



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

*cd* D. Chancellor  
C. Nakahara  
D. Nielson  
Wm. Sivelac

000172 JUN 23 5 1997  
June 19, 1997

The Honorable Michael O. Leavitt  
Governor of Utah  
Salt Lake City, Utah 84114-0601

Dear Governor Leavitt:

I am responding to your May 19, 1997, letter indicating your opposition to a proposal by Private Fuel Storage, LLC (PFS), to construct and operate an Independent Spent Fuel Storage Installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians. While I recognize the potential importance to you of the PFS proposal, it would not be appropriate for me to respond to the merits of the issues in your letter for the reasons that follow.

It is my understanding that, in pre-application meetings with the Nuclear Regulatory Commission (NRC) staff, PFS has indicated that it intends to submit a license application this month for the project. The Commission has well-established procedures for review of a license application for the independent storage of spent nuclear fuel and high-level radioactive waste. Once an application to construct and operate an ISFSI, pursuant to the requirements of 10 CFR Part 72, is received, the staff will undertake an acceptance review to determine the completeness and adequacy of the application. If the application is accepted for docketing, the staff will publish a notice in the Federal Register, with an opportunity for hearing, pursuant to 10 CFR Part 2. Part 2 contains specific rules covering a State's opportunities for participation. After docketing, the staff will conduct a thorough technical review of the application to determine if it demonstrates compliance with all of the applicable regulatory requirements. All relevant non-proprietary material, including the application and the documentation of the staff's review, are to be publicly available.

If a hearing is held, an Atomic Safety and Licensing Board will be empowered to take evidence and render an initial decision on the application. Under NRC rules, the Commission may be called upon to review that decision. Thus, it would not be appropriate for the Commission to comment or take a position on the merits of the proposal at this time.

I am informed that the NRC staff has begun a dialogue with representatives of both the State of Utah and the Skull Valley Band of Goshute Indians. I also understand that the staff is prepared to meet with you to discuss NRC's role in, and its rules and regulations governing, the licensing of spent fuel storage facilities.

Sincerely,

*Shirley Ann Jackson*  
Shirley Ann Jackson

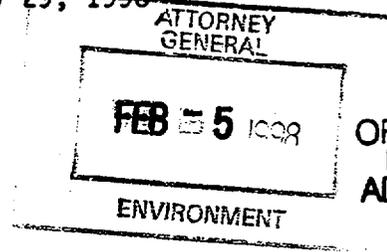


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PROD. & UTIL. FAC. 72-22-ISFSI

DOCKETED  
USNRC

January 29, 1998



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OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

The Honorable Merrill Cook  
United States House of  
Representatives  
Washington, DC 20515

**SERVED FEB - 2 1998**

Dear Congressman Cook:

I am responding to your letter dated January 20, 1998, addressed to Chairman Shirley Ann Jackson. Your letter urged support by Chairman Jackson of the petitions of several parties that have sought to intervene in the Private Fuel Storage proceeding which is currently before an Atomic Safety and Licensing Board of the Nuclear Regulatory Commission (NRC). Under NRC regulations, the Commission has an appellate role in adjudications before its Licensing Boards. As such, I trust that you will understand that Commissioners must remain impartial in such litigations.

Thank you for your concerns. A copy of your letter and this response will be placed in the Private Fuel Storage hearing docket and served on the parties to the proceeding.

Sincerely,

Annette L. Vietti-Cook  
Acting Secretary