

July 6, 2000

Dr. Dianne R. Nielson, Executive Director
Department of Environmental Quality
State of Utah
168 North 1950 West
P.O. Box 144810
Salt Lake City, UT 84114-4810

Dear Dr. Nielson:

I am responding to your June 19, 2000, letter to Richard A. Meserve, Chairman of the U. S. Nuclear Regulatory Commission (NRC), regarding the "Draft Environmental Impact Statement (DEIS) for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah," NUREG-1714, dated June 2000.

One concern raised in your letter is the number of DEIS copies provided to the State of Utah. At the hearings before the Atomic Safety and Licensing Board (ASLB) in Salt Lake City, Utah, which began on June 19, 2000, the NRC staff provided courtesy copies of the DEIS to all parties to the ASLB proceeding who were present. Thus, copies were provided to representatives of the State of Utah (specifically, to Ms. Chancellor, Ms. Curran, and Ms. Nakahara, three of the attorneys representing the State before the ASLB), to the Skull Valley Band of Goshute Indians, and to Private Fuel Storage, L.L.C. Copies were also provided to members of the ASLB. Since representatives of the three other parties, Ohngo Gaudadeh Devia, the Southern Utah Wilderness Alliance, and the Confederated Tribes of the Goshute Reservation, were not present during the first week of the hearings, the NRC staff mailed their copies to them.

In addition to providing courtesy copies at the ASLB hearings, the NRC staff mailed copies of the DEIS to Utah State officials that requested a copy during the environmental impact statement (EIS) scoping process. Therefore, by now, the State should have received more than 10 copies of the DEIS. Furthermore, as part of the DEIS distribution, the NRC staff sent copies to the Tooele County, Utah, Commissioners, to the citizens of Utah who participated in the EIS scoping process and had requested copies (36 individuals), and to the congressional delegation for the State of Utah.

As members of my staff discussed with representatives of the State of Utah during the first day of the ASLB hearings, additional copies of the DEIS can be obtained for free by writing to the Chief Information Officer, Reproduction and Distribution Services, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by e-mail (Distribution@NRC.gov); or by fax (301-415-2289). The DEIS has also been available on the NRC Web site (<http://www.nrc.gov/NRC/NUREGS/SR1714/index.html>) since June 22, 2000, and may be downloaded from that site. Please note that this information is stated in the notice of availability of the DEIS in the Federal Register (copy enclosed).

In your letter, you also requested that “. . . public hearings be scheduled no sooner than 90 days after sufficient copies of the DEIS are available to the public.” As you are aware, the ASLB has scheduled hearings for the adjudication of environmental contentions. These hearings are scheduled for Summer 2001, significantly after publication of the DEIS and the scheduled publication of the Final Environmental Impact Statement. In addition, the NRC staff and the cooperating Federal agencies (Department of Interior's Bureau of Land Management and Bureau of Indian Affairs and the Surface Transportation Board) have scheduled two public meetings on July 27 and 28, 2000, to present an overview of the DEIS and to accept oral public comments. The time, location, and other information on these public meetings are provided in the enclosed Federal Register.

Finally, you requested that the public comment period for the DEIS be extended an additional 90 days (for a total of 180 days). Please note that the current 90-day public comment period, which began on June 23, 2000, meets or significantly exceeds the required public comment period as defined in the regulations for the NRC and the three cooperating Federal agencies. My staff, in consultation with the three cooperating agencies, has determined that such an extension does not appear warranted at this time.

It is regrettable that you did not have clear information regarding the availability of the DEIS. I trust that this letter will serve to clarify this matter. Please contact Mr. William Brach, Director of the Spent Fuel Project Office, at 301-415-8500, if you wish any further information regarding NRC staff activities associated with the PFS license application.

