

# Congress of the United States

Washington, DC 20510

July 30, 2010

The Honorable Ken Salazar  
Office of the Secretary  
U.S. Department of the Interior  
Washington, D.C. 20240

Dear Mr. Secretary:

As members of the Utah Congressional Delegation, we write to express our dismay over the recent District Court ruling vacating the Department of Interior's (DOI) decision to deny a right of way and a lease, which are necessary for the viability of the Private Fuel Storage (PFS) consortium's proposed spent nuclear fuel project at Skull Valley, Utah. We strongly believe that the court's decision was unwarranted. It is clear the DOI fulfilled its fiduciary duty by completing a thorough review on this matter. This includes DOI's compilation and consideration of a public record which indicated an almost unanimous opposition to granting PFS's application. Accordingly, we urge the Department to appeal the court's decision.

As you know, the PFS facility would be a private, above-ground facility designed to store up to four thousand casks of high-level spent nuclear fuel. Previous to the PFS plan, the Nuclear Regulatory Commission had only licensed sites holding up to 60 casks. However, the PFS facility would be up to 65 times larger than any other private facility,

In addition, PFS could not have chosen a more dangerous location for the above ground storage of nuclear waste. The proposed site is *inside* the military operations area of the Air Force's Utah Testing and Training Range (UTTR). The UTTR is the largest contiguous overland block of supersonic authorized airspace in the continental United States. It should also be noted the UTTR is the Air Force's only cruise missile test range and is one of only two Air Combat Command approved Joint Direct Attack Munition ranges. In fact, the site is directly over a preferred access route for aircraft traveling from Hill Air Force Base. In addition, the location of several military aircraft crashes are within sight of the proposed site. The Delegation believes this is particularly relevant since approximately 80 percent of Utah's population lives within 50 miles of the PFS site.

These facts are well documented in the public comments received by DOI and specifically referred to in its Record of Decision denying the PFS applications. It could not be clearer that the Department acted in good faith and made a reasoned decision

based upon the facts. Therefore, we respectfully request the Department appeal the decision of the District Court.

Thank you for your consideration of this matter.

Sincerely,



Robert R. Bennett  
United States Senator



Orrin G. Hatch  
United States Senator

  
Jim Matheson  
Member of Congress  
Rob Bishop  
Member of Congress  
Jason Chaffetz  
Member of Congress