

February 23, 2000

Mr. William J. Sinclair, Director
Division of Radiation Control
Department of Environmental Quality
State of Utah
168 North 1950 West
Salt Lake City, UT 84114-4850

Dear Mr. Sinclair:

I am responding to your January 18, 2000, letter to Richard A. Meserve, Chairman of the U.S. Nuclear Regulatory Commission (NRC), concerning the Safety Evaluation Report (SER) published by the NRC staff for the independent spent fuel storage installation (ISFSI) application submitted by Private Fuel Storage, L.L.C. In your letter, you request that a "public comment period" be established to afford citizens of the State of Utah "...a real opportunity to participate..." in the licensing process for the proposed facility.

As you may know, NRC has provided an opportunity for interested members of the public to participate in the licensing process for this facility in a notice published in the Federal Register over 2 years ago. The State of Utah and others have petitioned to intervene in the proceeding and are currently parties therein; those parties may bring any concerns they may have about the SER to the attention of the staff or may seek to raise issues based on the SER before the Atomic Safety and Licensing Board. In addition, members of the public who are not parties in the adjudicatory proceeding will be afforded an opportunity to provide oral and written limited appearance statements during the hearing sessions scheduled to be held in June 2000, and, as a separate matter, may raise their concerns directly with the staff at any time. Accordingly, we do not believe that a specific "public comment period" needs to be established on the SER at this time.

If you wish to discuss this matter further, please contact Mr. William F. Kane, Director, Office of Nuclear Material Safety and Safeguards. Mr. Kane can be reached at (301) 415-7800.

Sincerely,

/RA/

William D. Travers
Executive Director for Operations

Docket No. 72-22

cc: Hon. Leon Bear
PFS Service list

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G:\PFS\response to william sinclair.wpd *see previous concurrence

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