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Nuclear Information and Resource Service

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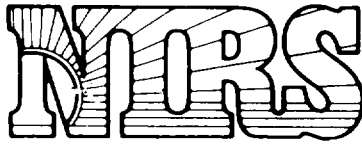
6/29/98

Dear NRC —

Please accept this for
 official comment within the
 June 19 comment period —
 It was stamped and mailed
 on the 19th. Apparently it
 was returned for insufficient
 address on 6/22/98 —
 but I was out of the office on
 sick leave ~~until~~ until today
 6/29/98, and did not know it
 was returned

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[Signature]



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Edward Y. Shum, Environmental Project Manager
Irradiated Fuel Licensing Section
Spent Fuel Project Office
Of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission, Rockville, Maryland
Washington DC 20555

June 19, 1998

Mr Shum:

COMMENTS ON THE EIS SCOPING ON PROPOSED PRIVATE FUEL STORAGE FACILITY AT SKULL VALLEY GOSHUTE SITE

On behalf of our members in all 50 states we make the following comments to be included in defining the scope of the Environmental Impact Statement (EIS) under preparation by the U.S. Nuclear Regulatory Commission, with regard to licensing an irradiated fuel storage site for high level nuclear waste from commercial nuclear power reactors.

- 1) We question the authority of the Nuclear Regulatory Commission (NRC) to license this facility. We honor the sovereignty of the Goshute Nation, and indeed if the United States Government is also so honoring their sovereignty to say to the Governor of Utah that the State has no "veto" authority in this matter, and so are proceeding with the federal action, we ask why the federal agency believes that they have the authority to license this facility when we are effectively "over the boarder" on another Nation's lands.
- 2) If it can be shown that NRC has this authority and this dispute is resolved, then we next question what authority the NRC has to license this type of facility – an Independent Irradiated Fuel Interim Storage Site (IIFISS) under current federal law. There is a tendency to think that proposals pending in Congress already have the reality of law. They do not. Current law has statements which are intended to prevent the construction of any new IIFISS.

On the off chance that this process will grind ahead regardless of whether the above questions are even addressed, let alone resolved, the scope of the EIS must include:

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- 1) A site specific analysis of transport impacts, both with regard to road and rail along every mile of the routes that nuclear materials would travel from where it is now to the proposed site.
- 2) A site specific analysis of any point where nuclear materials will be lifted or transferred, or where more than one container will sit while "in-transit" or any other location where cask handling and temporary storage may occur specifically because of the great distance and multiple forms of transit which this proposal entails. This analysis must include security as well as on-going cumulative radiation exposure from routine and non-routine sources (including external contamination) to workers and the public.
- 3) Ability to clean up an accident is an environmental impact. This must be fully analyzed from the point of view of best available technology, waste generated by clean-up, exposures incurred during clean-up and possibility of permanent sacrifice areas. The financial capacity to pay for this is an environmental concern.
- 4) The issue of default on contract and possible financial insolvency of Private Fuel Storage and its parent companies, must be weighed. In weighing this, if one assumes that the party to take possession at the point of default is by any chance the U.S. taxpayer, NRC MUST weigh this as an event at an unknown date in the future against the other options to be considered in the EIS, including the No Action Alternative for interim storage. It is NOT appropriate for NRC to use some new permutation of the "waste confidence decision" on a new license, and assume ANYTHING in relation to a possible IIFISS default. To be explicit: NRC cannot credibly assume the opening of a geologic repository in any specified time frame, or any waste treatment regime, or any other hypothetical.
- 5) Given the possibility of Private Fuel Storage default and the possibility that the taxpayer may be stuck holding any IIFISS, these questions become compelling to every citizen of the U.S., not only those in the immediate vicinity of the site. NRC must weigh the question of federal funding and whether one site for 40,000 MTU is in fact better from the standpoint of funding than the possibility of multiple defaults at closed reactors as is possible under the No Action Alternative. We commend the NRC research the history of Congressional funding for a program that affects only one congressional district versus 70 congressional districts.
- 6) The proposal for 40,000 metric tons of fuel indicates that there is a distinct possibility that the commercial nuclear utilities intend to strand their high-level waste at so-called interim storage sites. What are the provisions that NRC intends to provide in the license to prevent this? Why shouldn't NRC require a full-scale characterization of the site as it would for a permanent geologic storage site, since it is very likely that once this waste is moved to the site it will not leave.
- 7) Clearly in an area where there are multiple facilities each of which could make the other so highly contaminated or otherwise uninhabitable or requiring such a high

degree of technical support as to make it impossible to conduct routine business there, it makes little or no sense to locate yet another such hazard. Long term responsible care of irradiated fuel requires consistent monitoring and inspection and security. The other activities including, nerve gas, chlorine gas and hazardous incineration do not enhance this as a location for responsible care of the fuel. We recommend that the EIS develop a check list of activities that are integral to the responsible care and management of irradiated fuel and that this be used in part of the rating of the alternatives under consideration.

- 8) The NRC should not license a site for irradiated fuel that does not have the capacity to handle fuel and recontainerize it. Since NRC has not demonstrated that its licensing of any cask storage includes the ability to recontainerize it, except using the nested "doll" approach, we strongly urge that the EIS should explore this matter and make a finding that IIFISS licensing in general premature.
- 9) The proposed action will result in the largest nuclear waste shipping campaign ever launched. The EIS on this proposed action must include a complete, detailed up-to-date consideration of this aspect of the action, including first a cost-benefit in safety terms alone. It is not appropriate to evaluate the financial cost or benefit to a corporation against the health and safety cost or benefit to the public when comparing options entailing national nuclear waste transport for IIFISS versus IIFISS options without that transport. The evaluation of the impact of nuclear waste transport must include evaluation of current containers, and we will not accept an analysis which does not include actual physical testing of the new generation of casks.
- 10) A credible transport campaign evaluation should include the complete record of nuclear waste transportation in the US and abroad, including recent experience in Germany. This is particularly important when evaluating the veracity of projected cost figures.
- 11) Our members find it objectionable that the nuclear utilities in the guise of Private Fuel Storage are seeking to effectively export the nation's most deadly waste to a small Nation of Indigenous People. This is an extreme case of dumping on the survivors of the North American Holocaust. When further addressing the issue of Environmental Justice, under the President's Executive Order, it is necessary to include all aspects of the impacts of the proposed action, including the transport of the waste.

Thank you for the opportunity to make these comments. We think you should reject this idea.

Sincerely,



Mary Olson
Nuclear Information & Resource Service