

72-22



# State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF THE EXECUTIVE DIRECTOR

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June 2, 1998

Dr. Edward Y. Shum, Environmental Project Manager  
Spent Fuel Licensing Section, Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Dear Dr. Shum,

RE: U.S. Nuclear Regulatory Commission (NRC) Docket No. 72-22, Private Fuel Storage LLC, Independent Spent Fuel Storage Installation, Skull Valley Indian Reservation, Tooele County, Utah, Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process

The purpose of this letter is two-fold. First, to notify you of the State's interest and willingness to discuss regulatory requirements related to the above-referenced proposed facility, and second, to notify the NRC of the State clearinghouse process for review and comment regarding Federal actions.

First, with respect to regulations which govern the siting, permitting, and operation of the proposed storage facility and including the proposed transfer facility, as well as related activities, I am requesting clarification from NRC on the best way to provide that information. When you and I spoke on May 12 and 13, 1998, you indicated the NRC staff was interested in understanding the State's regulatory requirements with respect to the proposed facility and in the context of the scoping work recently undertaken by the NRC. You proposed the dates of June 1 or June 3, 1998, while the NRC scoping staff were in Salt Lake City, as possible dates to meet and review pertinent regulations. I understood that the purpose of the meeting was not to support or give credence to any specific regulation, but rather to provide a better understanding, for scoping purposes, of the nature and extent of existing regulation.

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In a subsequent conference call between NRC and the State, Sherwin Turk declared such a meeting to be inappropriate, despite the fact that it had been suggested by NRC. He suggested that the meeting be open to the public, and I indicated that such an arrangement would be fine with the State. However, since that time, I have heard nothing further regarding such a meeting from you or Mr.

NRC

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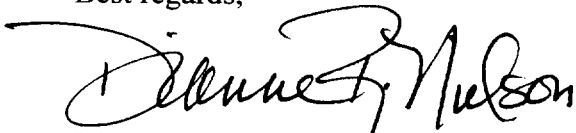
Turk. While the State will certainly reference regulatory authority as part of its comments on the scope of the EIS, I would think a meeting to understand the that body of regulation would be helpful as part of the scoping. Therefore, I ask that you please contact me if you are still interested in a meeting to discuss regulations.

Second, the State has a statutorily created Committee - the Resource Development Coordinating Committee (RDCC) - which acts as a clearinghouse for information distribution to state agencies and, more importantly, acts as the Governor's coordinating point for the state response to federal actions under the National Environmental Policy Act (NEPA). *Utah Code Ann. §63-28a-1 et seq.* RDCC also acts as the official intergovernmental contact point for all federal actions under Presidential Executive Order 12372. RDCC has various operating memoranda to implement these requirements with Federal Agencies, including the Bureau of Land Management, the Forest Service and the Department of Defense. However, our records indicate that there is no such arrangement with the U. S. Nuclear Regulatory Commission. Unfortunately, memorandum or not, there has not been any notification to the RDCC regarding the pending EIS process regarding the above-referenced facility. While the Department of Environmental Quality has made reasonable efforts to notify other government entities of this process, that function is properly performed through the state's RDCC process. Therefore, I would urge you to immediately contact the RDCC, as indicated below, and make arrangements for appropriate notification concerning the pending notice as well as future federal actions.

Resource Development Coordinating Committee  
Attn. John Harja  
116 State Capitol  
Salt Lake City, UT 84114  
Phone: 801-538-1027

To the extent that government entities were not aware of the scoping process for this EIS, because of the lack of RDCC notification, I would request that the NRC provide additional time for such comment.

Best regards,



Dianne R. Nielson, Ph.D.  
Executive Director

cc. John Harja, RDCC