

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 3753

**DOCKETED 01/09/02
SERVED 01/09/02**

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael C. Farrar, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel
Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

January 9, 2002

NOTICE OF PREHEARING CONFERENCE

Confirming the informal communications previously had with the parties, the Licensing Board will convene a prehearing conference of the parties and their representatives at 12:00 noon EST on Thursday, January 17, 2002. The purpose of the conference, which is expected to last several hours, is to prepare for the hearing scheduled for Salt Lake City in April, 2002.

Attendees from the Washington, DC area will be expected at the Board's Hearing Room on the 3rd floor of the Two White Flint North Building at the Commission's Rockville, Maryland headquarters (11545 Rockville Pike). That location will be linked by video conference to the Dumke Conference Room on the main floor of the Eccles Broadcast Center (101 Wasatch Drive) at the University of Utah in Salt Lake City. Utah-area parties not wishing to come to the DC area will be able to participate through those videoconference facilities.¹

¹ Some parking is available on University grounds. In case of severe snow in Salt Lake City, participants should watch Channel 7 TV or listen to KUER, FM 90.1, for closing announcements. It is the Board's intention, in the event of snow at either location, to convert to a standard teleconference to which participants may call in from wherever they are located.

REGISTRATION

Any parties unable to make it to either location may participate in the conference by telephone. Please call Alice Katoski at 301-415-7409 by noon Tuesday, January 15, to register and to receive call-in instructions.

Because of building security concerns and restrictions at both the DC and Utah locations, all persons expecting to attend must also pre-register with Ms. Katoski by that same time. She will provide the respective security personnel with an attendance list.

AGENDA

The items the Board intends to place on the conference agenda include the following:

1. Adjustment of the previously established three-week Salt Lake City hearing schedule (April 8 - 26) to take account of recent developments, including such matters as: recent Board decisions accepting or rejecting matters for hearing; the parties' April 11th hearing date in Utah federal district court on a related controversy; and the unavailability of suitable hearing-room space in Salt Lake City for a limited period. The Board will be most interested in the parties' current perceptions as to how long it will take to hear each of the various issues, and which ones would most conveniently lend themselves to hearing in the DC area.²

² For reasons we will explain at the conference, the Board will be suggesting that the hearing (1) start on Monday, April 1st, one week earlier than initially contemplated, and run for a week, through April 5th, at NRC's Maryland headquarters, then (2) recess to be reconvened in Salt Lake City on Monday, April 22nd, where it would continue for four weeks (or until concluded). In this fashion, the first three weeks of hearing will be concluded only one week later than initially contemplated, and the opportunity will be available to continue for an additional two weeks if necessary.

2. Developments regarding the use of extra-record electronic mail for handling procedural matters efficiently during the rest of the prehearing phase (cf. the recent e-mail traffic regarding distribution of the redacted FEIS and the running of related time periods). The Board wishes the parties' views on such questions as whether any additional conditions should be placed on such use. Additionally, the Board wants to discuss reviving the electronic information exchange (EIE) pilot.
3. Implementation details regarding the measures outlined in the Board's Prehearing Memorandum and Order issued on December 26, 2001.
4. Scheduling of other prehearing steps and activities, including those previously contemplated and any that may need to be added, and how those might tie in with post-hearing activities, including preparation of the Board's decision.
5. Finalization of the "unified geotechnical contention" now being prepared.

The parties are welcome to suggest agenda additions by letter pleading (attached to electronic mail sent to the service list) submitted by close of business Monday, January 14.

The Board expects to send the parties a final agenda by Tuesday, January 15. In that regard, counsel for the Skull Valley Band of the Goshute Indians has informed us that, owing to unchangeable prior commitments, he will be available on the 17th only by phone and only for an hour at the beginning of the conference. At his request, the matters most directly affecting his client will be taken up at the outset of the conference.

GROUND RULES

It is the Board's intention that the conference be open to the public and that a written transcript of the conference be prepared. In view of the conference's purpose, however, only representatives of the parties to the proceeding will be entitled to participate. That is, members of the public may attend as observers only.

Of course, if any matters requiring confidential treatment arise, the Board will retain the option to exclude observers from that portion of the conference and/or to go "off the record" of the transcription. Any parties believing that the entire proceeding should not be open and/or should not be transcribed are to present that position, with supporting reasons, immediately to the Board and to the other parties via pleading attached to electronic mail to the service list.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD ³

/RA/

Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 9, 2002

³In view of his continuing responsibility for a portion of this proceeding, Chief Administrative Judge Bollwerk will also be participating in the conference.

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, OGD, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State of Utah; and (3) the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

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(Independent Spent Fuel Storage)	
Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF PREHEARING CONFERENCE 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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Miranda Wash, Secretary
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of January 2002