



STATE OF UTAH

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

JON M. HUNTSMAN, JR.
GOVERNOR

GARY R. HERBERT
LIEUTENANT GOVERNOR

May 8, 2006

Pam Schuller
Bureau of Land Management
Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

Re: State of Utah Comments on Right-of-Way Applications by Private Fuel Storage, LLC to Use Public Lands for Nuclear Waste Activities

Dear Ms. Schuller:

The attached binder contains the State of Utah's comments on the Private Fuel Storage, LLC ("PFS") right-of-way applications to the U.S. Bureau of Land Management ("BLM") to use public lands to (a) construct a 32-mile long rail line at Skunk Ridge to be used exclusively for the transportation of spent nuclear fuel; and (b) build and operate an intermodal transfer facility at Rowley Junction/Timpie, where spent nuclear fuel casks would be stored, processed and transferred from rail cars to overweight and over-length trucks for transportation along the Skull Valley Road to the Skull Valley Goshute Indian Reservation.

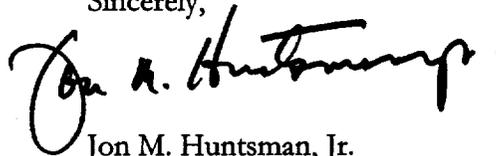
In general, the State's comments focus on the following points:

- The recently created Cedar Mountain Wilderness Area precludes the grant of a right-of-way for the PFS proposed rail route.
- As a new, start-up, limited liability company, PFS lacks the technical and financial capability of operating, maintaining and terminating use of the proposed intermodal site.
- In a post-9/11 world, PFS's intermodal operations — where spent nuclear fuel casks would be stored next to Interstate 80 and under the low-altitude flight paths of military and commercial aircraft — would constitute a prime terrorist target and present an unacceptable risk to national security.

- The hazards occasioned by PFS's overweight and over-length trucks, which would use the Skull Valley Road as their only transportation corridor, would seriously jeopardize public safety and emergency planning.
- PFS's proposed use of BLM land would unfairly and adversely affect adjacent property owners.
- BLM's resource management plan for the intermodal area cannot accommodate the use of public lands for high-level nuclear waste operations. If BLM were inclined to grant PFS a right-of-way, it would need to amend the Pony Express Resource Management Plan. Such an amendment would need to await completion of a Department of Defense study as required by Pub. L. 106-65.

For the reasons summarized above, and as described more fully in the attached comments, I respectfully request that the BLM deny both of the PFS right-of-way applications. It is my desire that the BLM carefully consider the State's comments as it prepares to render a decision on this very important matter.

Sincerely,



Jon M. Huntsman, Jr.
Governor

cc: Senator Orrin Hatch
Senator Robert Bennett
Congressman Chris Cannon
Congressman Jim Matheson
Congressman Rob Bishop