



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

72-22

March 11, 1999

Ms. Sarah Burtenshaw
340 S. 1st West #203
Rexburg, ID 83440

SUBJECT: RESPONSE TO YOUR FEBRUARY 10, 1999, LETTER
TO CHAIRMAN JACKSON

Dear Ms. Burtenshaw:

I am the Senior Project Manager assigned to the review of Private Fuel Storage, L.L.C.'s (PFS's) application to operate a facility for the temporary storage of spent nuclear fuel on the reservation of the Skull Valley Band of Goshute Indians (the Skull Valley Band). PFS is a consortium of utilities which has leased some land from the Skull Valley Band to be used as the site for the proposed storage facility. This type of storage facility is know as an independent spent fuel storage installation (ISFSI). The Skull Valley Band is a federally-recognized Indian Tribe, and as such, is considered a sovereign government, having a direct relationship with the Federal government that is similar to the relationship of a State to the Federal government. Therefore, in most cases, a State has no role in the interactions between such a sub-federal jurisdiction and the Federal government. For your information, no spent nuclear fuel is currently stored in Skull Valley and none would be unless the Nuclear Regulatory Commission (NRC) grants a license to PFS.

NRC is responsible for the protection of public health and safety with regard to civilian uses of nuclear materials. In this case, the NRC will review the PFS application to determine whether or not PFS has demonstrated compliance with the applicable regulatory requirements for the interim storage of spent nuclear fuel. These regulations are found at Part 72 of Title 10 of the Code of Federal Regulations (10 CFR Part 72). The results of the NRC review are reported in a Safety Evaluation Report (SER). If the NRC staff determines that PFS has demonstrated compliance and can safely operate such a facility, in addition to the SER, a license will be granted to PFS. NRC must also develop an Environmental Impact Statement (EIS) for the facility. A license cannot be issued until the EIS is completed. The safety and environmental reviews are currently ongoing at NRC.

I am enclosing a copy of the Spent Fuel Handbook (NUREG -1571). I hope this answers some of your questions regarding the proper storage of spent fuel. There are three web sites which can provide you with information on the PFS project from the perspective of the Skull Valley Band, PFS, and the State of Utah, respectively. These are:

- www:lskullvalleygoshutes.org
- www:privatefuelstorage.com
- www:leq.state/hlw_OPP.htm

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Ms. S. Burtenshaw

-2-

The Skull Valley Band's web site contains information on treaties between the Band and the United States Government and information on the establishment of the reservation. In addition, NRC maintains a Local Public Document Room at the Marriott Library at the University of Utah in Salt Lake City. A copy of the PFS application and all relevant materials are kept there.

I trust that this letter responds to your concerns.

Sincerely,

ORIGINAL SIGNED BY /s/

Mark S. Delligatti
Senior Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket 72-22

Enclosure: As stated (1)

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Information Handbook on Independent Spent Fuel Storage Installations

U.S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

M. G. Raddatz, M. D. Waters



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