

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'98 MAY -8 P1:56

Before Administrative Judges:

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

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATION

**SERVED MAY - 8 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

May 8, 1998

MEMORANDUM AND ORDER

(Schedule for Reconsideration Motion  
Responses and Joint Status Report)

In its May 1, 1998 order, the Board outlined a preliminary schedule relative to reconsideration motion responses and the joint status report required under LBP-98-7, 47 NRC \_\_\_\_, \_\_\_\_ (slip op. at 162-63) (Apr. 22, 1998). After reviewing the four reconsideration requests filed, the Board asked the NRC staff, which previously filed an unopposed motion for extension of time for filing reconsideration requests, as a courtesy to the Board to poll the parties on whether they would be available for the scheduled May 19, 1998 prehearing conference on either of two alternative dates later that same week. The Board advised the staff that agreement on one of these dates would then permit a short extension of the tentative filing dates for reconsideration responses and the joint status report.

The staff has reported back to the Board that no agreement could be reached on the alternative dates.

Accordingly, the Board adopts the following schedule for reconsideration motion responses and the joint status report:

Wednesday, May 13, 1998 -- Reconsideration Motion Responses (each party to file a single consolidated response not to exceed forty pages in length)

Friday, May 15, 1998 -- Joint Status Report<sup>1</sup>

The prehearing conference remains scheduled for Tuesday, May 19, 1998, at 1:00 p.m. EDT (11:00 a.m. MDT) in the Rockville, Maryland and Salt Lake City, Utah locations specified in LBP-98-7, 47 NRC at \_\_\_\_ (slip op. at 164). The Board still has not heard from the Skull Valley Band of Goshute Indians as to whether it intends to participate in person in Rockville or by teleconference from Salt Lake City. The Board assumes it will be represented at one of these two locations.

Relative to their reconsideration motion responses, the parties should be aware of a typographical error on slip opinion page fifty-eight of LBP-98-7. In the sixth line from the top of the page, the reference to "Part 72" should read "Part 71". This and other corrections to LBP-98-7, as

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<sup>1</sup> This deadline includes the time for filing the issues designation pleading of the Skull Valley Band of Goshute Indians and any requests for revision of lead party designations. See LBP-98-7, 47 NRC at \_\_\_\_ (slip op. at 163).

well as corrections to the January 27-29, 1998 revised hearing transcripts, will be incorporated in an order to be issued by the Board in the near future.

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 BOARD<sup>2</sup>

  
G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 8, 1998

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<sup>2</sup> Copies of this memorandum and 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 of the Goshute Reservation, Castle Rock Land and Livestock, L.C., et al., and the State of Utah by Internet e-mail transmission; and to counsel for the NRC 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--SCHED. FOR RECONSID...  
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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Dated at Rockville, Md. this  
8 day of May 1998

  
Office of the Secretary of the Commission