

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

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

DOCKETED  
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AD

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 27, 1998

**SERVE** NOV 27 1998

ORDER

(Approving Lead Party Designation  
Change and Establishing  
Prehearing Conference Schedule)

Upon consideration of (1) the November 23, 1998 submissions of intervenors State of Utah (State) and Castle Rock Land and Livestock, L.C., and Skull Valley Co., Ltd. (Castle Rock/Skull Valley) requesting a change in the lead party designation for contention Utah AA/Castle Rock 13; and (2) the parties' November 24, 1998 joint report on the status of informal discovery, it is

ORDERED, that the request of the State and Castle Rock/Skull Valley to change the lead party designation for contention Utah AA/Castle Rock 13 from Castle Rock/Skull Valley to the State is granted; and it is

FURTHER ORDERED, that the Board will conduct a prehearing conference 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, on Friday, December 11, 1998, beginning at 11:00  
a.m. Eastern Time (ET) (9:00 a.m. Mountain Time (MT)). This  
prehearing conference is being held to discuss the status of  
informal discovery and party plans for formal discovery and  
to entertain oral presentations regarding the sufficiency of  
the November 18, 1998 request for hearing/petition to  
intervene and contentions of petitioner Southern Utah  
Wilderness Alliance (SUWA).

For this prehearing conference, counsel may appear in  
person at the Panel Hearing Room or participate by  
videoconference from Room 212 in Milton Bennion Hall on the  
University of Utah campus in Salt Lake City, Utah.<sup>1</sup> Counsel  
for each participant should advise the Board and the other  
participants by e-mail on or before Friday, December 4,  
1998, whether he or she intends to appear in person in  
Rockville or by videoconference from Salt Lake City.<sup>2</sup>

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<sup>1</sup> This is the same room that was used for the May 19, 1998 prehearing videoconference.

<sup>2</sup> If appearing at either the Rockville or Salt Lake City locations would be difficult, it may be possible for counsel to take part in the conference by telephone. Any counsel wishing to participate by teleconference should advise the Board by December 4 as well.

Also, for planning purposes the Board notes it will  
conduct the discovery status portion of the conference  
first, followed by oral presentations on the SUWA hearing  
(continued...)

In connection with the discovery status portion of the prehearing conference, the Board requests that at the outset one participant be prepared to provide a brief "joint" report on the status of informal discovery, including document disclosures, identification of asserted privileged or protected documents, and the conduct of witness interviews. Also, to the extent possible, each participant should be prepared to discuss its plans for conducting formal discovery, including providing the good faith estimates requested in the Board's October 29, 1998 issuance. See Licensing Board Order (Granting Leave to File Surreply and Establishing Schedule for Next Informal Discovery Status Report) (Oct. 29, 1998) at 2 (unpublished).

Any participant wishing to suggest additional subjects for discussion during the prehearing conference should advise the Board and the other participants of its proposed

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<sup>2</sup>(...continued)  
petition and contentions. The Board intends to complete the conference on December 11. Therefore, the Board is prepared to stay in session until approximately 1:00 p.m. ET (11:00 a.m. MT), take a luncheon break, resume around 2:00 p.m. ET (noon MT), and continue until party presentations are concluded.

agenda items in writing on or before Friday, December 4,  
1998.<sup>3</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>4</sup>

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

Rockville, Maryland

November 27, 1998

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<sup>3</sup> This filing 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 ET 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).

<sup>4</sup> Copies of this order were sent by Internet e-mail transmission this date to counsel for (1) the applicant Private Fuel Storage, L.L.C.; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Castle Rock/Skull Valley, and the State; (3) petitioner SUWA; and (4) counsel for the NRC 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 ORDER APPROVING CHANGE 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  
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Washington, DC 20555**

**Administrative Judge  
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Washington, DC 20555**

**Administrative Judge  
Jerry R. Kline  
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**Administrative Judge  
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Docket No.(s)72-22-ISFSI  
LB ORDER APPROVING CHANGE

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Harvard University  
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Dated at Rockville, Md. this  
27 day of November 1998

  
Office of the Secretary of the Commission