

September 6, 2000

Anne Sward Hansen, Executive Director  
Citizens Against Radioactive Waste in Utah  
4001 South 700 East, Suite 115  
Murray, UT 87107

Dear Ms. Sward Hansen:

I am responding to your organization's petition, "Opposition of the Skull Valley Nuclear Waste Storage Facility," which requests either a 6-month extension to the established 90-day public comment period for 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, or an end to the licensing process. The petition was included in an August 21, 2000, letter sent to Mr. David Meyer of the U.S. Nuclear Regulatory Commission's (NRC's) Office of Administration, by representatives of your organization and several other organizations opposed to the proposal by Private Fuel Storage (PFS), Limited Liability Company, to build a spent fuel storage facility on the Reservation of the Skull Valley Band of Goshute Indians.

In consultation with the U.S. Bureau of Land Management, the U.S. 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 an extension to the public comment period 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 Fed. Reg. 24197, 64 Fed. Reg. 18491). Nonetheless, it should also be noted that, to the extent practical, comments received after the close of the comment period will be considered.

NRC has before it a docketed license application from PFS to build a spent fuel storage facility on the Reservation of the Skull Valley Band of Goshute Indians. NRC is required to complete its review and make a regulatory decision on whether to license the proposed PFS

A. Sward Hansen

- 2 -

September 6, 2000

facility. NRC cannot unilaterally end the licensing process without reaching a decision regarding the applicant's attempt to demonstrate compliance with the applicable regulatory requirements.

If you would like to discuss this further, please contact Mr. Mark Delligatti, Senior Project Manager for the NRC staff's review of the PFS license application, at (301) 415-8518.

Sincerely,

/S/ /RA/

E. William Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket 72-22

cc: Service List

facility. NRC cannot unilaterally end the licensing process without reaching a decision regarding the applicant's attempt to demonstrate compliance with the applicable regulatory requirements.

If you would like to discuss this further, please contact Mr. Mark Delligatti, Senior Project Manager for the NRC staff's review of the PFS license application, at (301) 415-8518.

Sincerely,

/S/ /RA/

E. William Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket 72-22

cc: Service List

Distribution:

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	SCFlanders	CPoland	CJensen	STurk, OGC	CMarco, OGC		
RWeisman, OGC		MWaters	MBailey	TMadden, OCA	GSmith, OEDO		

C:\petition response.wpd\*see previous concurrence ML003746207

<b>OFC</b>	SFPO	C	Tech Ed		SFPO	C	ADM		OGC		SFPO	
<b>NAME</b>	MSDelligatti*		EKraus*		JRHall*		DMeyer*		CMarco* (phone)		SFShankman*/jrh	
<b>DATE</b>	08/29 /00		08/ 29/00		08/30/00		08/31 /00		08/ 31/00		08/31/00	

  

<b>OFC</b>	SFPO		NMSS									
<b>NAME</b>	EWBrach*		WFKane*									
<b>DATE</b>	08/31/00		08/31/00									

C = COVER

E = COVER & ENCLOSURE  
OFFICIAL RECORD COPY

N = NO COPY

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

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

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 Duschesne, 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

Phillis Johnson Ball, Project Manager  
Surface Transportation Board  
Section of Environmental Analysis  
1925 K Street NW, 5<sup>th</sup> Floor  
Washington, DC 20423

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

Asadul Chowdhury, Manager  
Mining, Geotechnical and Facility  
Engineering  
Center for Nuclear Waste Regulatory  
Analyses  
Southwest Research Institute  
6220 Culebra Road  
San Antonio, TX 78228-5166

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

The Honorable Leon D. Bear, Chairman  
Skull Valley Band of Goshute Indians  
2480 South Main, No. 110  
Salt Lake City, UT 84115

John D. Parkyn  
Chairman of the Board  
Private Fuel Storage, L.L.C.  
P.O. Box C4010