

December 15, 1999

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) |) | |

NRC STAFF'S STATEMENT OF ITS POSITION
CONCERNING GROUP I-II CONTENTIONS

In accordance with the Licensing Board's "Memorandum and Order (Revised General Schedule)" ("Order"), dated September 20, 1999, the NRC Staff ("Staff") herewith files a statement of its positions with respect to the outstanding "Group I" and "Group II" contentions in this proceeding. As indicated in the Board's Order, the contentions in this group are as follows:

- ✓Utah E/ Confederated Tribes F (financial assurance)
- ✓Utah H (thermal design)
- ☐ Utah K/ Confederated Tribes B (aircraft and munitions hazards)
- ☐ Utah L (geotechnical)
- ✓Utah R (emergency planning)
- ✓Utah S (decommissioning)
- ☐ Utah GG (TranStor cask-pad stability)
- ✓Security C (security plan)

With respect to the following contentions, the Staff has completed its review and is prepared to proceed to hearing: (1) Utah E/Confederated Tribes F (financial assurance); (2) Utah H (thermal design); (3) Utah R (emergency planning); (4) Utah S (decommissioning funding plan); and (5) Utah Security-C (security plan). The Staff's positions with respect to these contentions are set forth in the Attachment hereto.

With respect to three other contentions in Groups I and II, the Staff's review has not yet been completed, and the Staff therefore is not able to state a final position with respect to those issues at this time. These contentions are as follows: Utah K/Confederated Tribes B (aircraft and munitions hazards); Utah L (geotechnical); and Utah GG (TranStor cask-pad stability). These remaining issues are the subject of continuing Staff review, and involve recent site-related submittals by PFS to the Staff or cask-specific issues which have not yet been closed. The Staff will advise the Licensing Board and parties as to when its review of these remaining issues is expected to be concluded.¹

Accordingly, the Staff herewith files its position with respect to all remaining Group I and II contentions, other than the issues set forth above for which its review has not yet been completed.

Respectfully submitted,



Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 15th day of December 1999

¹ In view of the information presented above, the Staff believes that a telephone conference call should be scheduled to allow the parties and Licensing Board to address potential impacts on the hearing schedule.