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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

'98 JAN 12 A10:07

Before Administrative Judges:

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

OFFICE OF SECRETARY
RULE MAKING
ADJUDICATION STAFF

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

January 12, 1998

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ORDER

(Response Schedule for
Further Supplemental Petition and
Additional Late-Filed Contention)

Upon consideration of the December 29, 1997 "Further Supplemental Memorandum in Support of the Petition of the Confederated Tribes of the Goshute Reservation and David Pete [(Confederated Tribes/Pete)] to Intervene and for a Hearing," and the January 8, 1998 "State of Utah's [(State)] Request for Consideration of Late-Filed Contention GG," it is

ORDERED, that any responses to the Confederated Tribes/Pete December 29, 1997 supplemental memorandum shall be filed on or before Wednesday, January 14, 1998, and it is

FURTHER ORDERED, that any responses to the State's January 8, 1998 late-filed contention consideration request

shall be filed on or before Tuesday, January 20, 1998; and it is

FURTHER ORDERED, that any response to the Confederated Tribes/Pete December 29, 1997 supplemental memorandum or any response to the State's January 8, 1998 late-filed contention consideration request that does not contain proprietary information 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. EST) on the day of filing, see Licensing Board Memorandum and Order (Initial Prehearing Order) (Sept. 23, 1997) at 5-6 (unpublished); Licensing Board Memorandum and Order (Additional Guidance on Service Procedures) (Nov. 19, 1997) (unpublished); and it is

FURTHER ORDERED, that any response to the State's January 8, 1998 late-filed contention consideration request that includes proprietary information should (1) be served in the manner and on the individuals described in paragraphs I.H.1.a.-b. of the Board's December 17, 1997 memorandum and order, as amended, and include a cover letter or memorandum that shall served on all other participants as described in paragraph I.H.2. of that issuance,¹ see

In addition, any future pleading regarding the State's January 8, 1998 late-filed contention that includes proprietary information shall be served using the procedures
(continued...)

Licensing Board Memorandum and Order (Protective Order and Schedule for Filing Security Plan Contentions) (Dec. 17, 1997) at 8, 9 (unpublished); Licensing Board Memorandum and Order (Additional Amendments to Protective Order) (Dec. 23, 1997) at 2 (unpublished); (2) be served so as ensure receipt by the individuals described in paragraph I.H.1.a. of the Board's December 17, 1997 memorandum and order by the next business day; and (3) include in the accompanying cover letter or memorandum advice to the Board about whether the participant anticipates that any oral argument concerning the late-filed contention at the prehearing conference now scheduled for the week of January 26, 1998, would involve

(...continued)
referenced above.

discussing proprietary information so as to require an in camera session.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

G. Paul Bollwerk, III
G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 12, 1998

² Copies of this order were sent this date to counsel for the applicant Private Fuel Storage, L.L.C., and to counsel for petitioners Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes/Pete, Castle Rock Land and Livestock, L.C., et al., and the State by Internet e-mail transmission; and to counsel for the NRC 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 ORDER--RESPONSE SCHEDULE...
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
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Washington, DC 20555**

**Administrative Judge
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**Administrative Judge
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Docket No.(s)72-22-ISFSI
LB ORDER--RESPONSE SCHEDULE...

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Dated at Rockville, Md. this
12 day of January 1998

Adria T. Byrdson
Office of the Secretary of the Commission