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May 2, 1997

Charles J. Haughney
Deputy Director
Spent Fuel Project Office
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Mr. Haughney:

The purpose of this correspondence is to express concern regarding the Private Fuel Storage LLC (PFS) effort in Utah to site an Independent Spent Fuel Storage Installation on the Goshute Skull Valley Indian Reservation. PFS has indicated its intent to submit a license application to the Nuclear Regulatory Commission (NRC) in June of 1997. Our understanding of the NRC licensing process is that the State and other interested parties have thirty days from the docketing of the license application by PFS to seek intervention in this process. PFS has only provided limited information to the State concerning this project. On April 4, 1997, a presentation was made by PFS and the Goshute Skull Valley Band to the Utah Radiation Control Board. This was the first information meeting by PFS in Utah since the signing of the lease agreement with the Goshute Skull Valley Band in January 1997.

Without proper information, the State and other interested parties are at a serious disadvantage as they attempt to understand the issues and participate fully in what should be a very open and public process. PFS indicated, at their meeting with the Utah Radiation Control Board on April 4, 1997, that establishment of a public documents room was not scheduled until the fall of 1997. Since there could be many documents associated with the initial licensing of this facility, I am requesting that NRC not docket the license application by PFS until a complete public documents room is established in a mutually agreeable site in the state of Utah. The public documents room should contain any and all documents relating to the PFS license application including documents that form the basis of the Environmental and Safety Evaluation Reports. Enclosed for your information is an attachment that was recently sent to PFS containing questions regarding this project. PFS has agreed to provide the state of Utah with answers to these questions.



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We also request that NRC provide the state of Utah with the documents that will be used to determine the completeness of the initial application of PFS, and that we receive these documents prior to official docketing. Thank you for your help in this matter of keen interest to the state of Utah.

Best regards,



Dianne R. Nielson, Ph.D.
Executive Director

attachment

cc: Governor Michael O. Leavitt
Bill Sinclair, UDEQ/DRC
Connie Nakahara
Denise Chancellor, Attorney General's Office
Suzanne Winters, State Science Advisor
Charles Hackney, NRC Region IV
Spiros Droggitis, NRC OSP

ATTACHMENT A

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF RADIATION CONTROL QUESTIONS REGARDING PRIVATE FUEL STORAGE -- SKULL VALLEY INDIAN RESERVATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION

1.0 Licenses and Permits

- 1.1 What is the Nuclear Regulatory Commission (NRC) licensing process for an Independent Spent Fuel Storage Installation (ISFSI)?
- 1.2 Will Private Fuel Storage (PFS) provide the Division of Radiation Control, Department of Environmental Quality (DRC/DEQ) with a copy of the application as soon as it is filed (including appendices, attachments and all documents relied on in the application)?
- 1.3 Will there be a local public document room? Where? When will it be set up? What will be in it?
- 1.4 Is PFS going to participate in a full National Environmental Policy Act (NEPA) process, including an Environmental Impact Statement (EIS), for this proposal?

Is PFS proposing to use other EISs?

Will all referenced EISs be part of the public document room established in the state?

- 1.5 PFS indicated in a meeting recently with NRC that they have the sign-off of several federal agencies, including Fish and Wildlife Service, Department of the Interior, Bureau of Land Management, National Forest Service, and the University of Utah. What did PFS mean by the statement "sign-off" and what specifically are the sign-offs which have been obtained from these agencies?
- 1.6 What approvals or agreements have been reached with federal, state or local government entities or officials to date?
- 1.7 What is the Bureau of Indian Affairs' (BIA) role in the approval of this arrangement between PFS and the Skull Valley Goshute Tribe?

Does the BIA approve the lease agreement?

Has the Tribe and/or PFS received approval from the BIA for the Goshute Tribe-PFS lease or proposed facility?

If there is a written approval, may we have a copy?

- 1.8 Are there other contracts or arrangements between the Tribe and PFS, and, if so, what are they?
- 1.9 Will PFS give DRC/DEQ a copy of the lease and other agreements?
- 1.10 What will be the oversight roles of federal, state, and local governments?
- 1.11 What permits are required for this facility, other than an NRC license and a certificate of compliance for the cask?
- 1.12 What is PFS doing to inform the public about this ISFSI?

Will there be a public education and scoping program?

What opportunity will the public have to comment or be involved in the process?

