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Rules and Directives
Branch
USNRC

September 19, 2000

Mr. David 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

72-22

Re: "Private Fuel Storage" (PFS) Draft Environmental Impact Statement

Dear Mr. Meyer:

The following are the comments of STAR (Standing for Truth About Radiation) which is a grassroots organization concerned about the toxic effects of nuclear radiation with 4,000 members nationally. We promote public awareness, medical and scientific investigation, institutional accountability, independent oversight, and responsible public health and environmental policies. STAR actively promotes alternative and renewable energy technologies, as the available solution to nuclear generated power.

Spearheaded by a consortium of 8 nuclear utility companies, the "Private Fuel Storage" (PFS) proposal would ship 200 rail casks per year of irradiated nuclear fuel assemblies across dozens of States to Utah, starting as early as 2003. The projected 4,000 casks, containing 40,000 tons of high-level nuclear waste, would be dumped on the reservation land of the small, impoverished Skull Valley Band of Goshute Indians west of Salt Lake City. Moreover, the Governor of Utah, Michael Leavitt, has adamantly opposed PFS, creating a "State Office of High-Level Nuclear Waste Storage Opposition." A new organization, Citizens Opposed to Radioactive Waste in Utah, formed in July in response to the NRC's DEIS public hearings in Salt Lake City and Grantsville. This diverse group is thoroughly bipartisan, boasting prominent Utah citizens, retired and current elected officials from both sides of the political aisle, as well as grassroots activists.

We believe that this is improper and that the 90 day public comment period is grossly inadequate. Furthermore, holding only three hearings, all in Utah, does not adequately incorporate public participation from the dozens of States that would serve as transport corridors for shipments of tens of thousands of tons of high-level nuclear waste to Utah. Therefore, we request that:

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1. NRC must hold public hearings in all the transport corridor States that would be impacted by PFS member company shipments. Communities in 18 corridor States - Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Minnesota, Nebraska, Nevada, New Jersey, New York, Pennsylvania, Ohio, Tennessee, Wisconsin, and Wyoming - would be subjected to shipments of waste from reactors belonging to PFS member utilities bound for Utah. In fact, the very large proportion of the PFS shipments that would pass through Illinois, Iowa, Nebraska, and Wyoming could mean that these States would be as heavily impacted by transport as would be Salt Lake City itself, which has had two public hearings. At the very least, these other States should receive a hearing.

2. NRC should extend the Draft Environmental Impact Statement (DEIS) public comment deadline at least 60 days.

3. A single severe rail cask accident could cause 115 latent cancer fatalities and cost tens or hundreds of billions of dollars to clean up. NRC's DEIS is severely deficient in not publishing such impacts. The NRC in its DEIS has not even published the environmental and economic impacts from severe accidents involving rail shipments bound for PFS. Using the federal government's own "RADTRAN 4" computer model and assuming the accident would take place in a "low-density" urban setting such as Salt Lake City, Dr. Marvin Resnikoff of Radioactive Waste Management Associates has calculated that a severe PFS rail shipment accident releasing just a small fraction of the radioactive contents of a cask carrying 5-year-old cooled nuclear fuel (which is legal to ship under NRC regulations) would result in over 115 latent cancer fatalities to exposed individuals; the economic costs of emergency response, evacuation, interdiction and clean-up (as much as clean-up is even possible) could be between \$14 billion and \$24 billion. Using the government's "RADTRAN 5" model, with its more in-depth economic cost analysis, Dr. Resnikoff calculated that a severe rail accident in a more dense urban area could lead to over \$300 billion in economic costs. All economic impacts over \$7 billion become the liability of the American taxpayer, under the Price-Anderson Act. The NRC must calculate and publish the full economic and health impacts from a severe accident in both urban and rural settings for all the projected transport routes. Full health impacts would include not only latent cancer fatalities, but non-fatal cancers, birth defects, genetic damage, lowered immunity, and other diseases. Again using conservative government models, Dr. Resnikoff predicts that 25 transport accidents with fully loaded casks bound for Skull Valley can be expected - many of them minor, but perhaps some severe.

