



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 19, 1997

The Honorable Michael O. Leavitt  
Governor of Utah  
Salt Lake City, Utah 84114-0601

Dear Governor Leavitt:

I am responding to your May 19, 1997, letter indicating your opposition to a proposal by Private Fuel Storage, LLC (PFS), to construct and operate an Independent Spent Fuel Storage Installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians. While I recognize the potential importance to you of the PFS proposal, it would not be appropriate for me to respond to the merits of the issues in your letter for the reasons that follow.

It is my understanding that, in pre-application meetings with the Nuclear Regulatory Commission (NRC) staff, PFS has indicated that it intends to submit a license application this month for the project. The Commission has well-established procedures for review of a license application for the independent storage of spent nuclear fuel and high-level radioactive waste. Once an application to construct and operate an ISFSI, pursuant to the requirements of 10 CFR Part 72, is received, the staff will undertake an acceptance review to determine the completeness and adequacy of the application. If the application is accepted for docketing, the staff will publish a notice in the Federal Register, with an opportunity for hearing, pursuant to 10 CFR Part 2. Part 2 contains specific rules covering a State's opportunities for participation. After docketing, the staff will conduct a thorough technical review of the application to determine if it demonstrates compliance with all of the applicable regulatory requirements. All relevant non-proprietary material, including the application and the documentation of the staff's review, are to be publicly available.

If a hearing is held, an Atomic Safety and Licensing Board will be empowered to take evidence and render an initial decision on the application. Under NRC rules, the Commission may be called upon to review that decision. Thus, it would not be appropriate for the Commission to comment or take a position on the merits of the proposal at this time.

I am informed that the NRC staff has begun a dialogue with representatives of both the State of Utah and the Skull Valley Band of Goshute Indians. I also understand that the staff is prepared to meet with you to discuss NRC's role in, and its rules and regulations governing, the licensing of spent fuel storage facilities.

Sincerely,

*Shirley Ann Jackson*  
Shirley Ann Jackson

270054





MICHAEL O. LEAVITT  
GOVERNOR

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

OLENE S. WALKER  
LIEUTENANT GOVERNOR

May 19, 1997

Shirley Ann Jackson, Chair  
Nuclear Regulatory Commission  
US NRC  
Washington DC 20555

Dear Chairman Jackson:

Over the last several years, I have stated publicly and unequivocally my opposition to the siting of a temporary storage facility for high level nuclear waste within the State of Utah. In 1993, I issued a Policy Statement regarding such efforts.

I am writing to you to reaffirm my strong opposition to the efforts of Private Fuel Storage to store high level nuclear waste at the presently proposed site on the Skull Valley Goshute Indian Reservation or anywhere else within Utah. Such storage presents a number of concerns, including the following.

- o "Temporary" storage cannot be guaranteed to be temporary. The proposed facility will be designed and constructed as a temporary facility. However, there is no way to ensure that the spent fuel rods which are shipped and stored at the site will ever be removed.
- o Need for this temporary storage site is not documented. The General Accounting Office, with the concurrence of the Department of Energy, has determined that sufficient temporary capacity exists for spent fuel rods to be stored at existing sites, pending completion of a permanent storage facility.
- o Utah has not generated these wastes. Utah takes seriously its responsibility for managing the storage and disposal of waste problems within the state. We have no interest in increasing the risk to people in this area by importing high level nuclear waste.
- o Health and safety issues regarding transportation of high level nuclear waste have not been addressed.

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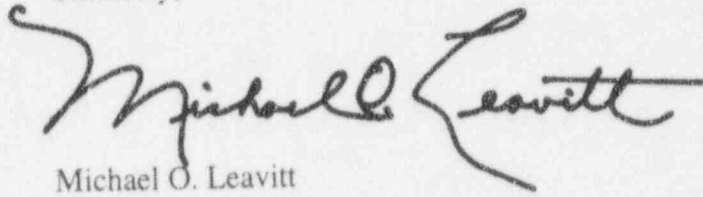
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I recognize that the Skull Valley Band of the Goshute Indian Tribe has a compelling interest in economic development. However, the long term risks and impacts which high level nuclear waste storage places on the Goshute Reservation and the State of Utah far outweigh the incentives.

I encourage your opposition to this temporary high level nuclear waste facility. I would welcome the opportunity to discuss this matter with you. If you would like additional information, please contact Dianne Nielson, Executive Director of the Utah Department of Environmental Quality, at 801-536-4404. Thank you for your careful consideration of this critical issue.

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. The middle initial "O." is written in a smaller, more compact script.

Michael O. Leavitt  
Governor

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