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FROM: DUE: 10/05/00 EDO CONTROL: G20000455  
DOC DT: 09/20/00  
FINAL REPLY:

Governor Michael O. Leavitt  
State of Utah

TO:

Chairman Meserve

FOR SIGNATURE OF : \*\* PRI \*\* CRC NO: 00-0603

Chairman

DESC:

ROUTING:

DEIS for the Proposed Private Fuel Storage LLC  
(PFS) Independent Spent Fuel Storage Installation

Travers  
Paperiello  
Miraglia  
Norry  
Craig  
Burns/Cyr  
Lohaus, STP  
Merschhoff, RIV

DATE: 09/26/00

ASSIGNED TO: CONTACT:

NMSS

Kane

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY  
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*Date Printed: Sep 25, 2000 15:27*

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**PAPER NUMBER:** LTR-00-0603 **LOGGING DATE:** 09/25/2000  
**ACTION OFFICE:** EDO

**AUTHOR:** MICHAEL LEAVITT  
**AFFILIATION:** UT-GOV  
**ADDRESSEE:** RICHARD MESERVE  
**SUBJECT:** NUREG-1714 DEIS FOR THE PRO PRIVATE FUEL STORAGE LLC (PFS)  
INDEPENDENT SPENT FUEL STORAGE INSTALLATION ....

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF, SECY TO ACK

**LETTER DATE:** 09/20/2000  
**ACKNOWLEDGED** No  
**SPECIAL HANDLING:** OCM #4036  
**NOTES:** COMMISSION REVIEW  
**FILE LOCATION:** ADAMS  
**DATE DUE:** 10/10/2000 **DATE SIGNED:**

EDO --G20000455

4036



MICHAEL O. LEAVITT  
GOVERNOR

STATE OF UTAH  
OFFICE OF THE GOVERNOR  
SALT LAKE CITY  
84114-0601

OLENE S. WALKER  
LIEUTENANT GOVERNOR

September 20, 2000

Richard A. Meserve, Chair  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Kevin Gover, Assistant Secretary  
U.S. Bureau of Indian Affairs  
1849 C Street, NW  
Washington, DC 20240

Tom Fry, Director  
U.S. Bureau of Land Management  
1849 C Street, NW Room 700-LS  
Washington, DC 20240

Linda J. Morgan, Chair  
U.S. Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

David L. Meyer  
Chief, Rules and Directives Branch  
Division of Freedom of Information and Publications Services  
Office of Administration, Mailstop T-6D-59  
US NRC  
Washington, DC 20555-0001

Dear Messrs. Meserve, Gover, Fry, Meyer, and Ms. Morgan:

Re: NUREG-1714, Draft Environmental Impact Statement (DEIS) for the Proposed Private Fuel Storage LLC (PFS) Independent Spent Fuel Storage Installation (ISFSI), Docket No. 72-22

REC'D BY

25 SEP 00 2:13

The decision you are preparing to make regarding the storage of high-level nuclear waste in Utah, at the proposed facility, is an extremely important one to the future of the two million residents of the State of Utah, the Skull Valley Band of the Goshute Tribe, and the Nation as a whole. It will have significant, long-term impacts on the health and safety of Utah's citizens, and on individuals who live near the high-level nuclear waste transportation corridors throughout the Nation. Approval of the proposal would cause the unprecedented movement of massive amounts of high level nuclear waste spent fuel rods throughout the Nation, creating risks that may, in the end, turn out to have been taken unnecessarily. It will also have significant, long-term impacts on Utah's economy and will harm the readiness and training of the Nation's armed forces.

Federal law, the National Environmental Policy Act, requires an examination of the effects of a major federal action, such as this, on the natural and human environment. The Draft Environmental Impact statement issued does not meet the requirements of NEPA, and must be rejected. The serious issues mentioned above, and many others as documented in the attached comments, are not even mentioned in the DEIS.

