

RAS 1709

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May 5, 2000

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Jerry Kline
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Dear Administrative Judges:

I wish to bring the following matters to the attention of the Licensing Board and parties in this proceeding.

First, as you know, by letter dated September 24, 1999, I transmitted to the Licensing Board and parties a Proposed Rule entitled, "List of Approved Spent Fuel Storage Casks: HI-STORM 100 Addition," 64 Fed. Reg. 51271 (Sept. 22, 1999). The Commission has now issued the final rule adding the HI-STORM 100 cask system to the list of approved casks in 10 C.F.R. Part 72. See Final Rule, "List of Approved Spent Fuel Storage Casks: HI-STORM 100 Addition," 65 Fed. Reg. 25241 (May 1, 2000). The Certificate of Compliance and related Safety Evaluation Report should be available for distribution to the public on or about May 8, 2000.

Second, as you also know, in a "Joint Report" dated March 17, 2000, Private Fuel Storage, L.L.C. ("PFS" or "Applicant") informed the Licensing Board that BNFL Fuel Solutions ("BFS") had requested that the Commission cease review of its application for certification of the TranStor cask system, and that the application be returned to BFS. More recently, by letter dated April 7, 2000, PFS requested that the Commission "suspend any further licensing activity regarding the TranStor Storage Cask System in the current proceeding under Docket 72 22." As a result, the Staff has determined that its review of the PFS license application will omit consideration of the TranStor cask.

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Third, in light of PFS' letter of April 7 concerning the TranStor cask, and recent revisions by PFS of its Environmental Report, the Staff, in consultation with the three cooperating Federal agencies (the Bureau of Indian Affairs, Bureau of Land Management and Surface Transportation Board), has determined that the Draft Environmental Impact Statement ("DEIS") should be revised to consider this new information. As a result, the publication date for the DEIS will be deferred for one month, until June 2000. Likewise, the public meetings which are to be held concerning the DEIS will be deferred by one month, until the end of July; specific dates and locations will be published in the Federal Register shortly. The Staff does not currently expect this delay to affect the scheduled date for publication of the Final EIS.

Finally, in light of the Applicant's request that the Commission suspend further consideration of the TranStor cask system in this proceeding, the Staff believes that Contention GG (TranStor cask/pad stability) should now be dismissed as moot, without prejudice to its being refiled if PFS should later request consideration of the TranStor cask in this proceeding. The Staff suggests that this matter be addressed during the conference call scheduled to be held on Monday, May 8, 2000.

Sincerely,

Sherwin E. Turk
Counsel for NRC Staff

cc: Service List

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Sincerely,

Sherwin E. Turk
 Counsel for NRC Staff

cc: Service List

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