

September 7, 1999

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.) Docket No. 72-22
)
(Private Fuel Storage Facility))

**JOINT REPORT TO THE
ATOMIC SAFETY AND LICENSING BOARD**

In its Memorandum and Order (Administrative and Scheduling Matters), dated August 30, 1999, the Atomic Safety and Licensing Board ("Board") requested that the parties consult with each other and provide a joint report to the Board concerning several matters relating to the scheduled November 1999 evidentiary hearing. The report was to assist in preparation for the September 8, 1999 telephonic prehearing conference.

In response to the Board's directive, the Applicant, the NRC Staff and the State of Utah have consulted with each other concerning the scheduled November 1999 evidentiary hearing. Based upon these consultations, the NRC Staff and the State of Utah have authorized the Applicant to submit the following joint report.

1. **Scheduling of Evidentiary Hearing**

The Applicant proposes, and the NRC Staff and the State of Utah have agreed, that the Board should defer the evidentiary hearing scheduled for November 1999. Applicant has proposed this deferral for several reasons, including (a) the relatively small number of issues that

would be ready for the evidentiary hearings, (b) the fact that the NRC Staff does not anticipate being able to take a position on those portions of Contention Utah K on which summary disposition was deferred on a schedule which would allow evidentiary hearings in November, (c) that fact that deferral would allow the Staff and the Applicant to focus their efforts on completing the analyses of outstanding issues without the loss of resources needed for the hearings, and (d) the possibility that deferral of the November hearings will allow an earlier start to the Group II hearings now set to begin on July 31, 2000.

The parties believe that the Group I contentions that would otherwise be the subject of the November evidentiary hearings should be heard together with the Group II contentions and that this consolidation would be a more efficient use of the Board and the parties' resources. The Applicant and the NRC Staff also believe that deferral of the November 1999 hearings might allow the hearings now scheduled to begin on July 31, 2000 to be advanced. The parties have agreed to consult further to determine whether they can agree on a revised schedule to propose to the Board.

2. Estimate of Trial Time

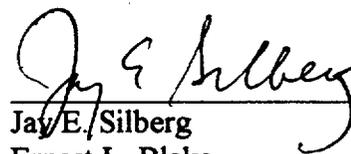
The Board's Memorandum and Order requested that the parties estimate how long they believe it would take to try Utah K, Utah R and Security C. In view of the proposed hearing deferral, the parties respectfully believe that it is premature to estimate the time necessary to try the three listed issues.

3. Security-C Hearings

The Board's Memorandum and Order also requested that the parties advise the Board whether they anticipated that the evidentiary hearing regarding contention Security-C will involve the presentation and discussion of protected safeguards information. The NRC Staff's position is that it is likely that such information will need be presented and discussed in the evidentiary hearings on this contention and therefore that at least some portions of the hearings on this contention will need to be closed to the public. The Applicant has no reason to disagree with the Staff's view. The State believes that closed hearings will not be required.

Dated: September 7, 1999

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the Joint Report to the Atomic Safety and Licensing Board were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 7th day of September, 1999.

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