I absolutely disagree that 90 days is sufficient time to analyze the details in a proposal of this magnitude. This is a proposal to place high level nuclear waste in Utah for an uncertain period of time. It is a very complex issue involving quality of life and perceptions of safety, not just technical issues related to radiation levels. Utahns are overwhelmingly opposed to the storage of high-level nuclear waste in this state. The law requires and common sense demands a full public review and discussion of the facts and true impacts of this proposal on the human environment. This review must not be cut off for the sake of procedural or bureaucratic convenience. The federal government routinely allows comment periods well in excess of 90 days for large Environmental Impact Statements, for issues that are also important, but not as clearly fundamental to the health and safety of the people of Utah.

Many communities, businesses, and individuals in Utah who will be adversely impacted have not had sufficient opportunity to provide comment on the proposed facility, transportation of the spent nuclear fuel rods, and related impacts. The spirit, as well as the letter of the law behind NEPA, is to be inclusive in participation. Citizens are to be allowed every opportunity to make comment. I cannot believe that any federal agency would put the needs of eastern power companies before the rights and needs of the million citizens who live within 75 miles of the proposed storage site. The State of Utah strongly urges the federal agencies behind this DEIS to grant the request, now strongly supported by its U.S. Senators and Representatives, for additional time to comment.

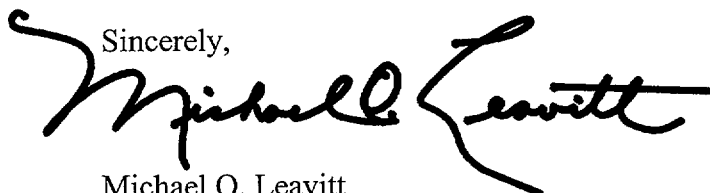
I also must inform all the federal agencies who assisted in the preparation of the DEIS that the proponent of the project, Private Fuels Storage, does not enjoy limited liability under Utah law. Limited liability is a privilege granted by state law. By virtue of its activities Private Fuels Storage has not met the requirements of Utah law on this issue, and consequently is no longer considered a limited liability corporation. The federal agencies must consider this fact as they review the DEIS and the proposal further.

The Bureau of Land Management has independent authority in reviewing this proposal. However, pursuant to the Defense Authorization Act of 1998, the BLM may not engage in any planning efforts at all for any proposal under or near the Utah Test and Training Range. All planning in that area is frozen. The BLM must cease any further work on this proposal until the requirements of federal law are met. The state will not hesitate to seek enforcement of this law, if the BLM does not meet its requirements.

The proposed facility and transportation decisions deserve your very careful review and consideration. However, this DEIS will not support that careful review. The DEIS is seriously deficient in information and analyses required by the National Environmental Policy Act (NEPA), by federal regulations, and by common sense. Therefore, I urge you to find this DEIS deficient and incapable of supporting the proposed actions and, thereby, halt the license review of the PFS facility and related actions.

Thank you for your careful consideration of these comments.

Sincerely,

A handwritten signature in black ink, reading "Michael O. Leavitt". The signature is fluid and cursive, with the first name "Michael" and last name "Leavitt" clearly legible.

Michael O. Leavitt  
Governor

MOL:DRN:dco

Attachment

cc: Senator Orrin Hatch, U.S. Senator  
Senator Robert Bennett, U.S. Senator  
Representative Jim Hansen, U.S. House of Representatives  
Representative Chris Cannon, U.S. House of Representatives  
Representative Merrill Cook, U.S. House of Representatives  
President Lyle Hillyard, Utah Senate  
Speaker Marty Stevens, Utah House of Representatives  
Administrator Carol Browner, US EPA  
J. Neumann, Governor's Washington DC Office

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2 Your Internal Billing Reference 2852 002

3 To Recipient's Name Richard A. Meserve, Chair Phone

Company U. S. Nuclear Regulatory Commission

Address Mail Stop 0-16 G15 One White Flint North 11555 Rockville Pike

City Rockville State MD ZIP 20852-2738



Form 0215 Recipient's Copy

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