4. NRC's DEIS does not adequately identify the "routine" (even if there are no accidents) doses to the public from these transport casks.

5. NRC's 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. PFS and NRC call the proposed dump an "interim storage site" for high-level atomic waste - if one can call 40 years "temporary". But what if the Yucca Mountain, Nevada national permanent repository fails to open? At a number of points in the DEIS, NRC names Yucca Mtn. as the permanent dump, as if the decision has already been made. This is a shameful betrayal of NRC's promise to the people of Nevada that it would not license Yucca Mtn. until due process and scientific soundness were completely achieved and confirmed by a rigorous licensing regimen. The Dept. of Energy has not even completed its site characterization process at Yucca Mtn. - NRC's licensing process is still many years away, but it seems NRC has already given Yucca Mtn. the green light! Even if NRC were to license Yucca Mtn. despite its severe scientific shortcomings, its 63,000 metric ton capacity for commercial high-level waste cannot contain the 86,000 tons that are projected to exist in the U.S. by the year 2030. The excess wastes might very

well remain in Utah - sitting out in the open under the sun, snow and rain - because there is no place else to take them.

6. NRC's statement in the DEIS that PFS has no environmental justice impacts is an arbitrary and capricious decision. In fact, the attempt to dump atomic wastes on Native American lands is environmental racism hidden in the trojan horse of millions of dollars to a poor people. In fact, according to tribal member and dump opponent Sammy Black Bear, tribal council chairman Leon Bear signed the lease agreement with PFS without the agreement of a majority of the tribal membership; now that PFS money is already flowing to the tribal council, Chairman Bear is using it to bribe additional tribal members to sign onto the lease agreement. Sammy Black Bear is lead plaintiff along with 21 fellow tribal members in a lawsuit against the Bureau of Indian Affairs for rubber stamping the lease agreement between the tribal council and PFS despite the lack of proper majority approval within the tribe.

NRC's DEIS states that there would be small impacts on environmental justice from the proposed PFS, that "there are no disproportionately high and adverse impacts on low income or minority populations," and that members of the Skull Valley Band would benefit from the PFS lease payments and employment. However, tribal chairman Leon Bear has already restricted PFS monies from traditional tribal members who oppose the dump. Given the pattern of targeting Native American tribes for high-level nuclear waste dumps, and the centuries of genocidal treatment of the Goshutes by white settlers, the State and federal governments, it is scandalous, shameful and absurd that NRC claim that dumping the entire current stockpile of high-level wastes on this reservation does not impact on environmental justice. PFS represents blatant environmental racism, irregardless of the lease payments to the tribal council. As Serpent River First Nation environmentalist Keith Lewis has said, looking at the toxic aftermath of 50 years of uranium mining on his people's Ontario reservation, "There is nothing moral about tempting a starving man with money." Utah residents have also already suffered for decades as downwinders from nuclear weapons tests in Nevada. Decision-makers in Washington, D.C. at NRC's predecessor agency, the Atomic Energy Commission, found it expedient to inflict radiological health damage on the expendable, "low-use segments of the population" in predominantly rural, Mormon Utah. NRC's finding of no environmental justice impact from PFS adds insult to injury.

7. The DEIS does not address the cumulative impacts of adding a high-level nuclear waste dump to Skull Valley, which is already surrounded by numerous toxic facilities. The reservation in Skull Valley, the tiny patch of land still left to the Goshutes from their once vast territory, is already surrounded by numerous toxic facilities such as U.S. Army nerve gas and chemical weapons incinerators, the Envirocare "low level" radioactive waste dump, a U.S. military biological weapons proving ground and bombing range, and a magnesium factory whose hydrochloric acid emissions make it one of the single worst air polluters in the country. NRC has not addressed the cumulative impacts upon the health of the Skull Valley Goshutes of adding a high-level nuclear waste dump on top of all these toxic facilities already contaminating the air. The Cumulative impacts should be more closely examined.

Thank you for your consideration and we look forward to an extended comment period.

Sincerely,



Scott M. Cullen

Counsel