

RAS 7867

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 06/02/04
SERVED 06/02/04

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:
Michael C. Farrar, Chairman
Dr. Peter S. Lam
Dr. Paul B. Abramson

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

June 2, 2004

MEMORANDUM OF CONFERENCE CALL

This Board held the most recent in its continuing series of prehearing conference calls with the parties to this proceeding on Tuesday, May 18. That call followed on the heels of the NRC Staff's filing, on May 11 as scheduled, the remainder of its analysis of the Applicant PFS's earlier submission on the consequences -- in terms of the potential for a spent fuel cask breach -- of the accidental crash of a military jet into the Applicant's site. On that same day, the Intervenor State of Utah timely filed the similar analysis it had promised. Those filings triggered the prehearing and hearing schedules we had previously adopted (see Tr. 14832-33, referring to our April 23 Scheduling Order, p. 2).

The purpose of the call was two-fold, as indicated by our e-mail to the parties of May 13 (Tr. 14833). We briefly recap below the results of the discussion of those two subjects.

1. Safeguards Protections. As the proceeding moves into the active prehearing phase, the principles through which "Safeguards" information is protected are being refined and in any event will have to be applied to new situations. With the assistance of key personnel from the NRC offices charged with administering physical and information security requirements, we discussed in some detail the requirements that must be observed by, among others, (1) the court reporters covering depositions; (2) representatives of the parties traveling first to depositions and then to the hearing itself; and (3) counsel for the Applicant and the State in

arranging for off-site "war room" space convenient to, and for use during the course of, our upcoming Rockville, Maryland hearing. See Tr. 14833-79.

In connection with the third of the above situations (Tr. 14864-77), the matter was left open at the end of the discussion, subject to further consideration by NRC security personnel (Tr. 14874-76). Such consideration took place promptly and on May 21 we informally communicated the results to the two affected parties by e-mail, allowing them to begin making their "war room" arrangements in timely fashion (see Tr. 14876-77). As noted in the e-mail, a new protective order will be issued in due course formalizing the "war room" requirements.

2. Issues Organization. The remainder of the call involved follow-up on earlier discussions about how the issues could be best organized for purposes of the hearing; related discussions involved the expected number and timing of witnesses or witness panels and the possibility of eliminating some of their testimony through stipulations on, or settlement of, particular subissues or through an early-filed motion in limine (Tr. 14879-900, 14902-03). It remains to set overall limits on cross-examination time (Tr. 14898) to insure that, as the time for the hearing approaches, a sound estimate of its length can be developed and enforced.

With the proceeding essentially on the schedule as set (a delay in completing discovery caused by witness unavailability will not affect later steps, Tr. 14842-43, 14898-99), the time for the next prehearing conference call was set for Tuesday, June 15, at 1:30 PM EDT (11:30 AM MDT)(Tr. 14900-02), subject as always to convening at an earlier time if necessary (Tr. 14903).

So NOTED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD
/RA/

Rockville, Maryland
June 2, 2004

Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Copies of this Order were sent this date by Internet e-mail transmission to counsel for (1) Applicant PFS; (2) Intervenor Southern Utah Wilderness Alliance, Skull Valley Band of Goshute Indians, OGD, Confederated Tribes of the Goshute Reservation, and the State of Utah; and (3) the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

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Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM OF CONFERENCE CALL 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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LB MEMORANDUM OF CONFERENCE CALL

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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 June 2004