

RAS 1785

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

DOCKETED 06/07/00

SERVED 06/07/00

Before Administrative Judges:

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

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

June 7, 2000

NOTICE

(Revised Notice of Hearing and of
Opportunity to Make Oral or Written
Limited Appearance Statements)

The Atomic Safety and Licensing Board hereby provides a revised notice that it will convene an evidentiary hearing to receive testimony and exhibits and allow the cross-examination of witnesses relating to certain matters at issue in this proceeding regarding the June 1997 application of Private Fuel Storage, L.L.C., (PFS) for a license under 10 C.F.R. Part 72 to construct and operate an independent spent fuel storage installation (ISFSI) on the reservation of the Skull Valley Band of Goshute Indians (Skull Valley Band) in Skull Valley, Utah. In addition, the Board gives notice that, in accordance with 10 C.F.R. § 2.715(a), it will entertain oral limited appearance statements from members of the public in connection with this proceeding.

A. Revised Information Regarding Location of Evidentiary Hearing

As previously noted in its April 19, 2000 notice (65 Fed. Reg. 24,230 (Apr. 25, 2000)), the Board will conduct an evidentiary hearing on certain issues relating to this proceeding,

currently scheduled to include contentions Utah E/Confederated Tribes F, Financial Assurance; Utah H, Inadequate Thermal Design;¹ Utah R, Emergency Plan; and Utah S, Decommissioning, beginning at 9:30 a.m., on Monday, June 19, 2000. Although the physical location of the hearings remains the same as previously announced -- Wasatch Room, Mezzanine Level, 150 West 500 South, Salt Lake City, Utah -- the Board has been advised, and the public is hereby notified, that this location is now operated as the Sheraton City Centre Hotel Salt Lake City. With the exception of those days in which the Board is hearing oral limited appearance statements in accordance with section B below or otherwise adjourns the hearing to accommodate scheduling or other administrative purposes, the hearing on these issues shall continue from day-to-day until concluded.

The public is further advised that, in accordance with 10 C.F.R. § 2.790(b)(6), all or part of the sessions regarding contentions Utah H, Utah E/Confederated Tribes F, and Utah S may be closed to the public because the matters at issue may involve the discussion of confidential proprietary information.

B. Revised Information Regarding Oral Limited Appearance Statement Sessions

In its April 19, 2000 notice, the Board provided a proposed schedule for conducting oral limited appearance statement sessions and urged those members of the public who were interested in making oral limited appearances to preregister by May 31, 2000. Based on the interest shown in those preregistrations, the Board has decided to postpone the sessions previously scheduled for June 30 and July 1 at Tooele, Utah, to a later date. The Board anticipates that during the course of this proceeding it will be in Utah for additional evidentiary

¹ This date, the Board received notice by e-mail transmission from counsel for intervenor State of Utah (State) that the State has decided not to pursue litigation of the contention and will be filing a notice of withdrawal of the contention shortly. Assuming this comes to pass, this issue would not be litigated during this evidentiary hearing.

or other proceedings and intends to reschedule the oral limited appearance statements in the Tooele area for that time.

Accordingly, the Board revises its April 19, 2000 notice to advise the public that the Board will entertain oral limited appearance statements at the times and locations specified below:

1. DATE: Friday, June 23, 2000

 TIMES: Afternoon Session -- 1:00 p.m. to 4:00 p.m. Mountain Daylight
 Time (MDT)

 Evening Session -- 7:00 p.m. to 9:30 p.m. MDT

 LOCATION: Sheraton City Centre Hotel Salt Lake City (Note name change)
 Wasatch Room -- Mezzanine Level
 150 West 500 South
 Salt Lake City, Utah
2. DATE: Saturday, June 24, 2000

 TIMES: Afternoon Session -- 1:00 p.m. to 4:00 p.m. MDT

 LOCATION: Same as Session 1 above

C. Participation Guidelines for Oral Limited Appearance Statements

Any person not a party to, or seeking party status in, the proceeding will be permitted to make an oral statement setting forth his or her position on matters of concern relating to this proceeding. Although these statements do not constitute testimony or evidence, they nonetheless may help the Board and/or the parties in their deliberations in connection with the issues to be considered in this proceeding.

