

January 29, 2001

The Honorable Michael O. Leavitt
Governor of the State of Utah
Salt Lake City, Utah 84114-0801

Dear Governor Leavitt:

This letter is an update to my letter of October 26, 2000, in which I noted, among other things, that the Commission was unable to grant your request for an extension of the public comment period on 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." At that time, the Commission noted that substantial opportunities were provided for public comment on NUREG-1714.

In today's letter, I am informing you that the applicant for the license to construct the private fuel storage (PFS) facility has notified the NRC staff of the existence of new information that could change the staff's schedule for completion of the PFS Environmental Impact Statement (EIS). In letters dated December 11, and December 22, 2000, the applicant informed the NRC staff of its plans to submit amendments to its earlier submissions concerning certain seismic analyses in its Safety Analysis Report (SAR) and its Environmental Report (ER) for the proposed PFS facility. The applicant's ER serves as the principal document reviewed by the staff in preparing its EIS. Subsequent to those two letters, the NRC staff also determined that new information concerning aircraft crash hazards was contained in a motion by the applicant for summary disposition of a contention before the Atomic Safety and Licensing Board (ASLB). The applicant has indicated that all this new information will be included in amendments to the SAR to be submitted in March 2001.

It cannot be determined with certainty, in advance of receipt and review of these submittals, whether the conclusions that resulted from the staff's review of the currently docketed information would remain appropriate or would require revision. Although the staff could later find that the new information has no impact on the EIS, the staff has determined that it would be inappropriate to publish the final EIS until the new information and the upcoming license application amendments are reviewed by NRC staff. After the new information is reviewed, the NRC staff, in consultation with the cooperating Federal agencies, will determine the impact that the new information and amendments will have on the schedule for completion and release of the final EIS. In addition, if the new information is determined to change the proposed action substantially or to present significant new circumstances or information relevant to environmental concerns which bear on the proposed action, a supplement to the draft EIS will be prepared and made available for comment. I should note that delays in the publication of the final EIS and the potential development of a supplement to the Safety

Evaluation Report may delay or affect the scope of issues to be considered in the NRC's Atomic Safety and Licensing Board hearings, which are currently scheduled this summer.

At the time of my earlier response to you, the late submittal of additional information by PFS was not anticipated. Although the Commission believes that there is a continuing need for a disciplined review and hearing process to avoid unnecessary delays, I want to assure you that in this matter we will proceed in a manner that ensures the protection of public health, safety and the environment.

Sincerely,

/RA/

Richard A. Meserve