

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

NRC STAFF'S RESPONSE TO  
"MOTION BY THE NUCLEAR ENERGY INSTITUTE FOR LEAVE  
TO FILE AN AMICUS BRIEF ON THE REGULATORY STANDARD  
FOR AIRCRAFT CRASH HAZARDS AT SPENT FUEL FACILITIES"

On July 13, 2001, the Nuclear Energy Institute ("NEI") filed a motion<sup>1</sup> seeking leave to file an *amicus curiae* brief concerning the Licensing Board's ruling in LBP-01-19, concerning the threshold probability standard for evaluation of aircraft crash hazards at an independent spent fuel storage installation ("ISFSI") under 10 C.F.R. Part 72.<sup>2</sup> NEI states that the issue addressed in the Licensing Board's ruling could affect ISFSIs other than the PFS Facility, and that this issue is of importance to NEI's members and "affects the interests of the nuclear energy industry generally" (Motion at 1, 2). In view of the stated importance of this issue to NEI's members and the potential

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<sup>1</sup> "Motion by the Nuclear Energy Institute for Leave to File an Amicus Brief on the Regulatory Standard for Aircraft Crash Hazards at Spent Fuel Facilities," filed July 13, 2001 ("Motion"). NEI filed its Brief on July 16, 2001. See "Nuclear Energy Institute Amicus Brief on Regulatory Standards for Aircraft Crash Hazards at Spent Fuel Facilities," dated July 16, 2001.

<sup>2</sup> *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP-01-19, 53 NRC 416, 429-32 (2001). The Commission accepted the Licensing Board's referral in *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-01-15, 53 NRC \_\_ (June 27, 2001).

generic importance of this issue for other spent fuel storage installations, the NRC Staff does not oppose NEI's request that it be permitted to file an *amicus* brief concerning this matter.

Respectfully submitted,

**/RA/**

Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 23rd day of July 2001

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-ISFSI
	)	
(Independent Spent	)	
Fuel Storage Installation)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO 'MOTION BY THE NUCLEAR ENERGY INSTITUTE FOR LEAVE TO FILE AN AMICUS BRIEF ON THE REGULATORY STANDARD FOR AIRCRAFT CRASH HAZARDS AT SPENT FUEL FACILITIES,'" in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 23<sup>rd</sup> day of July, 2001:

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