Sincerely,

/RA/

William F. Kane, Director
Office of Nuclear Material Safety
and Safeguards

Docket 72-22

Enclosure: Federal Register Notice dtd 06/23/00

cc: Leon Bear, Skull Valley Band of Goshute Indians
Kevin Gover, U. S. Bureau of Indian Affairs
Wayne Nordwall, U. S. Bureau of Indian Affairs
Tom Fry, U. S. Bureau of Land Management
Linda Morgan, U. S. Surface Transportation Board
PFS EIS Service List

In your letter, you also requested that “. . . public hearings be scheduled no sooner than 90 days after sufficient copies of the DEIS are available to the public.” As you are aware, the ASLB has scheduled hearings for the adjudication of environmental contentions. These hearings are scheduled for Summer 2001, significantly after publication of the DEIS and the scheduled publication of the Final Environmental Impact Statement. In addition, the NRC staff and the cooperating Federal agencies (Department of Interior's Bureau of Land Management and Bureau of Indian Affairs and the Surface Transportation Board) have scheduled two public meetings on July 27 and 28, 2000, to present an overview of the DEIS and to accept oral public comments. The time, location, and other information on these public meetings are provided in the enclosed Federal Register.

Finally, you requested that the public comment period for the DEIS be extended an additional 90 days (for a total of 180 days). Please note that the current 90-day public comment period, which began on June 23, 2000, meets or significantly exceeds the required public comment period as defined in the regulations for the NRC and the three cooperating Federal agencies. My staff, in consultation with the three cooperating agencies, has determined that such an extension does not appear warranted at this time.

It is regrettable that you did not have clear information regarding the availability of the DEIS. I trust that this letter will serve to clarify this matter. Please contact Mr. William Brach, Director of the Spent Fuel Project Office, at 301-415-8500, if you wish any further information regarding NRC staff activities associated with the PFS license application.

Sincerely,

William F. Kane, Director
Office of Nuclear Material Safety
and Safeguards

Docket 72-22

Enclosure: Federal Register Notice dtd 06/23/00

cc: Leon Bear, Skull Valley Band of Goshute Indians
Kevin Gover, U. S. Bureau of Indian Affairs
Wayne Nordwall, U. S. Bureau of Indian Affairs
Tom Fry, U. S. Bureau of Land Management
Linda Morgan, U. S. Surface Transportation Board
PFS EIS Service List

Distribution: (EDO G20000313)

Docket	NRC File Center	PUBLIC	NMSS r/f	SFPO r/f	EDO r/f	NMSS Dir R/f
WTravers	CPaperiello	FMiraglia	PNorry	JCraig	SBurns	KCyr
PLohaus	MSDelligatti	SCFlanders	CPoland	CJensen		
C:\Nielson re DEIS EDO ticket ~.wpd						

ML003728165

OFC	SFPO	E	SFPO	E	SFPO	C	OGC	C	SFPO		SFPO		NMSS	
NAME	MGBailey**		VLTharpe**		EJLeeds**		JRutberg**		SFShankman		EWBrach		WFKane	
DATE	06/28/00		06/28/00		06/28/00		06/28/00		06/29/00		06/30/00		7/ 6 /00	

C = COVER

E = COVER & ENCLOSURE
OFFICIAL RECORD COPY

N = NO COPY

**See previous concurrence

cc's for PFS EIS:

Glenn Carpenter, Supervisor
U.S. Bureau of Land Management
Salt Lake District Office
2370 south 2300 West
Salt Lake City, UT 84119

Harold McNulty, Project Manager
Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW, 5th Floor
Washington, DC 20423

David Allison, Superintendent
U.S. Bureau of Indian Affairs
Unitah and Ouray Agency
P. O. Box 130
Fort Dushesne, UT 84026

Joro Walker
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109

Amy Heuslein, Environmental Specialist
U.S. Bureau of Indian Affairs
Phoenix Area Office
P.O. Box 10
Phoenix, AZ 85001

Alice Stephenson, Environmental Specialist
U.S. Bureau of Land Management
Salt Lake District Office
2370 South 2300 West
Salt Lake City, UT 84119

Dale Hanberg, Land Operations Officer
U.S. Bureau of Indian Affairs
Unitah and Ouray Agency
P.O. Box 130
Fort Dushesne, UT 84026

Greg Zimmerman, Project Manager
P.O. Box 2008, 4500 N, MS 6200
Oak Ridge National Laboratory
Oak Ridge, TN 37831-6200

Michael J. Scott, Staff Scientist
Pacific Northwest National Laboratory
P.O. Box 99
MSIN: K8-17
Richland, WA 99352

Paul R. Nickens, Senior Research Scientist
5168 N. Windriver Place
Tucson, AZ 85750