

72-22
72-23

P&A Engineers
William D. (Bill) Peterson
2127 Lincoln Lane
Holladay, Utah 84124
Tel/FAX 801/277-3981

June 3, 1998
Pub-met.698

Mr. E Shum
Mail Stop OWFN6-G-22
Nuclear Regulatory Commission
Washington, D.C. 20555

Tel 301/415-8518
FAX 301/415-8555

Subject: Spent Fuel Storage Initiative
Goshute and Box Elder
NRC Docket No. 72-22 & 72-23

Dear Mr. Shum:

On June 2nd, 1998 at 6:30 to 9:30 in the Little America Inn Ballroom, 500 South Main Street Salt Lake City, Utah, the U.S. Nuclear Regulatory Commission (NRC) held a public scoping meeting to help identify significant environmental issues related to Private Fuel Storage, LLC's proposed independent spent fuel storage installation on the reservation of the Skull Valley Band of Goshute Indians. Some 31 people spoke. After initial speeches by the NRC and PFS, a video was shown of Governor Leavitt making general opposition. Then following some forty registered speakers spoke addressing the subject. Of particular significance was that some half dozen state of Utah employees spoke in opposition to the project. Ralph Becker of the Utah Legislature spoke in opposition. In contrast Mr. Robert J. Hoffman 1997 Chairman of the Division of Radiation Control (DRC) Board spoke saying that all the technical parts of the PFS storage was achievable.

The State employees talked in ambiguous innuendo. This was particularly evident with UDEQ Director Dianne Nielson who spoke of her love of Utah and her display of her love of her job in Utah. Utah Science Advisor Susan Winters charged, without back-up information, that the storage canisters to be used were not the same construction and standard as the canisters shown in the transportation test video, so she said the security shown in the video was misrepresentation. Another charged of consumption of water not available when no water is used in the storage. Another charged of releases of radioactive gasses when there is no source of such gases. Other charged of disintegrating vessels ignoring the great detail of construction for securement. They spoke of dangers but did not describe them. There simply was no technically valid objection issue given by any of Utah's representatives. What was obvious was that Governor Leavitt was opposing the spent fuel nuclear project, that he spoke in no relevant terms, that his presentation was political motivated hysteria, that the Governor had coerced State employees to take

9806260292 980603
PDR ADOCK 07200022
C PDR

1501/10

opposition stands who had no basis for opposition. It is seen to be obvious that the Governor intends to run the state his way regardless of anyone else, their knowledge, rights, desires, need for jobs, and his attitude is if you will not help with his political hysteria, you will not have a State job.

The threat of jobs for not helping the Governor with his hysteria has even gone into the teaching staffs of Utah's Universities. There was very qualified people present who did not speak. This applicant knows for a fact that Governor and Utah's Attorney General are at odds over this issue where the Governor has not answered charges in federal courts for misrepresentation where the Attorney General has no facts or means for a defense of the Governor in his political charade. This has put Utah in a posture of default for failing to answer in a \$16 million dollar judgment in the nations highest court. Ref Peterson v Leavitt, U.S. Supreme Court Docket No. 97-8616. Issues in this include:

The State's employees opposition was unlawful and out of order by Utah law. Utah law outlines prerequisite reviews by its DRC board before Utah's governor and legislature see a radiation issue. Utah law in part reads:

19-3-103.5 Board authority and duties.

- (a) require submittal of specifications or other information ... for review approval, disapproval, or termination;
- (e) advise, consult, cooperate with, and provide technical assistance to other agencies of the state and federal government, ... industries, and effected persons in carrying out the provisions of this part.
- g) cooperate with any person ... regarding radioactive waste management or control of radiation sources.

19-3-104 Registration and licensing of radiation sources

- (a) necessary for controlling exposure to sources of radiation that constitute a significant health hazard;
- (b) to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government; and ...

19-3-105 Legislative and gubernatorial approval required.

- (1) (a) A person may not own, construct, modify, or operate any facility for the purpose of commercially transferring, storing, decaying in storage, treating, or disposing of radioactive waste without first submitting and receiving the approval of the board for a radioactive materials license for the facility.
- (b) A person may not construct a new commercial radioactive waste transfer, storage, decay in storage, treatment, or disposal facility until:
 - (i) the requirements of Section 19-3-104 have been met.

(ii) in addition and subsequent to the approval required in Subsection (a), the governor and Legislature have approved the facility,
(iii) local planning and zoning has authorized the facility.

In Utah law, the DRC board sees "sources of radiation", determines if the source is a "significant health or environmental hazard", determines if the "hazard" is an "affect on the public", and determines if Utah has "primacy" in the matter.

The DRC board has not determined storage of SNF in Utah is a "significant health or environmental hazard" has not determined storage of SNF will have an "affect on the public" and has not determined that Utah has "primacy" in the matter.

Without these determinations Utah's governor and legislature do not have the prerequisite of the reviews of Subsection (a) of Code 19-3-105 to see the matter.

This political hysteria created by the Governor with his staff is creating hysteria in the public. Mothers are crying out in fear for the health of their children when they do not have knowledge of what they are fearing. Governor Leavitt is not talking in facts when he says "over my dead body" and "gosh, its only 40 miles away". These terms are meaningless. Being in a SNF storage facility is safer (lower radiation exposure) than an aircraft flight or living at Alta, for example. If Utah would convert from coal to nuclear energy for its electrical generation, and do the storage of spent fuel, Utah would reduce its radiation exposure to nuclear material my five million fold. Until Governor Leavitt is willing to talk in terms of facts, until Governor Leavitt is willing to allow government employees to address the subject in terms of facts, Governor Leavitt is simply creating unwarranted useless political hysteria.

Sincerely yours,



William D. Peterson, M.S., P.E.

cc: Mr. Mark Delligatti
Senior Project Manager for the Goshute
and Box Elder Spent Fuel Storage Initiatives