



OFFICE OF THE  
GENERAL COUNSEL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

*Chen*

September 25, 2003

Michael C. Farrar, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Jerry Kline  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
Private Fuel Storage L.L.C.  
(Independent Spent Fuel Storage Installation)  
Docket No. 72-22-ISFSI

Dear Administrative Judges:

By this letter, I wish to inform the Licensing Board and parties that the NRC Staff ("Staff") has determined that a second round of Requests for Additional Information ("RAIs") is required in order for the Staff properly to evaluate the analyses submitted by Private Fuel Storage, L.L.C. ("PFS" or "Applicant") with respect to the potential consequences of an F-16 crash into the PFS Facility. This determination appears likely to require modification of the hearing schedule established by the Licensing Board in its "Scheduling Order and Report" of September 9, 2003.

As the Licensing Board is aware, the potential that a second round of RAIs may be required was discussed by the Board and parties previously; and it was recognized that the Staff may need to issue a second round of RAIs, which could affect the current schedule. See, e.g., Tr. 14036-37, 14022-23, 14045, 14054, 14063, 14069-70 (Aug. 1, 2003), Tr. 14139-41 (Aug. 12, 2003), and Tr. 14149-50 (Aug. 20, 2003). As the Staff has previously indicated, the Staff had a number of concerns regarding the Applicant's initial set of analyses; as a result, the Staff's first round of RAIs required additional analyses to be conducted by PFS. The Staff's second round of RAIs will be more limited and will, in part, seek information which the Staff had expected to see in PFS's responses to the Staff's first round of RAIs.

The Staff plans to issue its second round RAIs on October 1, 2003. In order to ensure that PFS properly understands the Staff's requests, the Staff has scheduled a meeting with PFS to be held in Rockville, MD, on Thursday, October 2, 2003, from 8:30 AM to 12:00 PM. This meeting is expected to discuss safeguards information and will therefore be closed to the public, however,

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representatives of the State of Utah who have a need to know the information and who have signed non-disclosure agreements may attend the meeting. A meeting notice is enclosed herewith, which provides more specific details about the meeting location. I have notified Counsel for PFS and Counsel for the State of this planned meeting by telephone, and would ask that they notify me or Mr. Mark Delligatti of the names of any persons who will attend on their clients' behalf.

I have initiated conversations with Counsel for PFS and Counsel for the State about the potential effect of this development on the hearing schedule. I expect to continue those discussions in the coming week, and will report the results of those discussions to the Licensing Board following issuance of the RAIs and the meeting of October 2, 2003.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherwin E. Turk". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sherwin E. Turk  
Counsel for NRC Staff

Enclosure: As stated  
cc w/Encl.: Service List