

September 6, 2000

Anne Sward Hansen, Executive Director
Citizens Against Radioactive Waste in Utah
4001 South 700 East, Suite 115
Murray, UT 87107

Dear Ms. Sward Hansen:

I am responding to your organization's petition, "Opposition of the Skull Valley Nuclear Waste Storage Facility," which requests either a 6-month extension to the established 90-day public comment period for 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, or an end to the licensing process. The petition was included in an August 21, 2000, letter sent to Mr. David Meyer of the U.S. Nuclear Regulatory Commission's (NRC's) Office of Administration, by representatives of your organization and several other organizations opposed to the proposal by Private Fuel Storage (PFS), Limited Liability Company, to build a spent fuel storage facility on the Reservation of the Skull Valley Band of Goshute Indians.

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 an extension to the public comment period 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.

NRC has before it a docketed license application from PFS to build a spent fuel storage facility on the Reservation of the Skull Valley Band of Goshute Indians. NRC is required to complete its review and make a regulatory decision on whether to license the proposed PFS

A. Sward Hansen

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facility. NRC cannot unilaterally end the licensing process without reaching a decision regarding the applicant's attempt to demonstrate compliance with the applicable regulatory requirements.

If you would like to discuss this further, please contact Mr. Mark Delligatti, Senior Project Manager for the NRC staff's review of the PFS license application, at (301) 415-8518.

Sincerely,

/S/ /RA/

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

Docket 72-22

cc: Service List

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C:\petition response.wpd*see previous concurrence **ML003746207**

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John D. Parkyn
Chairman of the Board
Private Fuel Storage, L.L.C.
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