

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USMRC

ATOMIC SAFETY AND LICENSING BOARD '98 JUN 12 P2:20

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

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ADJ.

SERVED JUN 12 1998

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
June 12, 1998

MEMORANDUM AND ORDER
(Scheduling Prehearing Conference)

As noted in its June 10, 1998 filing, intervenor State of Utah (State) has elected to present oral argument on its physical security plan (PSP) contentions. Accordingly, the parties are advised that a prehearing conference will be held in this proceeding on Wednesday, June 17, 1998, beginning at 9:00 a.m. EDT, in the Atomic Safety and Licensing Board Panel Hearing Room, Room T-3B45, Third Floor, Two White Flint North Building, 11545 Rockville Pike, Rockville, Maryland.

At this prehearing conference, the Board will entertain oral presentations from the State, applicant Private Fuel Storage, L.L.C. (PFS), and the NRC staff on the admissibility of the nine State PSP contentions. Because these discussions may involve nonpublic "protected


information" under 10 C.F.R. Part 73, attendance at any portion of this prehearing conference involving the State's PSP contentions will be limited to those individuals from these three parties who are authorized to have access to such information pursuant to the December 17, 1997 protective order issued in this case. See Licensing Board Memorandum and Order (Protective Order and Schedule for Filing Security Plan Contentions) (Dec. 17, 1997). In presenting their arguments, the parties should be prepared to advise the Board whether the recently enacted (albeit not yet effective) revisions to the agency's rules on physical security for spent nuclear fuel and high-level nuclear waste, see 63 Fed. Reg. 26,955 (1998), have any impact on the State's PSP contentions.

In addition, the Board is considering devoting a portion of this prehearing conference to a discussion of scheduling and the status of discovery with all parties. The Board has attempted to alert the non-PSP parties to the possibility of a telephone conference at 1:00 p.m. EDT (11:00 p.m. MDT), which the Board, the State, PFS, the staff would participate in from the Panel Hearing Room. Once the Board has reviewed the staff's June 15, 1998 status filing,

it will finalize the scheduling details for this portion of the prehearing conference.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 12, 1998

* Copies of this memorandum and order were sent this date to counsel for the applicant PFS, and to counsel for intervenors Skull Valley Band of Goshute Indians,, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Castle Rock Land and Livestock, L.C./Skull Valley Company, LTD., and the State by Internet e-mail transmission; and to counsel for the staff by e-mail through the agency's wide area network system.

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NUCLEAR REGULATORY COMMISSION

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage
Installation)

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (SCHEDULING PREH CONF) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)72-22-ISFSI
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Dated at Rockville, Md. this
12 day of June 1998


Office of the Secretary of the Commission