

September 6, 2000

Mr. Jason Groenwald, Director  
Families Against Incinerator Risk  
165 South Main Street, Suite 1  
Salt Lake City, UT 84111

Dear Mr. Groenwald:

I am responding to the August 21, 2000, letter from you and your colleagues representing 21 other organizations, to Mr. David Meyer of the U.S. Nuclear Regulatory Commission's (NRC's) Office of Administration, regarding several issues related to the "Draft Environmental Impact Statement (DEIS) for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah," NUREG-1714, dated June 2000.

Your letter requests a 180-day extension to the established 90-day public comment period for the DEIS. In consultation with the U.S. Bureau of Land Management, the U.S. Bureau of Indian Affairs, and the Surface Transportation Board (the three Federal agencies cooperating with NRC in the development of this DEIS), we have determined that such an extension is not warranted. A 90-day public comment period generally is longer than the time period required by three of the four cooperating Federal agencies for noticing a DEIS prepared under our jurisdictions (see, e.g., 10 CFR 51.73). However, we believe that 90 days is a sufficient time period for review and comment on this document. Some comments have already been received, well in advance of the closing date. There has been ample opportunity for public involvement in the DEIS development process. This has been accomplished through the environmental impact statement scoping process and through the existing extensive public comment period. At the several public DEIS scoping meetings in Salt Lake City (1998 and 1999) and Tooele (1999), Utah, the staff discussed its proposed schedule and provided contact information for parties interested in further information or discussions. The scoping meetings were noticed in the Federal Register (63 Fed. Reg. 24197, 64 Fed. Reg. 18491). Nonetheless, it should also be noted that, to the extent practical, comments received after the close of the comment period will be considered.

Your letter also requested additional meetings in Utah to discuss the proposed Private Fuel Storage (PFS) facility. We do not believe that it is appropriate to have these additional meetings at this time. Several of the issues of concern that have been mentioned at the recent meetings which the cooperating agencies held in Utah to elicit oral comments on the DEIS are the subjects of contentions that are part of the adjudicatory proceeding before the Atomic Safety and Licensing Board (ASLB). These include seismicity at the proposed PFS site, and military aircraft use of the Skull Valley air corridor. In addition, there are currently a number of environmental contentions before the ASLB. As you may know, both Ohngo Gaudadeh Devia and the Southern Utah Wilderness Alliance, which are signatories to the letter to Mr. Meyer, are parties to the ASLB proceeding.

J. Groenwald

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Regarding your request for meetings along transportation routes, it is not appropriate to hold such meetings now because no specific routes have been established. However, members of the public should feel free to contact us with additional comments, questions, and concerns about this subject.

Please contact Mr. Mark Delligatti, Senior Project Manager for the PFS license application review, at 301-415-8518, if you wish any further information regarding NRC staff activities associated with the PFS license application.

Sincerely,

**/RA/**

E. William Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket 72-22

cc: Service List

J. Groenwald

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/RA/

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Spent Fuel Project Office  
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