

July 15, 2005

Ms. Sarah M. Fields
P.O. Box 143
Moab, Utah 84532

Dear Ms. Fields:

I am responding to your letter dated June 16, 2005. In your letter, you requested that the U.S. Nuclear Regulatory Commission (NRC or Commission) initiate formal discussions with the U.S. Department of Energy (DOE) to establish DOE's legal obligation to accept, for ultimate disposal in the national repository, spent nuclear fuel in welded canisters from the proposed Private Fuel Storage (PFS) facility.

The NRC maintains an ongoing dialog with DOE on a number of issues, including matters related to the proposed national repository and DOE's requirements and planning for the transportation of spent nuclear fuel to the proposed repository.

Further, the Commission in its Memorandum and Order, CLI-05-12, dated June 20, 2005, addressed concerns similar to those expressed in your letter, which had been raised by the State of Utah through its participation as a party in the PFS license application proceeding. The Commission agreed with the Atomic Safety and Licensing Board's decision not to reopen the PFS proceeding to consider this issue, given the lack of significant new information and the existence of substantial previous documentation of DOE's intent to accept spent nuclear fuel in dual purpose canisters such as the one which PFS has proposed to use at its facility. I am enclosing a copy of the Commission's Memorandum and Order for your information.

Should you have any questions related to this matter or other matters related to the PFS project please do not hesitate to call me at telephone number (301) 415-8531 or E-mail me at swb1@nrc.gov.

Sincerely,

/RA/

Stewart W. Brown
Senior Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Enclosure: Memorandum and Order, CLI-05-12

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Enclosure: Memorandum and Order, CLI-05-12

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