- 1.13 What coordinated efforts is PFS going to undertake with the State and Local governments and how will this be achieved?
- 1.14 Please provide a legal description (section, township, range) of the leased area, separately listing the 820 acre buffer site, the 640 acre secure area, and the 40 acre pad area.
- 1.15 What are the legal descriptions of easements and rights-of-way acquired and in what name were they acquired?
- 1.16 Has PFS entered into any arrangements with Tooele County? With any local government entity? With any medical providers or emergency personnel? If there are such arrangements, please provide details.
- 1.17 Who is the local PFS contact (Name, address, phone/fax #)?
- 1.18 Will the company be applying to the state for any approvals?

What state and local government approvals does the company consider it needs to obtain?

If the company does not believe it must apply to the state as a legal requirement, would it voluntarily submit the application to the state for review and approval?

2.0 Facility Operations

- 2.1 What will be the staffing requirements for the facility?
- 2.2 Will there be permanent NRC or other regulatory staff stationed at the facility?
- 2.3 How will PFS guarantee that this temporary facility will not become permanent?

What is the plan if the permanent repository at Yucca Mountain is delayed or never completed?

Will environmental evaluations of the proposed facility consider the option that the facility may become permanent or at least exist for an extended period of time?

- 2.4 Under what circumstances would PFS ship waste back to the nuclear power plants?
- 2.5 Is transportation to a foreign facility and reprocessing of spent fuel rods a viable option?
- 2.6 What is the capacity of the storage facility?
- 2.7 Does the lease contain a clause that the Goshutes can rescind the lease before construction begins, or at an earlier date prior to the end of the initial and/or extended lease period? Under what conditions can the lease be terminated?
- 2.8 What risk assessments will be done?
- 2.9 What quantity and quality of water will be needed for this facility, and what studies will be done to evaluate this issue?
- 2.10 What geotechnical studies are being conducted regarding the location of the facility?
- 2.11 What seismic hazards exist on or adjacent to the Reservation?
- 2.12 Please explain your quality assurance program for this facility?

Will that plan be available for review?

- 2.13 From what "pool" of reactors is PFS soliciting waste?

Will it be only from consortium reactors or will it be from all over the United States?

Will consortium members have priority?

3.0 Responsibility/Financial Assurance

3.1 What is the relationship between Northern States Power (NSP) and PFS?

3.2 What is the corporate structure of PFS?

What assets does this limited liability company (PFS) have?

3.3 What assets will be used for financial assurance?

3.4 What responsibility does PFS have for the ISFSI?

Who has responsibility for shipping and spent fuel rods en route?

Who has responsibility for loading and unloading the canisters?

Who has responsibility for leaking canisters or casks (en route, at transfer station, on site)?

Who has responsibility for closure of the facility?

What financial assurances are there for the above responsibilities and who provides the financial assurance?

3.5 Who has control and responsibility regarding the shipping containers?

3.6 What are the manufacturers' names and model numbers of the designated shipping casks?

Have they been approved by NRC and if not, when is approval expected?

3.7 What are the contingency measures to deal with problems which may occur if there is a problem with the waste in storage?

3.8 Who owns the spent fuel rods, canisters, and casks and who is responsible for correcting any problem regarding these components?

4.0 Transportation

4.1 What specific shipping routes will be used?

- 4.2 How is PFS planning to unload the spent fuel from the rail siding?
Which siding will be used?
Will facilities need to be constructed to transfer the spent fuel from rail to truck?
- 4.3 Is PFS considering a rail spur to the facility and what permission has been obtained for the necessary rights-of-way to construct the spur?
- 4.4 What will be the frequency of shipments?
- 4.5 How will PFS respond to transportation accidents?
- 4.6 What risk assessments will be done?
- 4.7 Please explain your quality assurance program for transportation?
Will that plan be available for review?
- 4.8 Will shipments be by dedicated trains?
- 5.0 Yucca Mountain and the Goodhue County ISFSI**
- 5.1 What is the status of the NSP Goodhue County facility in Minnesota?
- 5.2 Under what set of circumstances would NSP go forward with the Goodhue ISFSI?
- 5.3 What happens with the Skull Valley Goshute ISFSI if Yucca Mountain is approved for temporary storage?
- 5.4 What are PFS's plans if U. S. Senate bill S.104 becomes law?
- 5.5 At what point can or would PFS terminate licensure or construction of the Goshute Reservation ISFSI?