

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

98 JUN 18 11:04

Before Administrative Judges:

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

OFFICE OF THE SECRETARY
RULES AND PRACTICE
ADJUDICATORY STAFF

SERVED JUN 18 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 18, 1998

MEMORANDUM AND ORDER
(Memorializing Prehearing
Conference Directives)

During the closed physical security plan (PSP) portion of the June 17, 1998 prehearing conference, applicant Private Fuel Storage, L.L.C. (PFS), provided the Board and the other participants with a copy of a cooperative law enforcement agreement. At the Board's request, PFS indicated it would determine whether that agreement could be made part of the public record of this proceeding. PFS should provide that information on or before Wednesday, June 24, 1998. In addition, by that date the parties to the PSP portion of this proceeding should advise the Board of any changes or corrections to the listing of PSP contentions

provided as Appendix A to the Board's June 16, 1998 memorandum.¹

During the open non-PSP portion of the prehearing conference, the Board indicated that on or before Wednesday, June 24, 1998, intervenor State of Utah (State) and the NRC staff could provide the Board with additional comments regarding scheduling matters. Any other party wishing to submit comments to the Board regarding the scheduling or discovery status matters discussed during this portion of the prehearing conference should do so on or before that date.²


¹ The relevant parties previously advised the Board that the language of the State's PSP contentions did not contain 10 C.F.R. Part 73 protected "safeguards" information and so could be made part of the public record of this proceeding. See Letter from Ernest L. Blake, Counsel for PFS, to Licensing Board 1 (Mar. 18, 1998); NRC Staff's Response to Memorandum and Order (Request for Information Regarding Contentions Involving Proprietary and Safeguards Material) Dated March 9, 1998 (Mar. 18, 1998) at 1; see also [State] Response to the Board's Request for Information Regarding Contentions Involving Proprietary and Safeguards Information (Mar. 18, 1998) at 2.

² In scheduling the open portion of the June 17 prehearing conference, the Board was advised by counsel for intervenors Skull Valley Band of Goshute Indians (Skull Valley Band) and the Confederated Tribes of the Goshute Reservation (Confederated Tribes) that although they would be unavailable for this conference, they would contact counsel for PFS and the State, respectively, about representing their interests. If either of these parties have separate comments regarding the matters discussed during the non-PSP portion of the prehearing conference, they should provide those to the Board by the date specified above.

The filings required or permitted under this memorandum and order should be served on the Board, the Office of the Secretary, and counsel for the other participants by facsimile transmission, e-mail, or other means that will ensure receipt by close of business (4:30 p.m. EDT) on the day of filing. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Sept. 23, 1997) at 5-6 (unpublished); Licensing Board Memorandum and Order (Additional Guidance on Service Procedures) (Nov. 19, 1997) (unpublished).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³


G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 18, 1998

³ Copies of this memorandum and order were sent this date to counsel for applicant PFS, and to counsel for intervenors Skull Valley Band, Ohngo Gaudadeh Devia, Confederated Tribes, 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.

UNITED STATES OF AMERICA
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-MEMORIALIZ'G DIRECTIVES 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.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg
2001 S Street, N.W., Suite 430
Washington, DC 20009

Martin S. Kaufman, Esq.
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017

Joro Walker, Esq.
Land and Water Fund of the Rockies
165 South Main, Suite 1
Salt Lake City, UT 84111

Docket No.(s)72-22-ISFSI
LB M&O-MEMORIALIZ'G DIRECTIVES

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Jay E. Silberg, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

John Paul Kennedy, Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

Clayton J. Parr, Esq.
Castle Rock, et al.
Parr, Waddoups, Brown, Gee & Loveless
185 South State Street, Suite 1300
Salt Lake City, UT 84111

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Assocs., P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Dated at Rockville, Md. this
18 day of June 1998


Office of the Secretary of the Commission