

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD '98 JUN 16 11:42

Before Administrative Judges:

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

OFFICE OF THE
ADMINISTRATIVE JUDGES
ADJUDICATING

SERVED JUN 16 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

June 16, 1998

MEMORANDUM

(Status Conference and
Security Contentions)

After reviewing the NRC staff's June 15, 1998 status report, the Board has decided it will conduct a teleconference with the parties concerning the status of discovery and scheduling on the non-physical security plan (PSP) portions of this proceeding. As was indicated in the Board's June 12, 1998 memorandum and order, this telephone conference will be held at 1:00 p.m. EDT (11:00 a.m. MDT) on Wednesday, June 17, 1998. Those parties who are not part of the PSP oral argument being held that same date are being contacted with instructions for participating in the teleconference. Along with the Board, PSP argument participants Private Fuel Storage, L.L.C. (PFC), the State of Utah (State), and the staff can take part in the teleconference from the Atomic Safety and Licensing Board

Panel Hearing Room. If necessary, the Board will resume the PSP oral argument once the teleconference is completed.

In addition, as an aid to the PSP argument participants, attached to this memorandum is a listing of the contentions at issue, which incorporates the agreed-upon language changes.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 16, 1998

* Copies of this memorandum were sent this date to counsel for the applicant PFS, and to counsel for intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Castle Rock Land and Livestock, L.C./Skull Valley Company, LTD., and the State by Internet e-mail transmission; and to counsel for the staff by e-mail through the agency's wide area network system.

ATTACHMENT A

State of Utah Security Plan Contentions

1. Security-A -- Security Force Staffing

CONTENTION: The Applicant has failed to establish a detailed plan for security measures for physical protection of the proposed ISFSI as required by 10 C.F.R. § 72.180, including failure to demonstrate that it has adequate staffing capability to cope with or respond to safeguards contingency events.

2. Security-B -- Equipment and Training

CONTENTION: The Applicant has not described the type or location of security equipment available to security force personnel, nor has the Applicant described adequate training for fixed site guards or armed response personnel.

3. Security C -- Local Law Enforcement

CONTENTION: The Applicant has not met the requirements of 10 C.F.R. Part 73, App. C, Contents of the Contingency Plan, Law Enforcement Assistance.

4. Security-D -- Power Supply

CONTENTION: The Applicant's discussion of the security power system does not ensure that the security system provides the protection required by 10 C.F.R. Part 73.

5. Security-E -- Alarm System Performance

CONTENTION: The Applicant has not demonstrated that the performance of the alarm systems described in its Security Plan are adequate to assess the detection of intruders at the site in that:

- (a) The Applicant has only generally discussed the perimeter intrusion detection systems in its Security Plan and has failed to give minimum specifications for the system in accordance with 10 C.F.R. § 73.50(b)(4) and Regulatory Guide 5.44.
- (b) The Applicant's closed circuit television (CCTV) system and coverage plan description are too limited to show the logic for the location of the devices or their operational capability nor does the Applicant's description of

the CCTV system confirm the assumptions relied on by the Applicant in the Security Plan to show that the CCTV system is adequate to detect intrusions.

6. Security-F -- Intermodal Transfer at Rowley Junction

CONTENTION: The Security Plan fails to address the performance objectives and requirements of 10 C.F.R. §§ 73.25, 73.26, 73.45, 73.46, 73.50, and Part 73, App. C for fixed site physical protection of the intermodal transfer facility at Rowley Junction or to adequately protect transit of spent fuel into and out of Rowley Junction in that:

- (a) The Security Plan must address the applicable requirements of Part 73 and 10 C.F.R. § 72.180 for transportation to and from the proposed ISFSI.
- (b) The Security Plan must address physical protection at the intermodal transfer point because the intermodal transfer point could be considered a fixed site subject to the requirements of 10 C.F.R. §§ 73.45, 73.46, and 73.50.
- (c) The Security Plan fails to address essential regulatory components for providing security at the intermodal transfer facility.
- (d) The intermodal transfer facility represents a high risk for unauthorized access or activities because of its proximity to Interstate 80.

7. Security-G -- Terrorism and Sabotage

CONTENTION: The Applicant has failed to adequately assess and describe procedures that will protect spent fuel from unauthorized access or activities, such as terrorism and sabotage, as required by 10 C.F.R. §§ 73.25, 73.45, and Part 73, App. C.

8. Security-H -- Transportation of Spent Fuel To and From the ISFSI

CONTENTION: The Applicant has failed to demonstrate how it plans to comply with applicable physical protection requirements during transportation to and from the proposed ISFSI in accordance with 10 C.F.R. § 72.180 in that:

- (a) The Security Plan is inadequate to demonstrate how the Applicant will comply with 10 C.F.R. § 73.37, including monitoring spent fuel movements, reacting to unforeseen situations, or communicating with necessary individuals, and other applicable portions of part 73, as required by 10 C.F.R. § 72.180.
- (b) The Security Plan does not provide adequate in-transit physical protection to protect the health and safety of the public because the Applicant does not describe route conditions or designate transportation routes and alternatives, or describe security measures for each of the potential in-transit routes and evaluate any natural conditions or man-made characteristics which may impact security procedures.

9. Security-I -- Establishment of a Central Communications Center

CONTENTION: The Applicant has failed to identify the establishment of an adequate communications center as required by 10 C.F.R. § 73.37(b)(4) in that:

- (a) The Applicant makes the statement that the status of spent fuel during transit will be monitored; however, nowhere in the Security Plan does the Applicant describe a designated communications center with the capability of tracking spent fuel shipments from any or all of the 110 reactor sites.
- (b) Neither the Applicant's Central or Secondary Alarm Stations nor the Applicant's Alarm Station Communications Center appear to have the ability to track spent fuel shipments across the country.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMO (STATUS CONFERENCE...) 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.

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, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg
2001 S Street, N.W., Suite 430
Washington, DC 20009

Martin S. Kaufman, Esq.
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017

Joro Walker, Esq.
Land and Water Fund of the Rockies
165 South Main, Suite 1
Salt Lake City, UT 84111

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LB MEMO (STATUS CONFERENCE...)

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

Jay E. Silberg, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

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

Clayton J. Parr, Esq.
Castle Rock, et al.
Parr, Waddoups, Brown, Gee & Loveless
185 South State Street, Suite 1300
Salt Lake City, UT 84111

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Assocs., P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Dated at Rockville, Md. this
16 day of June 1998

Adrian Tr. Byrdson
Office of the Secretary of the Commission