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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

OFFICE OF THE  
ADMINISTRATIVE  
ADJUTANT GENERAL

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**JOINT REPORT ON THE SCHEDULE FOR THE APPLICANT'S PROVISION  
OF A SAMPLE SERVICE AGREEMENT AND OPPORTUNITY FOR THE  
STATE OF UTAH TO ADDRESS ITS ADEQUACY**

Pursuant to the Atomic Safety and Licensing Board's ("Licensing Board" or "Board") Order of August 4, 2000,<sup>1</sup> Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS"), the State of Utah ("State") and the NRC Staff ("Staff") have agreed on a proposed schedule for Applicant's submission of a sample Service Agreement and for the State to address the adequacy of the Service Agreement that provides for further summary disposition filings relating to Contention Utah E/Confederated Tribes F ("Utah E") and a hearing.

The Commission, in Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-00-13, 52 NRC \_\_\_, slip op. at 16 (Aug. 1, 2000), gave the following direction to the Board:

- (1) require PFS to produce a sample service contract that meets all financial assurance license conditions, and (2)
- give intervenors an opportunity to address the adequacy of

<sup>1</sup> Order (Scheduling/Administrative Matters) (Aug. 4, 2000).

Template = SECY-049

SECY-02

the service contract to meet the concerns raised in Contention E. If intervenors do not raise further objections after reviewing the sample contract, or if the Board finds intervenors' objections insubstantial, then PFS would be entitled to summary disposition on Utah Contention E. Otherwise, the contention should be set for hearing.

The parties' proposed schedule addresses both the Commission's directive and the Board's order.

The Applicant has advised that the Service Agreement is currently still being finalized and that PFS anticipates that it will be completed by the end of September. Recognizing that the date is not firm, the parties propose that the schedule relating to the agreement key off the date on which the Board and the parties receive a copy of the finalized sample Service Agreement.

The parties propose the following schedule:

1. The Applicant shall file a sample Service Agreement with the Board and the parties on or about September 29, 2000.
2. The State shall have up to three weeks following the filing of the Service Agreement to file objections to it.
3. The Applicant shall have up to 10 days and the Staff up to 15 days from the date the State files its objections to respond to the State's objections.
4. The State shall have up to one week from the latter of PFS's or the Staff's responses to file a reply.
5. The Board will rule on whether the objections raised are appropriate for litigation in this proceeding.

The parties propose that any issues that the Board decides are appropriate for litigation be set for summary disposition and evidentiary hearing on the same schedule as the Group III contentions. Under the current trial schedule, the final date for filing summary disposition motions on Group III contentions is March 15, 2001.<sup>2</sup> Pre-filed testimony is to be submitted by June 11, 2001 and the evidentiary hearing is to begin on July 9, 2001.

Respectfully submitted,



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Dated: August 14, 2000

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<sup>2</sup> Order (General Scheduling Revision and Other Matters) (Feb. 2, 2000) Attachment A.

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of Joint Report on the Schedule for the Applicant's Provision of a Sample Service Agreement and Opportunity for the State of Utah To Address Its Adequacy 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 14<sup>th</sup> day of August 2000.

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