

RAS 2880

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL

DOCKETED
USNRC



MARK L. SHURTLEFF
ATTORNEY GENERAL

'01 MAR 20 A10:27

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

RAY HINTZE
Chief Deputy - Civil

RYAN MECHAM
Chief of Staff

KIRK TORGENSEN
Chief Deputy - Criminal

March 13, 2001

Emile L. Julian, Assistant for
Rulemakings and Adjudications
Rulemakings and Adjudications Staff
Office of the Secretary
U.S. Nuclear Regulatory Commission
11555 Rockville Pike, One White Flint North
Mail Stop: O16G15
Washington, D.C. 20555


Re: In the Matter of Private Fuel Storage, LLC, Docket 72-22

Dear Mr. Julian;

Enclosed is the original signature page for the declaration of Dr. Marvin Resnikoff dated March 6, 2001, the faxed version of which was filed in conjunction with State of Utah's Response to Applicant's Motion for Summary Disposition on Utah Contention Z, dated March 6, 2001.

Please contact me with any questions at (801) 366-0287. Thank you.

Sincerely,



Jean Braxton,
Legal Assistant

Enclosure: as stated
cc: PFS Docket 72-22-ISFSI Service List, without enclosure

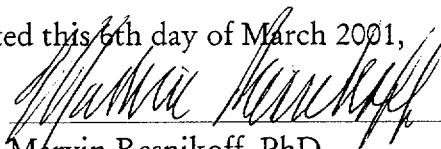
Template = SECY-018

SECY-02

33. Finally, I believe the entire discussion of relative costs and benefits of the no-action alternative is distorted by the extremely unrealistic assumption that storage of SNF, at either the PFS facility or the reactor sites, will be "temporary." I am closely familiar with the technical problems that have arisen in the investigation of the Yucca Mountain site for suitability as a long-term SNF repository. Given the recently discovered proximity of the repository site to groundwater sources, it does not appear that the integrity of the repository can be maintained for the period required for indefinite disposal. I believe it is extremely unlikely that Yucca Mountain or any other repository will be licensed in the next 100 years, and possibly much longer. Although the NRC has tried to legislate public confidence in the imminent availability of a repository, I do not believe there is any rational basis for such confidence. In my opinion, the discussion of the no-action alternative is seriously distorted by the assumption that a repository will be available in 2010. I believe that the DEIS should assume that waste will remain in temporary storage indefinitely, and include a discussion of the relative merits of indefinite storage at PFS and reactor sites. This discussion should include consideration of where the SNF will receive the best long-term care, and the equities of requiring the different affected communities to be long-term stewards. For instance, if the residents of the State of Utah received no benefit from the generation of energy as a result of burning nuclear power plant fuel, should they be burdened with the long-term environmental impacts of hosting the indefinite storage of the material? In short who receives the benefit and who bears the risk. These issues should be addressed in the DEIS.

Executed this 6th day of March 2001,

By


Marvin Resnikoff, PhD