

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

'98 APR 24 A11:31

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

SERVED APR 24 1998

In the Matter of

PRIVATE FUEL STORAGE, L.L.C.

(Independent Spent Fuel  
Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

April 24, 1998

NOTICE OF HEARING

(License Application for Independent  
Spent Fuel Storage Installation)

On July 31, 1997, the Commission published in the Federal Register a notice indicating that it (1) was considering issuing a license pursuant to 10 C.F.R. Part 72 authorizing applicant Private Fuel Storage, L.L.C. (PFS), to possess and store reactor spent fuel in an independent spent fuel storage installation (ISFSI) that PFS proposed to construct and operate on the Skull Valley Goshute Indian Reservation in Skull Valley, Utah; and (2) was offering an opportunity for a hearing on the proposed licensing action. (62 Fed. Reg. 41,099.) Four timely hearing petitions and/or intervention requests challenging the PFS application were filed by the State of Utah (State); Ohngo Gaudadeh Devia (OGD), a Native American group; Confederated Tribes of the

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Goshute Reservation (Confederated Tribes), a Native American tribe, and David Pete, the Confederated Tribes chairman; and three ranching, farming, and land investment companies, Castle Rock Land and Livestock, L.C. (Castle Rock Land), Skull Valley Co., LTD. (Skull Valley), and Ensign Ranches of Utah, L.C. (Ensign Ranches). Two other entities, the Skull Valley Band of Goshute Indians (Skull Valley Band), a Native American tribe, and the Scientists for Secure Waste Storage (SSWS) also submitted intervention petitions, the latter late-filed, indicating they wished to participate in any hearing in support of the PFS application. Ultimately, these participants proffered more than 100 contentions either opposing or supporting the PFS application and the accompanying safety analysis report, environmental report, emergency plan, physical security plan, and preliminary decommissioning plan.

In a September 10, 1997 memorandum, the Commission referred the pending hearing requests to the Atomic Safety and Licensing Board Panel for the appointment of a presiding officer to conduct any necessary proceedings. On September 15, 1997, the Chief Administrative Judge of the Panel appointed this Atomic Safety and Licensing Board to act on the Commission's referral. (62 Fed. Reg. 49,263.) The Board consists of Dr. Jerry R. Kline, Dr. Peter S. Lam,

and G. Paul Bollwerk, III, who serves as Chairman of the Board.

On January 26, 1998, accompanied by representatives of the various participants, the Board took a bus tour of the eastern Tooele County, Utah area that included views of, or stops at, various sites in and around Skull Valley the petitioners had identified as potentially relevant to the issues in this proceeding. The Board then conducted a three-day prehearing conference (January 27-29, 1998) during which it heard oral presentations regarding the standing of petitioners Confederated Tribes and Chairman Pete and the admissibility of most of the contentions filed by the petitioners opposing the PFS application. Thereafter, on March 26, 1998, the Chief Administrative Judge issued a notice establishing a separate licensing board to consider and rule on all matters concerning the PSF physical security plan. (63 Fed. Reg. 15,900.)

On April 22, 1998, the Licensing Board issued a memorandum and order ruling on the petitioners' standing and the admissibility of the contentions that did not involve challenges to the PFS physical security plan. (See Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC \_\_\_\_ (Apr. 22, 1998).) The Board denied the hearing requests of petitioners David Pete, SSWS, and Ensign Ranches, the first two because they lacked

standing and the third because it had failed to set forth an admissible contention. Concluding the remaining intervenors had established their standing to intervene and had proffered at least one admissible contention, the Board granted the petitions of the State, Castle Rock Land/Skull Valley, OGD, Confederated Tribes, and Skull Valley Band and admitted them as parties to the proceeding.

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. This hearing will be governed by the formal hearing procedures set forth in 10 C.F.R. Part 2, Subpart G (10 C.F.R. §§ 2.700-.790).

During the course of the proceeding, the Board may conduct an oral argument, as provided in 10 C.F.R. § 2.755, may hold additional prehearing conferences pursuant to 10 C.F.R. § 2.752, and may conduct evidentiary hearings in accordance with 10 C.F.R. §§ 2.750-.751. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing. Notices of those sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Rooms.

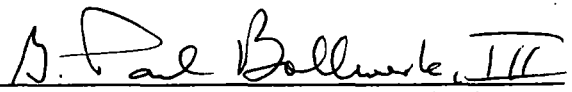
Additionally, as provided in 10 C.F.R. § 2.715(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding. These statements do not constitute evidence, but may assist the Board and/or parties in defining the issues being considered. Persons

wishing to submit a written limited appearance statement should send it to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Rulemakings and Adjudications Staff. A copy of the statement also should be served on the Chairman of the Atomic Safety and Licensing Board. At a later date, the Board will entertain oral limited appearance statements at a location or locations in the vicinity of the proposed PFS facility. Notice of these oral limited appearance sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Rooms.

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. 20555; and at the NRC Local Public Document Room at the

University of Utah, Marriott Library, Documents Division,  
295 S. 1500 East, Salt Lake City, Utah 84112-0860.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

  
\_\_\_\_\_  
G. Paul Bollwerk, III, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 24, 1998

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\* Copies of this notice of hearing were sent this date to counsel for the applicant PFS, and to counsel for petitioners Skull Valley Band, SSWS, OGD, Confederated Tribes/Pete, Castle Rock Land/Skull Valley/Ensign Ranches, and the State by Internet e-mail transmission; and to counsel for the NRC staff by e-mail through the agency's wide area network system.

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NUCLEAR REGULATORY COMMISSION

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage  
Installation)

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING DTD 4/24 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)72-22-ISFSI  
LB NOTICE OF HEARING DTD 4/24

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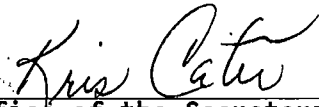
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Dated at Rockville, Md. this  
24 day of April 1998

  
Office of the Secretary of the Commission