

**Skull Valley Band of Goshute Indians**

Skull Valley Reservation  
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June 19, 1998

Dr. Edward Y. Shum  
 Environmental Project Manager  
 Spent Fuel Licensing Section  
 Spent Fuel Project Office  
 Office of Nuclear Material Safety & Standards  
 U.S. Nuclear Regulatory Commission  
 Washington, D.C. 20555

RE: Supplemental EIS Scoping Comments, Docket 72-22

Dr. Shum:

The purpose of this letter is to provide the NRC with additional information that the Band would like to have considered in the EIS Scoping for the ISFSF proposed by Private Fuel Storage (PFS) for construction on the Skull Valley Goshute Reservation. This information is pursuant to items 4, 5 & 7 contained in Charles Haughney's letter of April 24, 1998.

On May 6, 1997 the Skull Valley Band of Goshutes and EPA Region VIII entered into an agreement to share responsibilities for environmental protection of the Skull Valley Goshute Reservation. The program called for by this Tribal/EPA Agreement (TEPA) is funded by EPA through a General Assistance Grant (GAP) and is well into its second year. During the first program year a Tribal Environmental Office was established and development of a Tribal Environmental Code was begun. By the end of August of this year, the Band anticipates finalizing and adopting appropriate parts of the Environmental Code that are relevant to regulating ongoing activities on the reservation and participating fully in the regulation of any future activities proposed for siting on the reservation. Ongoing Phase I and II programs include the ongoing remediation of the buried nerve agent contaminated sheep; Environmental Assessment of the transport of hazardous materials through the reservation; and a review of the operation of Alliant Technology's Tekoi Rocket Test Facility. Future proposed activities that would be regulated under the proposed Environmental Code include only the PFS Independent Spent Fuel Storage Facility (ISFSF) at this time.

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On June 16, 1998 a meeting was held with EPA Region VIII to review the ongoing TEPA program and to affirm the Band's desire to be a joint cooperating agency with EPA in the regulatory review and permitting for all activities on the reservation, present and future. At this meeting, agreement was reached in principle with the EPA to cooperate on issuing permits and enforcing regulations. The Band expects to formalize any agreement in writing subsequent to acceptance of the Environmental Code by the Tribal Council. Actions that the Band anticipates including in such an agreement would be:

- (1) Review and approval of the Storm Water Management Plan for construction under Section 402 of the Clean Water Act (CWA).
- (2) Promulgating water quality standards under Section 518 of the CWA.
- (3) Regulating dredge and fill materials under Section 404 of the CWA
- (4) Regulating discharges of pollutants under the NPDES program.
- (5) Approving managementt programs for nonpoint source pollution.
- (6) Review and approval of the Spill Prevention, Control and Countermeasure Plan (SPCC).
- (7) Permitting any air emission sources that are large enough to require a Title V permit under the Clean Air Act (CAA).

We look forward to participating with the NRC in the EIS process. If you need additional information on the TEPA program please contact David Tillson, TEPA Program Manager by telephone at (801)363-4093 or through the Tribal Office at (801)474-0535.

Thank you,

  
Leon D. Bear, Chairman  
Executive Committee

LDB/bbs  
cc: David D. Tillson