



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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March 7, 2001

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

The Honorable Jim Matheson
United States House of Representatives
Washington, D.C. 20515

SERVED MAR 12 2001

Dear Congressman Matheson:

I have received your letter of February 21, 2001, in which you stated your concerns about the proposed Private Fuel Storage LLC (PFS) facility to be constructed at the Skull Valley Goshute Indian Reservation. You requested a meeting with me to discuss this matter. While I and other members of the Commission are always ready to discuss matters of interest with Members of Congress, I am very much concerned about the timing of the requested meeting.

The application for the license for the Private Fuel Storage facility is currently being contested before an Atomic Safety and Licensing Board of the Commission. Various aspects of issues contested in this licensing proceeding are currently pending before the Commission itself in its adjudicatory role and the Commission may be called upon to review any final decision of the Licensing Board on the license application.

Given that there are a number of issues surrounding the PFS facility which are the subject of litigation before the Commission, I am apprehensive that it would be very difficult to avoid discussion of contested matters in any exchange on the proposed Private Fuel Storage facility. I believe it is important that there be no perception of unfairness to the parties to the proceeding or of any intrusion into the integrity of the adjudicatory processes of the Commission. See Pillsbury Company v. F.T.C., 354 F.2d 952 (5th Cir. 1966).

Consequently, in view of the highly contested nature of the application for a license for the PFS facility and my role as independent adjudicator of the various contested matters associated with that application, I do not believe it is appropriate for me to meet with you to discuss the proposed PFS facility while the adjudication of the license application is pending before the Commission. I understand that Nuclear Regulatory Commission staff members reviewing the application are scheduled to brief your staff on all aspects of the pending review on March 13, 2001. I trust that this briefing will afford the opportunity to discuss your concerns.

Sincerely,

Richard A. Meserve

Congress of the United States
House of Representatives
Washington, DC 20515-4402

February 21, 2001

The Honorable Richard A. Meserve
Chairman, Nuclear Regulatory Commission
1 White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Dear Dr. Meserve:

I am writing to you concerning a matter of great importance to me, my constituents, and the people of Utah. On Tuesday, February 20, the Surface Transportation Board gave preliminary approval to Private Fuel Storage LLC to build a rail line to transport nuclear waste to a temporary facility at the Skull Valley Goshute Indian Reservation.

This matter is now waiting for licensing approval by the Nuclear Regulatory Commission. I am concerned that within a matter of months, the State of Utah will become the largest depository of spent nuclear fuel in the world. The risks of this project extend far beyond the Skull Valley Storage Facility, and immediately affect the well being of communities along the waste's transport routes.

It is my opinion that the site under consideration will not be a temporary facility. The storage site covers more than 820 acres of Reservation land, and the lease negotiated between the tribe and Private Fuel Storage is to be for 25 years, with an option to renew for an additional 25 years. The size of this facility would allow it to hold the United States' entire supply of spent fuel rods for the next 15 years. Yet, by the Department of Energy's own estimates, sufficient storage capacity already exists at the power plants which generate the waste.

My office manager and scheduler, Wendy Ware, will contact you to make an appointment. Thank you for your attention to this matter.

Sincerely,



JIM MATHESON
Member of Congress

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
PRIVATE FUEL STORAGE, L.L.C.)	Docket No. 72-22-ISFSI
)	
(Independent Spent Fuel Storage)	
Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM CHAIRMAN RICHARD A. MESERVE TO REPRESENTATIVE JIM MATHESON DATED MARCH 7, 2001 have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket No. 72-22-ISFSI
 LETTER FROM CHAIRMAN RICHARD A.
 MESERVE TO REPRESENTATIVE JIM
 MATHESON DATED MARCH 7, 2001

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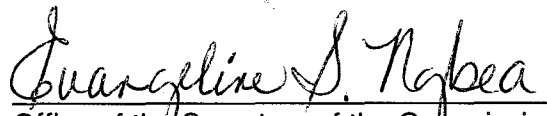
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 Office of the Secretary of the Commission

Dated at Rockville, Maryland,
 this 12th day of March 2001