

U. S. NUCLEAR REGULATORY COMMISSIONDOCKET NO. 72-22U. S. DEPARTMENT OF INTERIORU.S. BUREAU OF INDIAN AFFAIRS ANDU.S. BUREAU OF LAND MANAGEMENTPRIVATE FUEL STORAGE, L.L.C.INDEPENDENT SPENT FUEL STORAGE INSTALLATIONSKULL VALLEY INDIAN RESERVATIONTOOELE COUNTY, UTAHNOTICE OF INTENT TO PREPARE ENVIRONMENTAL IMPACT STATEMENT AND NOTICE  
OF PUBLIC SCOPING MEETING

Private Fuel Storage, L.L.C. (PFS or the applicant) proposes to construct and operate an independent spent fuel storage installation (ISFSI) at the Skull Valley Indian Reservation, which is bordered on all sides by Tooele County, Utah. The proposed Private Fuel Storage Facility (PFSF) would be constructed on an 820-acre site that would store spent nuclear fuel (SNF) received from commercial U.S. nuclear power plants. The applicant proposes constructing a rail line on land managed by the U.S. Bureau of Land Management (BLM) as the preferred route for transportation of SNF to its site. To construct and operate the facility, the applicant must obtain a license from the U.S. Nuclear Regulatory Commission (NRC), a right-of-way (ROW) for its proposed rail line over public lands from BLM, and approval from U.S. Bureau of Indian Affairs (BIA) for the proposed lease agreement between the Skull Valley Band of Goshute Indians and PFS.

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On June 20, 1997, pursuant to 10 CFR Part 72, PFS submitted an application to NRC for a license to receive, possess, store, and transfer SNF at an ISFSI to be constructed and operated on the Reservation of the Skull Valley Band of Goshute Indians. A notice of consideration of issuance of an NRC materials license for the proposed PFSF and notice of opportunity for hearing were published in the Federal Register on July 31, 1997 (62 FR 41099).

The applicant executed a lease agreement with the Skull Valley Band of Goshute Indians to permit construction and operation of its proposed facility on the Skull Valley Band Reservation. On May 23, 1997, BIA conditionally approved the lease agreement, contingent upon the completion of an Environmental Impact Statement (EIS), the inclusion of mitigation measures identified in the Record of Decision, and the issuance of an NRC license to construct, maintain, and operate the PFSF. The lease includes 820 acres of land where the PFSF is proposed to be located, a 202-acre utility and road ROW from the Skull Valley Road to the PFSF facility, and a buffer zone adjacent to the PFSF to the south and east of the facility including five sections of land, on the Skull Valley Indian Reservation.

By letter dated August 28, 1998, the applicant submitted an application for a ROW to BLM, to construct a rail line and related facilities for a distance of approximately 32 miles on the western side of Skull Valley, along the base of the Cedar Mountains from Skunk Ridge, Utah, to the PFSF site. The rail line would traverse land that is included within the BLM Pony Express Resource Management Plan (RMP) and would be utilized for the transportation of SNF to the proposed PFSF site. The current Pony Express RMP does not allow for major ROWs such as a rail line in this area, and the PFS proposal would, therefore, require an amendment to the RMP prior to granting of the requested ROW. BLM will publish in the Federal Register a notice of intent to prepare an RMP amendment. By a separate letter dated August 28, 1998, PFS also

submitted a revision to its application for an NRC license to reflect its proposal to construct and utilize a rail line over public lands managed by BLM for the transportation of SNF to its site.

The National Environmental Policy Act of 1969 requires all Federal agencies to consider the environmental impacts of their actions. Because NRC, BIA, and BLM required actions for the construction and operation of the PFSF are related, the Agencies have agreed to cooperate in the preparation of an EIS for these actions. In preparing the EIS, NRC will serve as the lead agency and BLM and BIA will serve as cooperating agencies. The NRC published a notice of intent to prepare an EIS and conduct a scoping process in the Federal Register on May 1, 1998 (63 FR 24197). As a part of the scoping process, a public scoping meeting was conducted on June 2, 1998, in Salt Lake City, Utah. The scoping process also provided interested parties with an opportunity to provide written comments. At the conclusion of that initial scoping process, NRC issued a scoping report, dated September 1998.

NRC's initial scoping process was based on the description of the PFSF contained in the applicant's submittal of June 20, 1997, which did not include the proposed rail line on public land administered by BLM. This rail line proposal was submitted to NRC on August 28, 1998, as an amendment to the PFS application. Similarly, BIA's conditional approval of the proposed lease agreement was issued prior to the applicant's proposal of a rail line over BLM lands adjacent to the Skull Valley Reservation.

As a result of the applicant's August 28, 1998, revision of its transportation proposal, NRC, BIA, and BLM have determined that additional scoping meetings should be conducted. Therefore, public scoping meetings will be held on April 29, 1999, from 8:00 a.m. to 11:00 a.m. at the Ballroom of the Little America Inn, 500 South Main Street, Salt Lake City, Utah 84101,

and April 29, 1999, from 6:30 p.m. to 9:30 p.m. at the Tooele High School, 240 West Buffalo Boulevard, Tooele, UT 80474. The focus of the scoping meetings will be on environmental issues associated with the rail line proposed in the applicant's August 28, 1998, license application amendment, the request for issuance of a ROW over public lands managed by BLM, and any environmental concerns associated with the proposed lease agreement that may not have been addressed in the NRC's initial scoping process. Each meeting will include an NRC briefing on the proposed license and a summary of the comments received at the previous scoping meeting; a BLM briefing on the land use plan amendment and the proposed ROW; and a BIA briefing on the lease agreement. The scoping meetings will afford an opportunity for interested agencies, organizations, and individuals to submit comments or suggestions on environmental issues related to the proposed rail line and the lease agreement. Written comments on these issues will be accepted until May 28, 1999.

