

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'99 MAY 18 P1:37

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

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In the Matter of

PRIVATE FUEL STORAGE, L.L.C.

(Independent Spent Fuel
Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

May 18, 1999

MEMORANDUM

(Additional E-mail Address
for Administrative Judge Kline
and Revised General Schedule)

In order to expedite electronic service to Administrative Judge Kline, the Board requests that all parties add the following e-mail address to their service lists: kjerry@erols.com. Parties also should continue to send any electronic submissions to Judge Kline's NRC e-mail address, which is jrk2@nrc.gov.

On a separate matter, the Licensing Board has reviewed the April 30, 1999 response of applicant Private Fuel Storage, L.L.C., (PFS) to the NRC staff's April 21, 1999 letter regarding revised schedules for the draft and final environmental impact statements (EIS) in light of the August 1998 PFS rail transportation license application amendment. Under the staff's revised schedule, the draft EIS would now

be published in March 2000 and the final EIS would issue in February 2001. This represents a slip of approximately four months for both documents. In its response to the staff's letter, PFS provides its views, as well as those of the other parties, concerning the impact of this shift on the evidentiary hearing schedule for litigating intervenor environmental issues, which make up the Group III contentions that are scheduled to go to hearing beginning in April 2001.

All the parties appear to agree that, notwithstanding the slip in the EIS schedule, at this point the Board should not revise the Group III hearing dates, which are two years away. Instead, the parties assert that any revision to the schedule should await future developments regarding these and other contentions. In addition, however, the State maintains that it should be afforded a period of time after the draft and final EISs are issued and before the start of discovery against the staff relative to those documents to permit the State's experts to review and analyze the environmental reports. Both PFS and the staff disagree with the State's position in this regard, but reiterate that the Board need not decide this scheduling issue now.

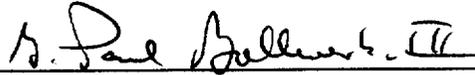
The Board agrees that any further schedule changes relative to the Group III environmental issues should be postponed until a time somewhat closer to the actual

hearing, or at least somewhat closer to the issuance of the draft EIS that is the first of the two staff documents that are the pacing items relative to any hearing on the Group III issues. We likewise defer any decision on the degree to which expert "review time" for the State needs to be built into any further schedule changes. Finally, we will not now set a period for any limited discovery window relative to the Group III contentions, although we will issue a revised schedule reflecting our earlier ruling establishing such a period for the Group II contentions. See Licensing Board Memorandum and Order (Granting Motion for Additional Limited Discovery on Group II and Group III Contentions) (Mar. 29, 1999) at 7 & n.4.

Attachment A to this memorandum is the revised general schedule for this proceeding. It reflects the limited discovery window for the Group II contentions, as well as the revised staff estimates for issuance of a draft and final EIS. It also notes that further changes to the schedule regarding the Group III contentions are possible to

reflect schedule revisions regarding the draft and final EIS.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 18, 1999

* Copies of this memorandum were sent this date by Internet e-mail transmission to counsel for (1) applicant PFS; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State; and (3) the staff.

ATTACHMENT A

EVENT	GROUP I ¹	GROUP II ²	GROUP III ³
Informal Discovery Begins -- All Parties	May 19, 1998	May 19, 1998	May 19, 1998
Informal Discovery Closes -- All Parties	February 28, 1999	February 28, 1999	February 28, 1999
Staff Position on Contentions	June 15, 1999	October 15, 1999	DEIS -- March 2000 FEIS -- February 2001
Formal Discovery Begins -- All Parties	March 1, 1999	March 1, 1999	March 1, 1999, except (1) DEIS-related discovery against Staff -- March 6, 2000; and (2) FEIS-related discovery against Staff -- begins on FEIS issuance date
Formal Discovery Ends -- All Parties Except Against Staff	May 28, 1999	May 28, 1999, subject to a January 1-February 29, 2000 limited discovery window	May 28, 1999, subject to a yet to be scheduled limited discovery window
Formal Discovery Ends -- Against Staff	August 13, 1999	May 15, 2000	DEIS -- May 15, 2000 FEIS -- November 30, 2000
Summary Disposition Motions Final Filing Date	June 28, 1999	March 31, 2000	December 1, 2000
Summary Disposition Motion Responses Final Filing Date	July 28, 1999	May 1, 2000	January 2, 2001
Board Summary Disposition Decision	August 30, 1999	May 31, 2000	February 1, 2001
Pre-filed Testimony Submitted	October 1, 1999	June 30, 2000	March 2, 2001
In Limine Motions Due	October 15, 1999	July 14, 2000	March 16, 2001
Hearings (including limited appearance sessions as appropriate)	November 1 - December 31, 1999	July 31 - September 1, 2000	April 2 - May 31, 2001
Findings of Fact (Simultaneous filings)	February 1, 2000	October 2, 2000	July 2, 2001
Findings of Fact Responses (Simultaneous filings)	March 2, 2000	November 1, 2000	August 1, 2001
Initial Decision	May 1, 2000	December 31, 2000	October 1, 2001

¹ The contentions in Group I include Utah B; Utah C; Utah F/Utah P; Utah G; Utah K/Confederated Tribes B; Utah M; Utah N; Utah R; Security-A; Security-B; and Security-C.

² The contentions in Group II include Utah E/Confederated Tribes F; Utah H; Utah L; Utah S; Utah GG.

³ The contentions in Group III include Utah O; Utah T; Utah U; Utah V; Utah W; Utah Z; Utah AA; Utah DD; OGD O; and SUWA B. NOTE -- As discussed in the Licensing Board's May 18, 1999 memorandum, scheduled dates under this group are subject to further revision to reflect changes in the staff DEIS and FEIS issuance dates.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of

PRIVATE FUEL STORAGE, LLC

**(Independent Spent Fuel Storage
Installation)**

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMO-KLINE E-MAIL..REV GEN SCH have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)72-22-ISFSI
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Dated at Rockville, Md. this
18 day of May 1999


Office of the Secretary of the Commission