

RAS 3623



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ADJUDICATIONS STAFF

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Division of Freedom of Information & Publications
Office of Administration, Mailstop T-6D-59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Neal A. McCaleb, Assistant Secretary
U.S. Bureau of Indian Affairs
1849 C Street, NW
Washington, DC 20240

Nina Rose Hatfield, Acting Director
U.S. Bureau of Land Management
1849 C Street, NW Room 700-LS
Washington, DC 20240

Linda J. Morgan, Chair
U.S. Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Re: Supplemental Comments on NUREG-1714, Draft Environmental Impact Statement for the Proposed Private Fuel Storage LLC Independent Spent Fuel Storage Installation on the Skull Valley Band of Goshutes Reservation in Skull Valley, Utah, Docket No. 72-22

Dear Messrs. Meyer and McCaleb and Ms. Hatfield and Ms. Morgan:

In response to the terrifying events of September 11th, the State of Utah filed a contention with the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission ("NRC") charging that the new state of knowledge about design basis threats from suicide mission terrorism now requires the NRC to re-evaluate the siting factors for the proposed Private Fuel Storage, LLC ("PFS") high level nuclear waste storage project and the environmental impacts related thereto. In addition, the State petitioned the Commission to suspend the PFS licensing proceeding until such time as revised standards for terrorism protection are in place. A copy of State of Utah's Request for Admission of Late-Filed Contention Utah RR (Suicide Mission Terrorism and Sabotage) and Petition for Immediate Relief Suspending Licensing Proceedings, both dated October 10, 2001, are submitted herewith as supplemental comments on the Draft Environment Impact Statement, NUREG-1714.

In the Federal Register Notice announcing the public comment period for the DEIS on the PFS proposal, the NRC and cooperating agencies stated: "[c]omments received after the due date will be considered if it is practical to do so..." 65 Fed. Reg. 39,207 (June 23, 2000). Not only should it be "practical" for the NRC and cooperating agencies to consider the documents submitted herewith by the State, it should also be of national importance to the health and safety of the public for the agencies to re-evaluate the PFS project in light of the war on terrorism.

In response to the terrorist attacks, the Commission directed the staff to review NRC security regulations and procedures. Moreover, in support of its mission to protect public health and safety, on

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October 11, 2001, the NRC took the drastic step of shutting down its web site in the aftermath of the terrorist attacks. The war on terrorism necessitates that NRC examine Federal policy in licensing the PFS proposal to store 4,000 casks of spent nuclear fuel amassed in one location.

The PFS proposal directly implicates NRC's mission to protect public health and safety and, like NRC's review of security regulations or shut down of NRC's established web site, requires decisive action by the responsible regulatory agency. The State specifically requests that NRC include in its NEPA analysis of the PFS proposal "other benefits and costs of the proposed action and alternatives and indicate what other interests and considerations of Federal policy, including factors not related to environmental quality if applicable, are relevant to the consideration of environmental effects of the proposed action...." 10 C.F.R. § 51.71(d). Failure to undertake such an analysis would be an antithetical to the National Environmental Policy Act.

Best Regards,



Dianne R. Nielson, Ph.D.

Executive Director

Enclosures

c: PFS Service List (without enclosures)
Senator Orrin Hatch
Senator Robert Bennett
Representative James V. Hansen
Representative Chris Cannon
Representative Jim Matheson
Joanne Neumann, Director, Governor's Washington Office