

January 19, 2001

Mr. John D. Parkyn
Chairman of the Board
Private Fuel Storage, L.L.C.
P.O. Box C4010
La Crosse, WI 54602-4010

SUBJECT: YOUR DECEMBER 11, AND DECEMBER 22, 2000, LETTERS

Dear Mr. Parkyn:

I am responding to your December 11, and December 22, 2000, letters to Mr. Mark Delligatti. In those letters you inform the U.S. Nuclear Regulatory Commission (NRC) staff that Private Fuel Storage, LLC (PFS) plans to submit amendments to its Safety Analysis Report (SAR) and the Environmental Report (ER) for the license application for the proposed Private Fuel Storage Facility (PFSF), concerning certain geotechnical matters. Your second letter details the specific sections of the SAR and ER that you anticipate will be affected. I note that subsequent to your two letters, the NRC staff determined that new information concerning aircraft crash hazards was contained in the PFS motion to the Atomic Safety and Licensing Board for summary disposition of Utah Contention K and Confederated Tribes Contention B, "Inadequate Consideration of Credible Accidents." Mr. John Donnell, of your staff, has indicated that this new information will also be included in amendments to the SAR to be submitted in late January 2001.

As you know, the NRC staff completed its Safety Evaluation Report (SER) for the proposed PFSF on September 29, 2000. The NRC staff, the Department of Interior's Bureau of Land Management and Bureau of Indian Affairs, and the Surface Transportation Board [which are cooperating with the NRC staff in the development of the PFS Final Environmental Impact Statement (FEIS)] had planned to issue the FEIS (including responses to the extensive comments received on the Draft EIS) on February 28, 2001. To this end, many Federal employees and contractors have been diligently working during the preceding period to meet this schedule, and publication of the FEIS has remained on target for February 28, 2001.

You have now informed us of additional analyses being performed related to the geophysical characterization of the proposed PFSF site. You indicated that the resulting amendments to the SAR and ER will not be submitted to the NRC until early March 2001. PFS has indicated that the design basis ground motion and dynamic stability analyses could be affected, based on new shear and pressure wave velocity profiles being developed for the site; that structural design analyses could be affected; and that the SAR and ER will both be affected. You have also indicated that the new aircraft crash data and accident analysis revision, reflecting your motion for summary disposition, will be submitted as an amendment to the SAR later this month. This SAR amendment regarding credible accidents will account for new data that PFS received from the U.S. Air Force regarding F-16 aircraft, along with PFS analysis of this and other data, and reconsideration of previously submitted data and analyses.

In your letter of December 22, you state that "PFS does not anticipate that changes will be needed" in the staff's EIS, since section 4.1 of the Draft EIS states that "[t]he adequacy of the proposed PFSF design to withstand earthquakes will be addressed in the Staff's final SER and is not addressed in this DEIS." While you correctly cite this statement, we believe you overlook the fact that in the same section of the DEIS, the staff committed to provide a summary in the FEIS of its evaluation findings concerning geologic and seismic considerations (DEIS at 1-12); also, other DEIS conclusions concerning the impacts of the facility were reached on a preliminary basis, prior to completion of the SER (*see, e.g.*, DEIS at 4-48).

We anticipate that portions of the staff's SER published in September 2000, may need to be revised to reflect our review of your motion for summary disposition and your upcoming SAR amendment(s). If the staff determines that the bases for any safety conclusions reached in its SER have changed, a supplement to the SER will have to be developed; and even if the SER bases and conclusions remain unchanged, this would have to be documented.

With regard to the FEIS and the responses to comments on the DEIS, it cannot be determined with certainty, in advance of our receipt and review of your submittals, whether the conclusions which resulted from the staff's review of the currently docketed information are appropriate or require revision. Accordingly, in light of PFS' recent submittal of new information and its determination to amend its license application, we do not believe it would be appropriate or prudent to publish the FEIS until the staff has reviewed the new information and the upcoming license application amendments. When the staff has reviewed the new information and SAR and ER amendments, we will be able to determine the impact that the submittal of the new information and amendments may have on the schedule for completion and release of the FEIS.

Finally, PFS should consider that the Final SAR (FSAR) for the proposed PFSF must be submitted to the NRC staff under oath and affirmation. It is important, therefore, that PFS review the entire document and determine it to be complete and accurate at the time of its submittal, particularly after fully taking into consideration any impacts that may result from any new information and analyses. In addition, as Mr. Delligatti has previously indicated to Mr. Donnell, we expect all of the commitment letters associated with the safety evaluation to be included as an appendix to the FSAR.

If you have any questions regarding this letter, please contact Mr. Delligatti at (301) 415-8518.

Sincerely,
/RA/ original signed by /s/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-22
cc: Service Lists

In your letter of December 22, you state that “PFS does not anticipate that changes will be needed” in the staff’s EIS, since section 4.1 of the Draft EIS states that “[t]he adequacy of the proposed PFSF design to withstand earthquakes will be addressed in the Staff’s final SER and is not addressed in this DEIS.” While you correctly cite this statement, we believe you overlook the fact that in the same section of the DEIS, the staff committed to provide a summary in the FEIS of its evaluation findings concerning geologic and seismic considerations (DEIS at 1-12); also, other DEIS conclusions concerning the impacts of the facility were reached on a preliminary basis, prior to completion of the SER (see, e.g., DEIS at 4-48).

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