

June 20, 2001

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
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Dr. Jerry Kline
Administrative Judge
Atomic Safety and Licensing Board
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Washington, DC 20555

In the Matter of
Private Fuel Storage L.L.C.
(Independent Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI

Dear Administrative Judges:

The NRC Staff ("Staff") wishes to provide additional information to the Licensing Board and parties concerning the Staff's schedule for review of certain amendments to the License Application ("LA") submitted by Private Fuel Storage, L.L.C. ("PFS" or "Applicant") for an Independent Spent Fuel Storage Installation ("ISFSI") to be constructed and operated on the Reservation of the Skull Valley Band of Goshute Indians.

As the Licensing Board is aware, the Staff completed its review of geotechnical and aircraft issues in its Safety Evaluation Report ("SER") of September 2000. Preparation of the Final Environmental Impact Statement ("FEIS") for the facility proceeded, and the FEIS was scheduled for release in February 2001.

In December 2000 and January 2001, PFS provided new information to the Licensing Board and parties concerning aircraft crash issues, and indicated that it expected to submit new information concerning geotechnical issues. In a letter dated January 23, 2001, the Staff informed the Licensing Board that PFS's late submittal of this new information may require the publication of a Supplement to the SER; that the FEIS would be withheld pending completion of the Staff's review of these matters; and that a modification of the hearing schedule may be required.¹ Subsequently, in a status report filed on February 9, 2001, the Staff informed the Licensing Board that it had developed a revised review schedule based upon PFS's previous submittals and the expectation

¹ Letter from Sherwin E. Turk, Esq., to the Licensing Board, dated January 23, 2001.

that PFS would submit the new geotechnical information in March 2001.² The Staff stated that although its schedule was "tentative" and was subject to change because "the scope and nature of the Applicant's geotechnical amendment is as yet unknown," the Staff anticipated that the FEIS would be delayed by five months, until July 31, 2001; its review of aircraft crash/cruise missiles would be completed by April 30, 2001; and its geotechnical review would be completed on July 31, 2001.³ In a supplemental status report dated February 15, 2001, the Staff advised the Board that additional time was required for its review of aircraft issues, and that an SER Supplement on aircraft issues would be issued on June 30, 2001.⁴ The Licensing Board then adopted a revised hearing schedule for this proceeding, reflecting the Staff's revised review schedule, as set forth in its "Memorandum and Order (General Schedule Revision)" issued on February 22, 2001.

Following the Staff's adoption of its revised review schedule, PFS provided substantial new information to the Staff concerning these matters. With respect to geotechnical issues, on March 30, 2001, PFS submitted LA Amendment No. 22. This was followed by two submittals on April 5 ("Calculation Package and Report," and "PFSF Site Specific Analyses by Holtec International"); two submittals on April 10 ("Calculation Package" and "Update of Deterministic Ground Motion Assessments"); a submittal on April 13 ("Calculation Package"); a submittal on April 16 ("Summary of Changes for PFSF License Application"); a public meeting with PFS in San Antonio, TX, on April 18, in which the Staff discussed its concern that the PFS LA amendment was incomplete;⁵ a submittal on May 1 ("Response to April 18, 2001 Meeting Issues"); a letter from the Staff to PFS, dated May 7, informing PFS that it had not yet provided information required for the Staff's review to proceed;⁶ a public meeting with PFS on May 25; and two submittals on May 31, 2001 ("Data Needed for NRC Review of [LA Amendment] # 22") and "PFSF Site-Specific Hi-Storm Evaluation").

With respect to aircraft and cruise missile issues, on January 19, 2001, PFS submitted LA Amendment No. 20 and an Addendum to its "Aircraft Crash Impact Hazard Report." These were followed by submittals on January 25 ("Risk Assessment of Accidents Involving Cruise Missiles," and LA Amendment No. 21); a Staff RAI on March 9;⁷ a submittal on March 30 ("[RAI] on Aircraft

² "Joint Report on Impacts to the Hearing Schedule Due to the Receipt of New Information," dated February 9, 2001 ("Initial Report").

