

November 18, 1997

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S RESPONSE TO
STATE OF UTAH'S SITE VISIT SUGGESTIONS

On November 10, 1997, the State of Utah filed a response to the Licensing Board's scheduling Order of October 24, 1997, in which the Licensing Board had announced a revised schedule for the initial prehearing conference and site visit in this proceeding.¹ In its Response, the State suggested that the proposed half-day site visit be extended to last a full day, and that the Licensing Board visit certain other "areas in Tooele County that are relevant to PFS' license application" (Response at 1). In addition to the proposed PFS site, the State proposed an inspection of (1) Rowley Junction, (2) Skull Valley Road, (3) the Dugway Proving Ground facility, and (4) the route from Dugway to Tooele along State Roads 199 and 36 (*Id.* at 1-2). The NRC Staff ("Staff") herewith responds to the State's suggestions, in accordance with the Licensing Board's Order of November 12, 1997.²

¹ "State of Utah's Response to ASLB's October 24, 1997 Memorandum and Order (Schedule for Prehearing Conference/Site Visit)", dated November 10, 1997.

² "Order (Responses to State of Utah Site Visit Suggestions)," dated November 12, 1997.

The Staff does not oppose the State's suggestion that the Licensing Board tour other areas in the vicinity of the proposed site, including the areas suggested by the State, if the Licensing Board determines that a visit to those areas would assist the Board in its understanding and resolution of the issues raised in this proceeding, and if appropriate conditions are established for the conduct of such a visit.

Thus, in the event that the Board, after reviewing the contentions in this proceeding, finds that a visit to one or more of the areas listed by the State would assist the Board in hearing and deciding those contentions, the Staff suggests that a tour of those areas be arranged, subject to the following conditions (or such other conditions as the Board determines to be appropriate) in order to assure fairness to all concerned:

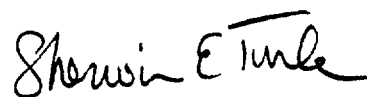
- (a) all parties and petitioners to intervene are permitted to participate in the tour;
- (b) each party or group of petitioners is allowed to designate a limited number of persons (*e.g.*, no more than two or three persons) to participate in the tour on its behalf;
- (c) tour participants are restricted from making any off-the-record comments within the hearing of the Licensing Board members, concerning matters relevant to the proceeding; and
- (d) only members of the Licensing Board and their assistants, and persons designated to participate on behalf of parties or petitioners in the proceeding, will be allowed to participate in the tour.

CONCLUSION

The Staff does not oppose the State's suggestion that other areas be visited as part of the Licensing Board's tour of the proposed PFS site, if the Board finds that a tour of those areas would assist it in understanding and deciding the contentions in this proceeding, and if

appropriate conditions are established for the conduct of such a tour in order to assure fairness to all parties and petitioners.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherwin E. Turk". The signature is written in black ink and is positioned above the typed name.

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 18th day of November 1997

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO STATE OF UTAH'S SITE VISIT SUGGESTIONS" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system (with copies by electronic mail, as indicated), or by deposit in the United States mail, first class, as indicated by an asterisk, this 18th day of November, 1997:

Office of the Secretary
ATTN: Rulemakings and Adjudications
Staff
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
(E-mail copy to PSL@NRC.GOV)

James M. Cutchin, V
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(by E-mail to JMC3@NRC.GOV)

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to GPB@NRC.GOV)

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to JRK2@NRC.GOV)

Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Denise Chancellor, Esq.*
Fred G. Nelson, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873
(E-mail copy to dchancel@State.UT.US)

Connie Nakahara, Esq.*
Utah Dep't of Environmental Quality
168 North 1950 West
P. O. Box 144810
Salt Lake City, UT 84114-4810
(E-mail copy to cnakahar@state.UT.US)

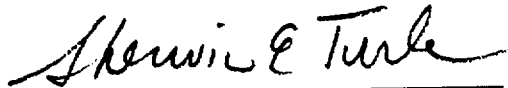
Jay E. Silberg, Esq.*
SHAW, PITTMAN, POTTS &
TROWBRIDGE
2300 N Street, N.W
Washington, DC 20037-8007
(E-mail copy to jay_silberg
@shawpittman.com)

Jean Belille, Esq.*
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302
(E-mail copy to landwater@lawfund.org)

Danny Quintana, Esq.*
Danny Quintana & Associates, P.C.
50 West Broadway
Fourth Floor
Salt Lake City, UT 84101
(E-mail copy to quintana
@Xmission.com)

Clayton J. Parr, Esq.*
KIMBALL, PARR, WADDOUPS,
BROWN & GEE
185 S. State St., Suite 1300
P.O. Box 11019
Salt Lake City, UT 84147-0019
(E-mail copy to CJP@Kimballparr.com)

John Paul Kennedy, Sr., Esq.*
1385 Yale Ave.
Salt Lake City, UT 84105
(E-mail copy to john@kennedys.org)



Sherwin E. Turk
Counsel for NRC Staff