

## ATOMIC SAFETY AND LICENSING BOARD

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

April 26, 2001

MEMORANDUM AND ORDER(Schedule for Late-Filed Submissions Regarding  
License Application Amendment and Page Limit Extension)

In an April 23, 2001 filing, intervenor State of Utah (State) requests that the Licensing Board specify two dates for filing new or amended contentions relating to an April 2001 amendment (No. 22) to the pending license application of Private Fuel Storage, L.L.C. (PFS), for authorization to construct and operate a 10 C.F.R. Part 72 independent spent fuel storage installation (ISFSI) in Skull Valley, Utah. In addition, the State asks for a page limitation extension for such requests. For the reasons set forth below, both State requests are granted.

According to the State, although it currently is considering whether to make contention-related submissions regarding the geotechnical revision to the PFS application, which it received on April 3, 2001, its experts advise they will need access to all the technical calculations supporting the amendment, which the State has received on various dates between April 6 and 16, 2001. Observing that the Board previously has established thirty-day filing deadlines for late-filed contentions regarding major NRC staff documents relating to the PFS facility, the State requests that we do so in connection with this amendment as well. In fact, the

State asks that, based on its receipt of these calculations, we establish two deadlines: May 7, 2001, for a State filing relating to the PFS revision to its probabilistic seismic hazard analysis, and May 16, 2001, for a State submission regarding changes to the Canister Transfer Building (CTB) design, including use of soil cement, or revisions to storage pad analyses, soils analyses, soil-cement design calculations/analyses, and Holtec site-specific cask analyses. The State asserts that it would be inefficient for the Board and the parties if the State's experts were required to segregate interrelated issues and write overlapping contentions because of filing deadlines based on the receipt date of each calculation as well as unfair for the State's experts to commence reviewing the first calculation that the State received if, technically, that order of review were illogical. Additionally, given the technical nature of the issues and the quantity of material to be reviewed, the State requests an extension of the fifteen-page limitation to twenty pages for any contention it may file based on the PFS April 2001 geotechnical license application amendment and supporting calculations. The State does not object to PFS or the staff having the same twenty-page limitation for filing their responses.

Also, in accordance with the Board's previous instructions, the State represents it has contacted counsel for PFS and the staff, neither of whom objects to the page extension provided they are given the same number of pages for their responses. The State further declares that while counsel for the staff does not oppose the two deadlines requested by the State, PFS counsel maintains the State's requested thirty-day filing period should run from the date of receipt of each specific calculation the State relies upon to challenge a PFS analysis.

In this instance, given apparent number of different calculations and analyses relating to the April 2001 application amendment and the serial fashion in which they have been distributed, we agree with the State it would be more efficient to have any late-filed new or amended contentions regarding the amendment submitted by the dates requested.

Accordingly, any late-filed issue statement regarding revisions to the probabilistic seismic hazard analysis arising from the PFS April 2001 license application amendment shall be filed on or before Monday, May 7, 2001, while any April 2001 application amendment late-filed submission regarding CTB design changes, including use of soil cement, or revisions to storage pad analyses, soils analyses, soil-cement design calculations/analyses, and Holtec site-specific cask analyses shall be filed on or before Wednesday, May 16, 2001. Further, because the requested page extension per contention appears warranted, we grant the State's request in that party submissions may be up to and including twenty pages in length per contention.

The parties remain responsible for addressing all the late-filing factors in 10 C.F.R. § 2.714(a)(1) concerning any April 2001 application amendment-related contention admission request. Additionally, the Board requests that in their filings the parties discuss the impact, if any, of the admission of any late-filed contention on the matters currently pending before the Board in connection with the PFS dispositive motion on contention Utah L, Geotechnical.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

**/RA/**

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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 26, 2001

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\* 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; and (3) the staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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|---------------------------------|---|------------------------|
| In the Matter of                | ) |                        |
|                                 | ) |                        |
| PRIVATE FUEL STORAGE, L.L.C.    | ) | Docket No. 72-22-ISFSI |
|                                 | ) |                        |
| (Independent Spent Fuel Storage | ) |                        |
| Installation)                   | ) |                        |

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (SCHEDULE FOR LATE-FILED SUBMISSIONS REGARDING LICENSE APPLICATION AMENDMENT AND PAGE LIMIT EXTENSION) 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  
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FOR LATE-FILED SUBMISSIONS REGARDING  
LICENSE APPLICATION AMENDMENT AND  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 26<sup>th</sup> day of April 2001