

RAS 2702

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

DOCKETED 02/02/01

SERVED 02/02/01

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

February 2, 2001

MEMORANDUM AND ORDER

(Requesting Joint Status Report on Schedule Impact)

By letter dated January 23, 2001, counsel for the NRC staff advised the Licensing Board of certain developments in connection with the issuance of the staff's Final Environmental Impact Statement (FEIS) that could impact on the schedule for this proceeding. Specifically, staff counsel stated that, as a result of new information recently supplied by applicant Private Fuel Storage, L.L.C., (PFS) regarding geotechnical and aircraft crash issues, the staff has decided to delay issuance of its FEIS to await receipt of an anticipated March 2001 PFS amendment to its Safety Analysis Report and Environmental Report that addresses these matters. Further, the staff recognized:

the current hearing schedule anticipates publication of the FEIS by February 28, 2001, and that various hearing milestones related to environmental issues reflect that publication date. As a result, a delay in publication of the FEIS could impact the hearing schedule on environmental issues. Similarly, the hearing schedule reflects the Staff's completion of its safety evaluation in September 2000; as a result of PFS' submittal of the new information and analyses, it is possible that certain hearing milestones, and the scope of the safety issues to be heard in July 2001, may require some modification to the extent that they are

affected by the new information and analyses to be submitted by PFS.

Jan. 23, 2001 Letter from Sherwin E. Turk, NRC Staff Counsel, to the Licensing Board at 2 (footnote omitted).

The Board agrees with the staff that the delay in FEIS issuance potentially will impact the current schedule for this proceeding. Accordingly, the Board requests that on or before Friday, February 9, 2001, the parties provide the Board with a joint report that outlines their positions regarding the impact of the FEIS delay on the current schedule for this proceeding, including the evidentiary hearing sessions scheduled for July 2001.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 2, 2001

* 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, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State of Utah; and (3) the staff.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (REQUESTING JOINT STATUS REPORT ON SCHEDULE IMPACT) 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 AND ORDER
(REQUESTING JOINT STATUS
REPORT ON SCHEDULE IMPACT)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 2nd day of February 2001