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FROM: DUE: 10/05/00 EDO CONTROL: G20000455
DOC DT: 09/20/00
FINAL REPLY:

Governor Michael O. Leavitt
State of Utah

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 00-0603

Chairman

DESC:

ROUTING:

DEIS for the Proposed Private Fuel Storage LLC
(PFS) Independent Spent Fuel Storage Installation

Travers
Paperiello
Miraglia
Norry
Craig
Burns/Cyr
Lohaus, STP
Merschhoff, RIV

DATE: 09/26/00

ASSIGNED TO: CONTACT:

NMSS

Kane

SPECIAL INSTRUCTIONS OR REMARKS:

4036



STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

September 20, 2000

Richard A. Meserve, Chair
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Kevin Gover, Assistant Secretary
U.S. Bureau of Indian Affairs
1849 C Street, NW
Washington, DC 20240

Tom Fry, Director
U.S. Bureau of Land Management
1849 C Street, NW Room 700-LS
Washington, DC 20240

Linda J. Morgan, Chair
U.S. Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

David L. Meyer
Chief, Rules and Directives Branch
Division of Freedom of Information and Publications Services
Office of Administration, Mailstop T-6D-59
US NRC
Washington, DC 20555-0001

Dear Messrs. Meserve, Gover, Fry, Meyer, and Ms. Morgan:

Re: NUREG-1714, Draft Environmental Impact Statement (DEIS) for the Proposed Private Fuel Storage LLC (PFS) Independent Spent Fuel Storage Installation (ISFSI), Docket No. 72-22

REC'D BY

25 SEP 00 2:13

The decision you are preparing to make regarding the storage of high-level nuclear waste in Utah, at the proposed facility, is an extremely important one to the future of the two million residents of the State of Utah, the Skull Valley Band of the Goshute Tribe, and the Nation as a whole. It will have significant, long-term impacts on the health and safety of Utah's citizens, and on individuals who live near the high-level nuclear waste transportation corridors throughout the Nation. Approval of the proposal would cause the unprecedented movement of massive amounts of high level nuclear waste spent fuel rods throughout the Nation, creating risks that may, in the end, turn out to have been taken unnecessarily. It will also have significant, long-term impacts on Utah's economy and will harm the readiness and training of the Nation's armed forces.

Federal law, the National Environmental Policy Act, requires an examination of the effects of a major federal action, such as this, on the natural and human environment. The Draft Environmental Impact statement issued does not meet the requirements of NEPA, and must be rejected. The serious issues mentioned above, and many others as documented in the attached comments, are not even mentioned in the DEIS.

I absolutely disagree that 90 days is sufficient time to analyze the details in a proposal of this magnitude. This is a proposal to place high level nuclear waste in Utah for an uncertain period of time. It is a very complex issue involving quality of life and perceptions of safety, not just technical issues related to radiation levels. Utahns are overwhelmingly opposed to the storage of high-level nuclear waste in this state. The law requires and common sense demands a full public review and discussion of the facts and true impacts of this proposal on the human environment. This review must not be cut off for the sake of procedural or bureaucratic convenience. The federal government routinely allows comment periods well in excess of 90 days for large Environmental Impact Statements, for issues that are also important, but not as clearly fundamental to the health and safety of the people of Utah.

Many communities, businesses, and individuals in Utah who will be adversely impacted have not had sufficient opportunity to provide comment on the proposed facility, transportation of the spent nuclear fuel rods, and related impacts. The spirit, as well as the letter of the law behind NEPA, is to be inclusive in participation. Citizens are to be allowed every opportunity to make comment. I cannot believe that any federal agency would put the needs of eastern power companies before the rights and needs of the million citizens who live within 75 miles of the proposed storage site. The State of Utah strongly urges the federal agencies behind this DEIS to grant the request, now strongly supported by its U.S. Senators and Representatives, for additional time to comment.

I also must inform all the federal agencies who assisted in the preparation of the DEIS that the proponent of the project, Private Fuels Storage, does not enjoy limited liability under Utah law. Limited liability is a privilege granted by state law. By virtue of its activities Private Fuels Storage has not met the requirements of Utah law on this issue, and consequently is no longer considered a limited liability corporation. The federal agencies must consider this fact as they review the DEIS and the proposal further.

The Bureau of Land Management has independent authority in reviewing this proposal. However, pursuant to the Defense Authorization Act of 1998, the BLM may not engage in any planning efforts at all for any proposal under or near the Utah Test and Training Range. All planning in that area is frozen. The BLM must cease any further work on this proposal until the requirements of federal law are met. The state will not hesitate to seek enforcement of this law, if the BLM does not meet its requirements.

The proposed facility and transportation decisions deserve your very careful review and consideration. However, this DEIS will not support that careful review. The DEIS is seriously deficient in information and analyses required by the National Environmental Policy Act (NEPA), by federal regulations, and by common sense. Therefore, I urge you to find this DEIS deficient and incapable of supporting the proposed actions and, thereby, halt the license review of the PFS facility and related actions.

Thank you for your careful consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Michael O. Leavitt". The signature is written in a cursive style with a large, sweeping initial "M".

Michael O. Leavitt
Governor

MOL:DRN:dco

Attachment

cc: Senator Orrin Hatch, U.S. Senator
Senator Robert Bennett, U.S. Senator
Representative Jim Hansen, U.S. House of Representatives
Representative Chris Cannon, U.S. House of Representatives
Representative Merrill Cook, U.S. House of Representatives
President Lyle Hillyard, Utah Senate
Speaker Marty Stevens, Utah House of Representatives
Administrator Carol Browner, US EPA
J. Neumann, Governor's Washington DC Office

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6 Your Internal Billing Reference 2852 002

7 To Richard A. Meserve, Chairman Recipient's Name

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11 City Rockville State MD ZIP 20852-2738



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