



Utah!

Where ideas connect

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**DOCKET NUMBER
PROPOSED RULE PR 72
(67FR47745)**

August 9, 2002

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemaking and Adjudications Staff

Dear Secretary:

Re: Part 72 Proposed Rule to Amend Seismic Citing and Design Criteria: Request for Extension to the Comment Period

On behalf of the state of Utah, I request a 15-day extension to the comment period on the above-referenced proposed rule, published in the Federal Register on July 22, 2002, and accompanying draft guidance, DG 3021, published in the Federal Register on July 26, 2002. The state of Utah has a significant stake on the outcome of the proposed rulemaking and accompanying guidance because it directly relates to the seismic issues the State has raised in the Private Fuel Storage (PFS) ISFSI licensing proceeding.

During the 75-day comment period, the State will be intensely involved in reviewing transcripts, technical documents and exhibits from a formal hearing relating to seismic issues at the PFS site, including appropriate level of ground motions for the PFS site. In the PFS proceeding, there are currently two milestone documents that the State must draft and file with the Atomic Safety and Licensing Board. The first document, write up of complex seismic issues from the seismic hearings, is to be filed on August 30, 2002. The second, a reply to the other parties' write up, is due on the same day (October 7, 2002) that the rulemaking and guidance comment period ends. Consequently, the lawyers and technical experts needed to coordinate, review and comment on the proposed rule are already obligated during the 75-day rulemaking comment period to meet the schedule set by the Atomic Safety and Licensing Board in the PFS ISFSI licensing proceeding.

The state of Utah's involvement in the PFS ISFSI licensing proceeding dates back to 1997. The State has devoted significant resources to bringing seismic issues and expert technical evaluation

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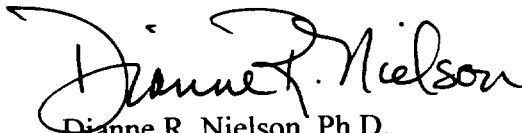
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to the attention of the Licensing Board, including the very issues that are the subject of the proposed rulemaking and guidance document. During the formal hearings held from April through June, 2002, the State presented testimony by renowned seismic experts, including testimony squarely related to the specific question on which the commission has requested public comments: "what is the appropriate mean annual probability of exceedance value to be used for the seismic design of an ISFSI, and what is the justification for this probability?" The extension will enable the State to provide essential information on this issue for the NRC's consideration as part of the rule and design criteria.

The state of Utah requests that the NRC extend the comment period on the proposed rule and guidance until October 22, 2002, or otherwise agree to give the same consideration to the state of Utah's comments, to be filed on October 22, as if they were filed within the formal comment period.

Your favorable reply is requested.

Best regards,

A handwritten signature in black ink that reads "Dianne R. Nielson". The signature is written in a cursive style with a large, sweeping initial "D".

Dianne R. Nielson, Ph.D.
Executive Director