

November 21, 2000

The Honorable Tim Roemer
United States House of Representatives
Washington, D.C. 20515-1403

Dear Congressman Roemer:

I am responding to your letter of October 19, 2000, to former Chairman Greta Joy Dicus, concerning NUREG-1714, "Draft Environmental Impact Statement 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" (DEIS). In your letter, you request an extension of the public comment period for the NUREG-1714 and a public meeting in your district. For the reasons outlined in the following paragraphs, the NRC, in consultation with the three other Federal Agencies involved, has decided not to grant the request that you and others have made for an extension to the public comment period for the DEIS.

The DEIS includes an analysis of radiological impacts associated with cross-country transport of spent nuclear fuel to the Utah facility, under both incident-free transportation and from potential transportation accidents. The NRC provided a 90-day public comment period on the DEIS, a period which exceeds the 45-day period generally provided under our regulations and those of the Bureau of Indian Affairs and the Surface Transportation Board and which meets the period generally provided by the Bureau of Land Management. In view of the already expanded opportunities for public comment on the DEIS, earlier staff efforts to solicit public involvement in the environmental impact statement scoping process, and public meetings held during the comment period, we conclude that an extension is not warranted. Literally hundreds of comments were received, from several hundred commenters, in advance of the September 21, 2000 comment period closing date. Additionally, and to the extent practical, it also is NRC's practice to accept and consider comments received subsequent to the comment period closing.

The concerns of local governments and other interested persons also are being addressed before an NRC Atomic Safety and Licensing Board. The State of Utah and four other intervenors were granted status as parties to the adjudicatory proceeding on the Private Fuel Storage, L.L.C., (PFS) license application. The State of Utah and other intervenors raised a number of safety and environmental contentions that were, or are in, the process of being adjudicated. This adjudicatory process began in 1997, shortly after the NRC staff received the license application from PFS. Hearings on some portions of the safety contentions were held in Salt Lake City in June 2000. Hearings on the remaining safety contentions and environmental contentions are scheduled to be held in Salt Lake City in July and August 2001. Commission action on the PFS application will not be finalized until after completion of the hearing process.

Your letter also requests a public meeting in your district because of concern that radiation emissions during transport could affect your constituents. The DEIS puts an upper bound on transportation impacts by assuming that all spent fuel in the U.S. would be shipped to the PFS facility along a route passing through Northern Indiana. But, as it happens, the amount of spent fuel that might actually pass along any given route to the PFS has not been determined. Thus, it would be premature for the NRC staff to schedule or hold public meetings in areas that may not even be contemplated as a significant route to the proposed facility. Once routes are identified, members of the public could certainly contact the NRC staff with questions and comments, or to request other interactions.

I want to assure you that the Commission's decision on the application will be guided by our mandate to protect public health, safety, and the environment.

Sincerely,

/RA/

Richard A. Meserve