

65 FR 39206

June 23, 2000

(157)

September 21, 2000

Mr. David Meyer
Chief, Rules and Directives Branch
Division of Freedom of Information
Office of Administration
Mail Stop T-6D-59
US Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Meyer,

Our organizations are actively concerned about U.S. high-level nuclear waste disposal policies. On behalf of our combined memberships nationwide, our organizations have serious concerns 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; NUREG-1714; Private Fuel Storage, L.L.C.)

Our organizations urge the Nuclear Regulatory Commission, Bureau of Indian Affairs, Bureau of Land Management, and Surface Transportation Board – the four federal agencies cooperating on this Draft Environmental Impact Statement – to rectify the serious deficiencies in the Final Environmental Impact Statement. Specific deficiencies are listed below.

In addition, given the complete lack of public hearings scheduled in the many States that would be impacted by high-level nuclear waste shipments to the proposed Private Fuel Storage facility in Utah, our organizations urge the cooperating federal agencies to extend the public comment period by a minimum of sixty days and to hold public hearings in transport corridor communities across the country. This is all the more important in that up to 200 annual, cross-country high-level nuclear waste shipments to Utah could begin as early as 2003, according to PFS.

A very serious deficiency is inadequate treatment of the health and economic consequences of a severe transport accident releasing radioactivity. Dr. Marvin Resnikoff of Radioactive Waste Management Associates, using the "RADTRAN" computer models, has calculated that a single severe rail cask accident in an urban setting such as Salt Lake City could cause 115 latent cancer fatalities and cost tens or hundreds of billions of dollars to clean up. Dr. Resnikoff also calculated that as many as 25 accidents involving rail shipping casks fully loaded with high-level atomic waste could be expected over the lifetime of the proposal, some of which could be severe. The DEIS is severely deficient in not publishing such risks. In addition to latent cancer fatalities, other health impacts – such as non-fatal cancers, genetic damage, birth defects, and immune system suppression – should be considered.

Given that PFS plans to "return to sender" all transport casks that are found to be contaminated upon arrival at the Utah facility, the DEIS fails to calculate the ADDED risks from PFS's proposal to ship contaminated casks back across the entire country to the reactors of origin without first dealing with the problems on site.

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The DEIS does not adequately identify the "routine" (even if there are no accidents) doses to the public from these transport casks (mobile x-ray machines that cannot be turned off) rolling down the railroad tracks through American communities. Holding public hearings in affected transport corridor States could help address this deficiency.

The DEIS fails to deal with the possibility that this "interim storage site" could become a de facto permanent open air dump for high-level nuclear waste if the proposed permanent repository at Yucca Mountain, Nevada does not open. The DEIS names Yucca Mountain as the facility which will relieve Utah of the wastes. Such a determination is entirely premature and inappropriate given that NRC's licensing of Yucca Mountain is still several years away. In fact, the Department of Energy is still characterizing Yucca Mountain. Even if found suitable by the DOE Yucca Mountain staff, the site must still be approved by the Secretary of Energy, the President, the State of Nevada, and the U.S. Congress before it can be licensed and opened. Even if Yucca Mountain were to open, the legal limit for commercial high-level nuclear waste that could be buried there is 63,000 tons. Projections are for nearly 90,000 tons of commercial high-level waste to be generated in the U.S. Where would the excess go? Would tens of thousands of tons of high-level waste remain indefinitely at PFS in Utah? The DEIS does not address these fundamental questions.

Unaddressed in the DEIS is the simple fact that there is no need for NRC to license an away-from reactor dry cask storage facility, when it already licenses at-reactor facilities using the exact same technology. To ship the wastes to Utah simply adds the risks of transportation, while doing nothing to improve protection of public health, safety, and the environment.

The conclusion in the DEIS that PFS has no environmental justice impacts is not accurate. The PFS proposal is but the most recent of repeated attempts over the course of decades by federal agencies, and now the nuclear power industry itself, to site high-level atomic waste "interim storage facilities" on Native American reservations. This systematic effort places a disproportionately high risk of adverse health and environmental effects onto minority, low-income Native American communities, in this instance the Skull Valley Band of Goshute Indians. Just because the tribal council is willing to accept PFS monies in exchange for hosting the waste site does not extinguish the environmental justice concerns, as the DEIS concludes. As Serpent River First Nation member Keith Lewis has observed about his community's adverse impacts from uranium mining, "There is nothing moral about tempting a starving person with money." The very fact that the Skull Valley Goshutes are an impoverished community, and hence more vulnerable to the temptation to accept hazardous facilities than more well-off communities would be, makes violations of environmental justice all the more relevant to PFS.

Similarly, the DEIS does not address the cumulative environmental justice, socioeconomic and health impacts of adding a high-level nuclear waste storage site to Skull Valley, which is already surrounded by numerous other toxic facilities.

Thank you for considering our comments. We look forward to your response.

Sincerely,

Kevin Kamps
Nuclear Information & Resource Service

Rick Hind
Greenpeace

Wenonah Hauter
Public Citizen's Critical Mass Energy and Environment Program

Kimberly Robson
Women's Action for New Directions

Rep. Nan Grogan Orrock
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