

October 26, 2000

The Honorable Michael O. Leavitt
Governor of the State of Utah
Salt Lake City, Utah 84114-0801

Dear Governor Leavitt:

I am responding to your letter of September 20, 2000, concerning NUREG-1714, "Draft Environmental Impact Statement 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" (DEIS). In addition to forwarding the State of Utah's comments on the DEIS, you reiterated your previous request for an extension to the public comment period.

I first want to thank you for providing the NRC with the State of Utah's comments on the DEIS. I can assure you that they will be considered along with other comments received during the public comment period. However, for the reasons outlined in the following paragraphs, the NRC, in consultation with the three other Federal Agencies involved, has decided not to grant a request for an extension to the public comment period for the DEIS.

The NRC already has provided a 90-day public comment period on the DEIS, a period which exceeds the 45-day period generally provided under our regulations and those of the Bureau of Indian Affairs and the Surface Transportation Board and which meets the period generally provided by the Bureau of Land Management. In view of the already expanded opportunity for public comments on the DEIS, earlier staff efforts to solicit public involvement in the environmental impact statement scoping process, and the public meetings held during the comment period, we conclude that an extension is not warranted. Literally hundreds of comments were received, from several hundred commenters, in advance of the September 21, 2000 comment period closing date. Additionally, and to the extent practical, it is NRC's practice to accept and consider comments received subsequent to the comment-period closing.

The concerns of State and local government and the citizens of Utah and other interested persons also are being addressed before an NRC Atomic Safety and Licensing Board. The State of Utah and four other intervenors were granted status as parties to the adjudicatory proceeding on the Private Fuel Storage, L.L.C., (PFS) license application. The State and other intervenors raised a number of safety and environmental contentions that were, or are, in the process of being adjudicated. This adjudicatory process began in 1997, shortly after the NRC staff received the license application from PFS. Hearings on some portions of the safety contentions were held in Salt Lake City in June 2000. Hearings on the remaining safety contentions and environmental contentions are scheduled to be held in Salt Lake City in July and August 2001. Commission action on the PFS application will not occur until after completion of the hearing process.

Your letter also requests that NRC and the cooperating agencies “. . . find this DEIS deficient and incapable of supporting the proposed actions and, thereby, halt the license review of the PFS facility and related actions.” Comments on the sufficiency of the DEIS will be addressed, as appropriate, by the NRC and cooperating agencies in the course of responding to public comment on the DEIS.

I want to assure you that the Commission’s decision on the application will be guided by our mandate to protect public health, safety, and the environment.

Sincerely,

/RA/

Richard A. Meserve