

**STATE OF UTAH FACT SHEET - SEND PUBLIC COMMENTS BY MAY 8, 2006
ON PFS'S RIGHT-OF-WAY APPLICATIONS TO USE PUBLIC LANDS FOR THE TRANSPORT,
STORAGE AND TRANSFER OF HIGH LEVEL NUCLEAR WASTE TO:**

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Private Fuel Storage, LLC (PFS) has a license from the U.S. Nuclear Regulatory Commission (NRC) to store up to 4,000 casks of high level nuclear waste (spent nuclear fuel), about 50 miles from Salt Lake City, on the Skull Valley Indian Reservation in Tooele County. Each year PFS will ship up to 200 casks of high level nuclear waste through Weber and Davis Counties to the Salt Lake City rail yards.

The only way PFS plans to locally transport high level nuclear waste casks to the Reservation is to obtain rights-of-way over public lands from the U.S. Bureau of Land Management (BLM). In 1998 PFS applied to BLM to use two parcels of federal public lands – one at Skunk Ridge, to build and operate a 32 mile long rail line along the base of the Cedar Mountains, from I-80 at Low, to the Reservation; the other, for the intermodal transfer of nuclear fuel casks from rail cars to oversized semi-trailer trucks, at I-80 and Rowley Junction/Timpie. BLM must deny PFS's right-of-way applications outright because:

- The recently enacted Cedar Mountain Wilderness Area prohibits BLM from granting PFS a right-of-way for the Skunk Ridge rail corridor. BLM must deny that application now.
- The Pony Express Resource Management Plan controls the management and use of the intermodal and Skunk Ridge public lands. Rights-of-way are regulated by 43 CFR Part 2800.
- PFS's use of the intermodal site is unauthorized by and inconsistent with the Pony Express Resource Management Plan (RMP). According to the RMP "no further authorizations will be made for the treatment, storage or disposal of hazardous waste on public lands" and "public lands will not be made available for inappropriate uses such as storage or use of hazardous materials . . ." RMP at 4 and 29.
 - PFS will store and handle casks containing high level nuclear waste (spent nuclear fuel) at the intermodal site.
 - High level nuclear waste and spent nuclear fuel are hazardous materials. Storage, handling and transfer of these materials at the intermodal site are "inappropriate uses" not authorized by the Pony Express Resource Management Plan.
 - PFS's intermodal operations of storing, handling and transferring high level nuclear waste are inconsistent with the Pony Express Resource Management Plan's prohibition of using public lands for the treatment, storage or disposal of hazardous waste.
 - Utilities do not need off-site storage at PFS. They can store nuclear fuel in dry casks at reactor sites (over half of them already do so). Tying up public lands for 50 years to allow PFS to conduct an unneeded ultra hazardous activity is not a beneficial use of public lands.

BLM may deny PFS's application if its use of public lands is not in the public interest or if it finds PFS is not technically and financially able to construct, operate, maintain and terminate the use of public lands at the intermodal site. BLM must deny PFS the use of public lands for nuclear waste activities because:

- Casks containing high level nuclear waste, stored immediately adjacent to Interstate 80, present a national security risk and safety hazard to Utah and its citizens.
 - The intermodal site, located next to the I-80 frontage road, will be a choke point for inbound or outbound PFS high level nuclear waste shipments. If PFS is successful at attracting customers, the physical limitations of PFS's storage and intermodal operations mean nuclear waste casks will always be stored at the intermodal site. The casks, readily observable from I-80, will present a prime terrorist target.
 - The NRC license allows PFS to store up to 4,000 casks of high level nuclear waste on the Skull Valley Indian Reservation. PFS must remove all nuclear waste casks from the Reservation site at the end the NRC license term. Will the intermodal become a dumping site for these outbound shipments?
- Nuclear waste storage casks were originally designed for use at reactor sites. PFS has no means of dealing with leaking or contaminated casks other than to attempt to ship them back across the country to the waste owners. The intermodal site will be used to process these shipments or, if the railroad refuses shipment, the casks could remain "orphaned" at the site. Public lands should not be used to facilitate the interstate shipment of leaking or contaminated nuclear waste casks.
- PFS, incapable of responding to an accident or other emergency, will rely on emergency responders from State and local government. PFS will not train, equip, or fund Utah emergency responders. PFS's reliance on Utahns to respond to a high level nuclear waste incident, creates an unacceptable health and safety risk and an uncompensated economic burden.
- NRC will not regulate the intermodal as a storage site, has made no site specific evaluation of risks at the site, and requires no funding plan to clean-up accidents or to terminate use of the site.
 - PFS, a shell limited liability company, has no capital backing. Thus, its financial and technical capability to safely operate and maintain the intermodal site is questionable. In addition, PFS has no funds escrowed to clean-up or terminate its use of the site.
- PFS will use 150 foot-long, 12 foot-wide oversized semi-trailer trucks to transport each nuclear waste cask from the intermodal site, 26 miles via Skull Valley Road, to the Reservation. If BLM were to allow PFS to use the intermodal site, PFS's gigantic, slow-moving trucks traveling on this 20-foot wide road (much of it with no shoulders) would create an incompatible use and safety hazard because Skull Valley Road is the main route to Dugway Proving Ground, and is one of three emergency evacuation routes for the chemical weapons incinerator in Tooele Valley.
- Constant high level nuclear shipments through Salt Lake City and storage of nuclear waste beside I-80 will brand Utah as a high level nuclear waste dumping ground and be detrimental to Utah's economic prosperity and tourism industry. The potential economic harm to the State and its citizens from PFS's use of public lands is not in the public interest.

Further information: http://www.deq.utah.gov/Issues/no_high_level_waste//index.htm#content
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