

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'98 NOV 19 P2:18

Before Administrative Judges:

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

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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

November 19, 1998

ORDER

(Granting Leave to File  
Reply and Setting Schedule for  
Intervention Petition Responses)

Upon consideration of (1) intervenor Ohngo Gaudadeh Devia's (OGD) November 18, 1998 motion for leave to reply to the November 10 and 12, 1998 responses of the NRC staff and applicant Private Fuel Storage, L.L.C., (PFS) to OGD's November 2, 1998 contentions concerning the PFS August 28, 1998 license application amendment, including the representations in that motion concerning the length of OGD's reply pleading or pleadings and the PFS and staff positions regarding the OGD request; and (2) the November 18, 1998 request for hearing and petition to intervene of the Southern Utah Wilderness Alliance (SUWA) and the accompanying contentions regarding the PFS license application, it is

ORDERED, that OGD's November 18, 1998 motion for leave to reply is granted, and it is

FURTHER ORDERED, that OGD shall have up to and including Monday, November 23, 1998, within which to file its reply pleading or pleadings, which shall not exceed at total of twenty pages in length; and it is

FURTHER ORDERED, that party responses to the November 18, 1998 SUWA hearing request/intervention petition and contentions shall be filed on or before Tuesday, December 1, 1998, and shall not exceed twenty-five pages in length.

In addition, the Board requests that counsel for each party advise the Licensing Board Chairman on or before Tuesday, November 24, 1998, of any conflicts that would make counsel unavailable for a prehearing conference on Tuesday, December 8, 1998; Thursday, December 10, 1998; or Friday, December 11, 1998. During this prehearing conference, which would be in lieu of the conference tentatively-scheduled for the week of December 14, 1998,<sup>1</sup> see Licensing Board Order (Granting Leave to File Surreply and Establishing Schedule for Next Informal Discovery Status Report) (Oct. 29, 1998) at 2-3, the Board would entertain presentations concerning (1) SUWA's hearing request/intervention petition and

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<sup>1</sup> Counsel no longer need advise the Board regarding conflicts during the week of December 14.

contentions; and (2) the status of informal discovery and party plans for formal discovery. The Board anticipates conducting this proceeding as a videoconference between the Atomic Safety and Licensing Board Panel's Hearing Room at the Commission's Rockville, Maryland headquarters and a site in Salt Lake City, Utah. It may, however, conduct all or a portion of the proceeding as a telephone conference depending on what arrangements can be made for videoconferencing facilities in Salt Lake City. Also, on or before November 24, counsel should advise the Board Chairman whether they wish to attend the conference relative to both these matters or only want to be involved in the discovery status portion of the proceeding. Counsel may use the joint status report due on Tuesday, November 24, 1998, to identify any scheduling conflicts and their intention regarding participation in the prehearing conference.

The filings required or permitted under this 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 midnight Eastern Time 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); Licensing Board

Memorandum and Order (Schedule for Telephone Conference and Directives Regarding Expedited Service) (Sept. 2, 1998) at 2-3 (unpublished).

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>



G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 19, 1998

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<sup>2</sup> Copies of this order were sent by Internet e-mail transmission this date to counsel for (1) applicant PFS; (2) intervenors Skull Valley Band of Goshute Indians, OGD, Confederated Tribes of the Goshute Reservation, Castle Rock Land and Livestock, L.C./Skull Valley Company, LTD., and the State of Utah; (3) petitioner SUWA; and (4) the staff.

**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 GRANT'G LEAVE TO FILE REPLY 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  
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Washington, DC 20555**

**Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board Panel  
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**Administrative Judge  
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Docket No.(s)72-22-ISFSI  
LB GRANT'G LEAVE TO FILE REPLY

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Dated at Rockville, Md. this  
19 day of November 1998

  
Office of the Secretary of the Commission