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as may be necessary to accommodate the speakers who are present. If, however, all scheduled and unscheduled speakers present at a session have made a

presentation, the Licensing Board reserves the right to terminate the session before the ending times listed in section B above.

The time allotted for each statement normally will be no more than five minutes, but may be further limited depending on the number of written requests to make an oral statement that are submitted in accordance with section D below and/or the number of persons present at the designated times.

D. Submitting a Request to Make an Oral Limited Appearance Statement

Persons wishing to make an oral statement who have submitted a timely written request to do so will be given priority over those who have not filed such a request. The Board will continue to accept written requests to make an oral statement, which must be mailed, faxed, or sent by e-mail so as to be received by close of business (4:30 p.m. EDT) on Monday, June 19, 2000. The request must specify the date -- June 23 or June 24 -- and, for the June 23 session, the time on that day -- afternoon or evening -- during which the requester wishes to make an oral statement. Thereafter, all oral statement requests will be handled by registration on-location at the limited appearance sessions, on a first-come, first-served basis as the scheduled time allows. And in this regard, the Board notes that requests by the same individual to make an oral statement at more than one of the sessions will be entertained at subsequent sessions after the Board has heard from those individuals who have not yet provided the Board with an oral statement.

Written requests to make an oral statement should be submitted to:

Mail: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-1101 (verification (301) 415-1966)

E-mail: hearingdocket@nrc.gov

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Administrative Judge G. Paul Bollwerk, III
 Atomic Safety and Licensing Board Panel
 Mail Stop T-3F23
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555-0001

Fax: (301) 415-5599 (verification (301) 415-7550)

E-mail: gpb@nrc.gov

E. Submitting Written Limited Appearance Statements and Availability of Documentary Materials

As the Board has noted previously, a written limited appearance statement can be submitted at any time. Such statements should be sent to the Office of the Secretary using the methods prescribed above, with a copy to the Licensing Board Chairman.

Documents relating to the PFS license application at issue in this proceeding currently are on file at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20003-1527, and at the University of Utah, Marriott Library,

Documents Division, 295 S. 1500 East, Salt Lake City, Utah 84112-0860. Additionally, documents submitted in this proceeding after November 1, 1999, are available electronically through the Agencywide Documents Access and Management System (ADAMS), with access to the public through the NRC's Internet Web site Public Electronic Reading Room Link at <<http://www.nrc.gov/NRC/ADAMS/index.html>>.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 7, 2000

² Copies of this notice were sent this date by Internet e-mail transmission to counsel for (1) applicant PFS; (2) intervenors Skull Valley Band, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State; (3) petitioner William D. Peterson; and (4) the NRC staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE (REVISED NOTICE OF HEARING AND OF OPPORTUNITY TO MAKE ORAL OR WRITTEN LIMITED APPEARANCE STATEMENTS) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555	Administrative Judge G. Paul Bollwerk, III, Chairman Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555
Administrative Judge Jerry R. Kline Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555	Administrative Judge Peter S. Lam Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555
Sherwin E. Turk, Esquire Catherine L. Marco, Esquire Office of the General Counsel Mail Stop - 0-15 D21 U.S. Nuclear Regulatory Commission Washington, DC 20555	Diane Curran, Esquire Harmon, Curran, Spielberg & Eisenberg, L.L.P. 1726 M Street, NW, Suite 600 Washington, DC 20036
Martin S. Kaufman, Esquire Atlantic Legal Foundation 205 E. 42nd St. New York, NY 10017	Joro Walker, Esquire Land and Water Fund of the Rockies 2056 East 3300 South, Suite 1 Salt Lake City, UT 84109

Docket No. 72-22-ISFSI
LB NOTICE (REVISED NOTICE OF
HEARING AND OF OPPORTUNITY
TO MAKE ORAL OR WRITTEN
LIMITED APPEARANCE STATEMENTS)

Denise Chancellor, Esquire
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

John Paul Kennedy, Esquire
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

Richard E. Condit, Esquire
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

William D. (Bill) Peterson
Pigeon Spur Fuel Storage Facility
2127 Lincoln Lane
Holladay, UT 84124

Jay E. Silberg, Esquire
Shaw Pittman
2300 N Street, NW
Washington, DC 20037

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Danny Quintana, Esquire
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, UT 84101

[Original signed by Adria T. Brydson]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of June 2000