

September 25, 2000

Ms. Jacqueline Breslawski
2 Saddlewood Lane
Sandy, UT 84092

SUBJECT: RESPONSE TO YOUR SEPTEMBER 5, 2000, LETTER

Dear Ms. Breslawski:

In your September 5, 2000, letter to the U.S. Nuclear Regulatory Commission's (NRC's) Office of the Chief Information Officer, you stated some comments and concerns regarding the proposal by Private Fuel Storage, L.L.C. (PFS) to construct and operate an independent spent fuel storage installation on the Reservation of the Skull Valley Band of Goshute Indians. In addition, you requested a copy of the Draft Environmental Impact Statement (DEIS) on the PFS proposal. I understand that a copy of the DEIS has been provided to you separately. I will try to respond to some of the other concerns in your letter.

You raise several issues regarding the safety of the proposed PFS facility. The NRC staff is currently completing its safety evaluation of the license application from PFS. Upon completion of the safety evaluation, we will release a Safety Evaluation Report. It will document the NRC staff's review of the PFS application and will state whether or not we believe that PFS has demonstrated compliance with NRC's regulations for the safe storage of spent nuclear fuel. We anticipate that the safety evaluation report (SER) will be available after September 30, 2000. You may request a copy from NRC or, if you have access to the internet, the document will be available at NRC's website, <http://www.nrc.gov>.

Your letter also requests a 60-day extension to the established 90-day public comment period for the DEIS. In consultation with the Bureau of Land Management, the Bureau of Indian Affairs, and the Surface Transportation Board (the three Federal agencies cooperating with NRC in the development of this DEIS), we have determined that the requested extension is not warranted. A 90-day public comment period generally is longer than the time period required by three of the four cooperating Federal agencies for noticing a DEIS prepared under our jurisdictions (see, e.g., 10 CFR 51.73). However, we believe that 90 days is a sufficient time period for review and comment on this document. Some comments have already been received, well in advance of the closing date. There has been ample opportunity for public involvement in the DEIS development process. This has been accomplished through the environmental impact statement scoping process and through the existing extensive public comment period. At the several public DEIS scoping meetings in Salt Lake City (1998 and 1999) and Tooele (1999), Utah, the staff discussed its proposed schedule and provided contact information for parties interested in further information or discussions. The scoping meetings were noticed in the Federal Register (63 FR 24197; 64 FR 18491). Nonetheless, it should also be noted that, to the extent practical, comments received after the close of the comment period will be considered.

I would also like to clarify the misconception that the State of Utah has only received three copies of the DEIS. The State of Utah has received all of the copies of the DEIS that it has requested. Initially, three courtesy copies of the DEIS were given to the State's lawyers during an adjudicatory proceeding before the Atomic Safety and Licensing Board (ASLB) in June of this year. These copies were hand-delivered because the NRC staff wanted to make sure that the State officials involved in the ASLB hearing received their copies of the document as soon as possible after its publication. We were concerned that the hearings might keep them away from their offices for a while and we thought that providing them with these copies at the hearings would be useful to them. I believe that this may be the source of the "only three copies" story, but that story simply is not true.

In your letter you also refer to a National Research Council study of Department of Energy sites that were part of the nuclear weapons complex and that were contaminated during the Cold War era. You note that the study stated that those sites might never be sufficiently restored to be released for unrestricted public use. The types of activities that took place at these facilities (stretching back over half a century) are not at all similar to the kind of well regulated safe storage of spent nuclear fuel from our nation's nuclear power plants that is proposed for the site on the Reservation of the Skull Valley Band of Goshute Indians. The NRC will not grant a license to PFS unless the NRC believes that PFS has demonstrated the technical, financial, and environmental capabilities to build, operate, and decommission this facility.

Regarding your request for meetings along transportation routes, it is not appropriate to hold these meetings now, because no specific routes have been established. However, members of the public should feel free to contact us with additional comments, questions, and concerns about this subject.

If you have any further questions regarding the NRC review of the PFS license application, please feel free to contact me at 301-415-8518.

Sincerely,
/RA/ original signed by /s/
Mark S. Delligatti, Senior Project Manager
Spent Fuel Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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Mark S. Delligatti, Senior Project Manager
Spent Fuel Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket 72-22

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