

March 7, 2001

The Honorable Jim Matheson
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Matheson:

I have received your letter of February 21, 2001, in which you stated your concerns about the proposed Private Fuel Storage LLC (PFS) facility to be constructed at the Skull Valley Goshute Indian Reservation. You requested a meeting with me to discuss this matter. While I and other members of the Commission are always ready to discuss matters of interest with Members of Congress, I am very much concerned about the timing of the requested meeting.

The application for the license for the Private Fuel Storage facility is currently being contested before an Atomic Safety and Licensing Board of the Commission. Various aspects of issues contested in this licensing proceeding are currently pending before the Commission itself in its adjudicatory role and the Commission may be called upon to review any final decision of the Licensing Board on the license application.

Given that there are a number of issues surrounding the PFS facility which are the subject of litigation before the Commission, I am apprehensive that it would be very difficult to avoid discussion of contested matters in any exchange on the proposed Private Fuel Storage facility. I believe it is important that there be no perception of unfairness to the parties to the proceeding or of any intrusion into the integrity of the adjudicatory processes of the Commission. See Pillsbury Company v. F.T.C., 354 F.2d 952 (5th Cir. 1966).

Consequently, in view of the highly contested nature of the application for a license for the PFS facility and my role as independent adjudicator of the various contested matters associated with that application, I do not believe it is appropriate for me to meet with you to discuss the proposed PFS facility while the adjudication of the license application is pending before the Commission. I understand that Nuclear Regulatory Commission staff members reviewing the application are scheduled to brief your staff on all aspects of the pending review on March 13, 2001. I trust that this briefing will afford the opportunity to discuss your concerns.

Sincerely,

/RA/

Richard A. Meserve