Utah; and

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5) The losers are the citizens of Utah, who would be closest in proximity to the proposed storage facility, and should an accident or unanticipated occurrence transpire, would suffer the brunt of the effects.

Instead of so many losses, I respectfully ask the NRC to continue the status quo, with minimal incremental environmental impact, and approve the no-action alternative.

Respectfully,



Cathleen C. Gilbert

CCG;jgm

Note: In addition to practicing law in Utah, I am a licensed, certified public accountant and a member of the Utah Board of Radiation Control, as well as a concerned Utah resident and mother.