³ The Staff further noted that its projected completion date "depends on the timeliness, completeness and quality of the information to be submitted by PFS" (Initial Report, at 3).

⁴ "Supplemental Joint Report on Impacts to the Hearing Schedule Due to the Receipt of New Information," dated February 15, 2001 ("Supplemental Report").

⁵ See Memorandum from Mark S. Delligatti to Susan M. Frant, dated April 25, 2001 ("Summary of the April 18, 2001, Meeting Between the Nuclear Regulatory Commission Staff and [PFS]") (Enclosure 1).

⁶ Letter from E. William Brach to John D. Parkyn, dated May 7, 2001 (Enclosure 2).

⁷ Letter from Mark S. Delligatti to John D. Parkyn, dated March 9, 2001 (Enclosure 3).

Hazards - Partial Response”);⁸ a submittal on May 15 (“Clarification” in response to teleconference questions); and a submittal on May 31, 2001 (“[RAI] on Aircraft Hazards - Remaining Response and Clarification”).

The Staff’s review of these matters has progressed during this period. As indicated above, the Staff issued an RAI concerning aircraft crash issues in March 2001, and its review of those issues is continuing at this time. With respect to geotechnical issues, the Staff’s review was rendered difficult due to the nature and timing of PFS’s submittals; however, in a letter issued on June 20, 2001, the Staff informed PFS that it has completed its acceptance review of the PFS geotechnical LA amendment.⁹ As further set forth in the letter of June 20, the Staff has determined that it needs certain additional information in order to conclude its technical review of the geotechnical LA amendment (see “Attachment” to Enclosure 4). In addition, the Staff informed PFS that it has developed a schedule for completion of its review of the geotechnical LA amendment, as follows:

PFS submits requested information	July 20, 2001
Staff issues RAI to PFS	August 3, 2001
PFS responds to RAI	September 18, 2001
Staff completes SER Supplement	January 31, 2002
Staff publishes FEIS	January 31, 2002 ¹⁰

With respect to aircraft crash hazards, the Staff expects to complete its review prior to completing its review of geotechnical issues, and should be able to state its position on the remaining issues in Contention Utah K prior to issuance of the SER Supplement in January 2002. I hope to provide the Licensing Board and parties an aircraft crash review completion date, shortly.

The Staff recognizes the importance that its review be conducted in a timely manner, and intends to conclude its review as expeditiously as possible. It is unfortunate that the extensive scope and nature of the Applicant’s license application amendments and supplemental filings, as well as the timing of their submission, has required the Staff to revise its review completion dates.

⁸ The Applicant’s submittal constituted a partial response to the Staff’s RAIs on aircraft crash hazards, issued on March 9, 2001. In a letter dated March 20, 2001, PFS indicated that it had filed a Freedom of Information Act (“FOIA”) request to the U.S. Air Force, in order to obtain information needed to resolve the balance of the Staff’s RAIs. Further responses to these RAIs were provided by PFS on May 31, 2001.

⁹ Letter from Mark S. Delligatti to John D. Parkyn, dated June 20, 2001 (Enclosure 4).

¹⁰ As set forth in Enclosure 4, the Staff’s review schedule assumes that PFS will provide the requested information by July 20, 2001, and that the Staff will need to issue one set of RAIs (although no decision has yet been made as to whether RAIs will be needed). It also recognizes that the SER Supplement could be completed earlier, depending on the dates by which PFS submits the information requested therein and in any subsequent RAIs, and that incomplete or inaccurate submittals would delay the completion of the SER Supplement (Enclosure 4, at 2).

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Finally, the Staff is aware that its review schedule will impact the hearing schedule in this proceeding. The Staff intends to discuss the hearing schedule with PFS and the State of Utah, so as to permit the filing of a joint report outlining a proposed litigation schedule for these and other issues in the proceeding, in accordance with the Licensing Board's "Memorandum and Order (Requesting Joint Scheduling Report and Delineating Contention Utah L), dated June 15, 2001.

Sincerely,

/RA/

Sherwin E. Turk
Counsel for NRC Staff

cc: Service List

Enclosures: As stated