

RAS 3875

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 02/06/02

Before Administrative Judges:

SERVED 02/06/02

Michael C. Farrar, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel
Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

February 6, 2002

MEMORANDUM

Upon reflection about all the information provided during this morning's conference call between the Licensing Board and most of the parties, the Board is now contemplating not scheduling any hearing sessions or other activities for the week beginning Monday, April 15.

This is based on the following factors:

1. The day on which the site visit is held is flexible, so long as the Skull Valley Band has sufficient advance notice of the precise date.
2. The Tooele limited appearance session will be held on Friday, April 26, to take advantage of the availability of the High School auditorium and the end-of-week timing, which presumably allows more of the public to participate.
3. The parties volunteered that the "Utah DD" peregrine falcon issue was under active settlement discussion.
4. The parties agreed with the Board's suggestion that they attempt to settle the "Utah O" hydrology issue.
5. The State's hydrology witnesses are not available during the period of April 17-19.
6. The parties had previously informed the Board that, as they then saw it, the trial of the "SUWA B" issue should take only between a half day and a full day (Tr. 2732, 2737).¹

¹ Because SUWA's counsel was unable to join in the call, the Board takes this occasion to ask whether counsel can yet predict the number of witnesses each intends to call.

7. If it appears on April 8 that an additional Salt Lake City limited appearance session is advisable, space for a one-day event the week of April 15 can likely be found at that point, or it could be held during the week of April 22 if the falcon and hydrology issues settle.
8. The "Utah K" credible accidents issue should be completed in the 4½ days allocated from Tuesday afternoon, April 9, through Saturday, April 13, with the option of early starts and late finishes.

In the event the any of the parties has concerns about:

(a) the accuracy of the factors listed or the existence of any other factors that should be considered; and/or

(b)the advisability of canceling all activities the week of April 15 and using the week of April 22 for (i) the site visit, (ii) the trial of any of the four environmental and environmental justice issues that may go to hearing, and (iii) the Tooele limited appearances (relying upon the fallback of the week of May 13 for completing any matters left unfinished),

they should advise the Board as early as possible, and no later than noon EST this Friday, February 8, 2002.² If the proposal is acceptable, they should also so advise the Board.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Rockville, Maryland
February 6, 2002

Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

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, OGD, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State of Utah; and (3) the NRC Staff.

² For the parties' information, the contract for the April 15th week of space must be signed in the very near future or the space will be lost. Once signed, an unusually high cancellation fee would be incurred.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM DATED FEBRUARY 6, 2002 have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 72-22-ISFSI
LB MEMORANDUM DATED FEBRUARY 6, 2002

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 6th day of February 2002