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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001  
January 20, 2000

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OFFICE OF THE  
GENERAL COUNSEL

G. Paul Bollwerk, III, 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:

In accordance with the Licensing Board's "Memorandum and Order (Scheduling Report)," dated December 22, 1999, Staff Counsel has discussed scheduling matters with Counsel for the State of Utah and Private Fuel Storage, L.L.C. ("Applicant" or "PFS"), and hereby provides the following report and proposal.

1. **Utah GG.** The Staff has concluded its review of Contention Utah GG (TranStor cask/pad stability), and is prepared to proceed to hearing on that contention. The Staff's position with respect to Contention Utah GG will be set forth in its response to the Applicant's motion for summary disposition of this contention, which is due to be filed on January 21, 2000.
2. **Discovery on Utah E, Utah L and Utah GG.** In view of the outstanding motions for summary disposition on Contentions Utah E (financial assurance) and Utah GG, Counsel for the State and PFS have agreed to defer their deposition discovery on these contentions pending issuance of the Board's rulings on summary disposition. Counsel for PFS and the State have agreed to defer their deposition discovery on Contention L, until a time to be reflected in the proposed schedule to be provided to the Licensing Board next week (see paragraph 6 below). In addition, Counsel for the State advises that, depending on PFS' responses to outstanding discovery and the Licensing Board's resolution of the pending motions to compel, the State may need to conduct additional discovery on Contention E.
3. **Utah K; Utah L.** In January 2000, the Staff requested further information from PFS concerning the issues raised in Contentions Utah K (aircraft hazards) and Utah L (geotechnical). PFS has indicated that it will submit this information on or before January 25, 2000 (except for information which PFS has not yet received in response to its Freedom of

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Information Act requests filed with the U.S. Air Force). In order to conclude its review of these issues properly, the Staff expects that it will be unable to formulate a position on these contentions prior to April 2000. Accordingly, Counsel for the Staff, PFS and the State have agreed that hearings on these two contentions should be deferred until after the conclusion of hearings on other Group I-II contentions, as set forth in paragraph 4 below.

4. **Group I-II Hearings.** Inasmuch as only five contentions remain to be tried during the hearings scheduled for June-July 2000, Counsel for the State, PFS and the Staff believe that hearings on those contentions may be concluded within a two week period. In order to conclude those hearings in a timely manner so as to permit litigation of other issues to proceed without delay, Counsel for the State, PFS and the Staff preliminarily believe, subject to modification in their forthcoming discussions of a joint proposed schedule (see paragraph 6 below), that those hearings should be held during the period of June 19-30, 2000. Hearings on deferred Contentions Utah K and Utah L would be held after the conclusion of the first round of safety hearings, but prior to hearings on environmental contentions; in addition, if hearings on Contentions Utah E and Utah GG cannot be held during the first round of safety hearings due to the proposed deferral of deposition discovery on those matters (see paragraph 2 above), those contentions would be heard along with the hearings on Contentions Utah K and Utah L.

5. **Environmental Impact Statement.** On January 11-13, 2000, the Staff met with the Federal agencies (the Bureau of Indian Affairs, the Bureau of Land Management, and the Surface Transportation Board) that are acting as "cooperating agencies" in preparing the Environmental Impact Statement ("EIS") for the PFS facility. Based on these meetings, the Staff expects to issue the Draft EIS in May 2000, and to issue the Final EIS in February 2001. The Draft EIS publication date represents a two-month slip from the previously scheduled date of March 2000, while the Final EIS publication date remains unchanged from the previously scheduled date, set forth in the Licensing Board's "Memorandum and Order (Revised General Schedule)," dated September 20, 1999.

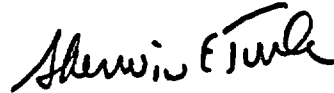
6. **Environmental and Other Hearings.** In light of the Staff's projected dates for issuing the Final EIS and completing its review of Contentions Utah K and Utah L, Counsel for the State, PFS and the Staff have agreed to hold further discussions during the next several days, for the purpose of reaching a joint agreement on a concrete schedule for litigation of the environmental contentions and deferred safety contentions (Utah K and Utah L), for proposal to the Licensing Board next week.

7. **Telephone Conference.** As set forth in the Licensing Board's Memorandum and Order of December 22, 1999 (at 3), Counsel for the State, PFS and the Staff request that a telephone conference call be scheduled by the Licensing Board for the purpose of discussing a joint proposed hearing schedule. Counsel for the State, PFS and the Staff will make themselves available, at the convenience of the Licensing Board, at any time the Board may select during the period of January 26-28, 2000.

Atomic Safety and Licensing Board  
January 20, 2000  
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I trust that this information is of assistance to Licensing Board.

Sincerely,

A handwritten signature in black ink that reads "Sherwin E. Turk". The signature is written in a cursive style with a large, sweeping initial 'S'.

Sherwin E. Turk  
Counsel for NRC Staff

cc: Service List