

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

'99 DEC 22 P2:14

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

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ADD

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
December 22, 1999

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MEMORANDUM AND ORDER
(Scheduling Report)

The Board convened a telephone prehearing conference with the parties on December 21, 1999, to discuss possible scheduling changes that might be necessary in light of the NRC staff's December 15, 1999 statement of its position on Groups I-II contentions. See Tr. at 1216 et seq. In that statement, the staff declared it currently is unable to take a position regarding all or portions of contentions Utah K/Confederated Tribes B, Inadequate Consideration of Credible Accidents; Utah L, Geotechnical; and Utah GG, Failure to Demonstrate Cask-Pad Stability During Seismic Event for TransStor Casks, that are scheduled for an evidentiary hearing, along with four other Groups I-II contentions, beginning in mid-June 2000.

During the telephone conference, the staff indicated it currently believes it will not be able to take a position on these three issues until at least April 2000. Although the Board stated it was interested in setting a schedule relative to these issues, the staff noted it will be meeting with applicant Private Fuel Storage, L.L.C., (PFS) on January 10, 2000, to discuss obtaining further data it needs to reach a staff position on these issues. According to the staff, as a result of this meeting, it may also obtain additional information pertinent to any hearing schedule revisions regarding these issues. The staff further advised that later during the week of January 10, 2000, it will be engaged in meetings regarding various matters relating to the environmental impact statement (EIS) for the PFS facility, which the staff still anticipates issuing in draft in March 2000. It thus was suggested, without objection from any party, that the Board await the outcome of these meetings before making further schedule revisions..

Based on our discussion with the staff and the other parties, the Board directed that the staff take the lead in providing a joint report outlining suggested schedule changes regarding the three Group I-II safety issues specified above or the Group III environmental issues. This report shall be filed with the Board on or before Thursday, January 20, 1999. In addition, based on their discussions

regarding the joint report, if the parties believe it would be useful for the Board to convene an additional telephone conference regarding scheduling, they should advise the Board Chairman by telephone or e-mail on January 20 of two or three alternative dates and times between January 25-28, 2000, when all the interested parties would be available.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 22, 1999

* Copies of this memorandum and order 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.

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PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage
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Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (SCHEDULING REPORT) 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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Dated at Rockville, Md. this
22 day of December 1999


Office of the Secretary of the Commission