Persons may register to present oral comments at the scoping meeting by writing to (1) Scott C. Flanders, Sr. Environmental Project Manager, Licensing and Inspection Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; (2) Leon Berggren, Resource Advisor, U.S. Department of Interior, Bureau of Land Management, Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119; or (3) Dale Hamberg, Land Operation Officer, U.S. Department of Interior, Bureau of Indian Affairs, Uintah and Ouray Agency, P.O. Box 130 Fort Duchesne, Utah 84026; or Amy Heuslein, Environmental Protection Officer, U.S. Department of Interior, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 10, Phoenix, Arizona 85001. Information concerning the proposed actions, the scoping process, and the EIS may also be

obtained from these individuals. A copy of the initial NRC scoping report dated September 1998 can be obtained by writing to Scott Flanders at 11555 Rockville Pike, Rockville, Maryland 20855, or by telephone at (301) 415-1172. Also, the NRC scoping report is available for public inspection at NRC's Public Document Room in the Gelman Building, 2120 L Street, NW Washington, DC, 20555, and the Local Public Document Room at the University of Utah, Marriott Library, Documents Division, 295 S. 1500 East, Salt Lake City, Utah 84112-0860. A limited number of copies of NRC's scoping report will also be available at the scoping meetings on April 29, 1999.

Participation in the scoping process does not entitle participants to become parties to the adjudicatory proceeding associated with the proposed NRC licensing action. Participation in the adjudicatory proceeding is governed by the procedures specified in 10 CFR 2.714 and 2.715 and in the aforementioned Federal Register Notice (62 FR 41099).

Dated at Rockville, Maryland, this 31st day of March 1999.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY /s/

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

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NAME:	*SFlanders:jc	WTharpe	MDelligatti	SShankman	WBrach
DATE:	1 /99	3 /99	3 /99	3 /99	3 /99

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Dated at Salt Lake City, Utah, this 1st day of April 1999.

**FOR THE U.S. BUREAU OF LAND MANAGEMENT**

ORIGINAL SIGNED BY /s/

**Glenn A. Carpenter, District Manager  
Salt Lake District Office**

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Dated at Fort Duchesne, Utah, this 6th day of April 1999.

**FOR THE U.S. BUREAU OF INDIAN AFFAIRS**

ORIGINAL SIGNED BY /s/

**David Allison, Superintendent  
Unitah and Ouray Agency**

Private Fuel Storage

cc:

Mr. John D. Parkyn  
Chairman of the Board  
Private Fuel Storage, L.L.C.  
P. O. Box C4010  
La Crosse, WI 54602-4010

Mr. Scott Northard  
Project Manager  
Private Fuel Storage, L.L.C.  
c/o NSP, 414 Nicollet Mall, RS&  
Minneapolis, MN 55401

The Honorable Michael O. Leavitt  
Governor of Utah  
Salt Lake City, UT 84114-0601

The Honorable Leon D. Bear, Chairman  
Skull Valley Band of Goshute Indians  
P. O. Box 150  
Grantsville, UT 84029

Mr. Jack Gerard  
McClure, Gerard and Neunschwander  
201 Maryland Avenue, NE  
Washington, DC 20002

Dr. Dianne R. Nielson, Executive Director  
Department of Environmental Quality  
State of Utah  
168 North 1950 West  
P. O. Box 144810  
Salt Lake City, UT 84114-4810

Mr. G. William Lamb, State Director  
Bureau of Land Management  
United States Department of the Interior  
Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155

Mr. David L. Allison, Superintendent  
Bureau of Indian Affairs  
Uintah and Ouray Agency  
P.O. Box 130  
Fort Duchesne, UT 84026



OGC LIST OF THIRD PARTIES FOR CERTIFICATE OF SERVICE

Jay E. Silberg, Esq.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037-8007

Joro Walker, Esq.  
Land and Water Fund of the Rockies  
165 South Main, Suite 1  
Salt Lake City, UT 84111

Michael M. Later, Esq.  
Parr, Waddoups, Brown, Gee & Loveless  
185 S. State St., Suite 1300  
P.O. Box 11019  
Salt Lake City, UT 84147-0019

John Paul Kennedy, Sr., Esq.  
1385 Yale Ave.  
Salt Lake City, UT 84105

Danny Quintana, Esq.  
Danny Quintana & Associates, P.C.  
50 West Broadway  
Fourth Floor  
Salt Lake City, UT 84101

Denise Chancellor, Esq.  
Fred G. Nelson, Esq.  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873

Connie Nakahara, Esq.  
Utah Dept. of Environmental Quality  
168 North 1950 West  
P.O. Box 144810  
Salt Lake City, UT 84114-4810

Diane Curran, Esq.  
Harmon, Curran & Spielberg  
2001 "S" Street, NW  
Suite 430  
Washington, DC 20009

Professor Richard Wilson  
Department of Physics  
Harvard University  
Cambridge, MA 02138

Martin Kaufman, Esq.  
Atlantic Legal Foundation  
205 E. 42nd Street, 9th Floor  
New York, NY 10017