



DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE EXECUTIVE DIRECTOR

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April 28, 1997

Mr. Charles Haughney
Deputy Director
Spent Fuel Project Office
United States Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

**re: Proposed Skull Valley ISFSI
Availability of Information**

Dear Mr. Haughney:

I am writing to request Nuclear Regulatory Commission (NRC) assistance in ensuring that the public will have sufficient opportunity to review documents and participate in the licensing process regarding the above-referenced ISFSI.

The State requests that 1) NRC set up a local public document room (LPDR) in Salt Lake City when Private Fuel Storage (PFS) submits its application for a license to possess radioactive materials associated with the above ISFSI, 2) a copy of all documents referenced in the application or relied on by the applicant be included in PFS's submittal to NRC, and 3) NRC's pre-acceptance review ensure that all such documents are available at the Salt Lake City LPDR prior to docketing the application.

In a recent public meeting between NRC and the applicant, PFS and its consultants suggested that the ISFSI application, and in particular the Environmental Report, will rely on numerous existing studies, environmental impact statements (EISs), etc. This might indicate that PFS will merely reference existing documents rather than generate new data. NRC should not accept such references unless accompanied by the actual documents.

In the Northern States Power application for an ISFSI in Goodhue County (Docket No. 72-8), the Federal Register notice of consideration of issuance of materials license and opportunity for hearing was published September 17, 1996 and the deadline for

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requesting a hearing and petition to intervene was October 17, 1996. 61 Fed. Reg. 48,989. Given NRC's stringent intervention procedural requirements and time constraints, the inability of potential parties to access necessary information would severely curtail their due process rights. It is unreasonable to expect that parties located in the western region of the country travel to Washington, DC to review relevant documents or be expected to locate past studies or EISs in the 30-day intervention window.

The Marriott Library Special Collections section at the University of Utah in Salt Lake City has provided this service for other environmental projects and would be a good choice for the LDPR.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Dianne R. Nielson". The signature is written in black ink and is positioned above the typed name and title.

Dianne R. Nielson, Ph.D.
Executive Director

cc: Mark Delligatti