

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'99 APR 23 P3:06

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

April 23, 1999

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ORDER
(Response Schedules)

Upon consideration of the April 21, 1999 NRC staff letter to the Licensing Board regarding environmental impact statement (EIS) scheduling; the April 21, 1999 motion for summary disposition regarding contention Utah C filed by applicant Private Fuel Storage (PFS); and the PFS April 22, 1999 motion to compel responses to interrogatories, it is

ORDERED, that any party responses to the staff's April 21, 1999 letter shall be filed on or before Friday, April 30, 1999;¹ and it is

¹ Relative to this scheduling matter, the Board requests that counsel for the parties consult in an effort to arrive at joint scheduling recommendations regarding the litigation of the EIS-related Group III contentions, including the limited discovery "window" endorsed by the Board in its March 29, 1999 memorandum and order. See Licensing Board Memorandum and Order (Granting Motion for (continued...))

FURTHER ORDERED, that party responses supporting or opposing the April 21, 1999 PFS motion for summary disposition on contention Utah C shall be filed on or before Tuesday, May 11, 1999, and that a response by any party opposing the April 21, 1999 PFS motion to a response supporting the motion shall be filed on or before Friday, May 21, 1999;² and it is

FURTHER ORDERED, that intervenor State of Utah's (State) response to the PFS April 22, 1999 motion to compel shall be filed on or before Thursday, April 29, 1999.³

¹(...continued)
Additional Limited Discovery on Group II and Group III Contentions) (Mar. 29, 1999) at 4 (unpublished).

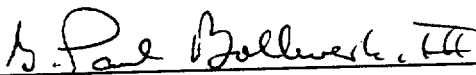
² Absent a further order from the Board relative to a specific summary disposition motion, (1) a party response supporting or opposing any summary disposition motion shall be filed within 20 days of the date of service of the motion; and (2) an opposing party response to any supporting party response shall be filed within 10 days of the date of service of the supporting response. See 10 C.F.R. § 2.749(a). All party dispositive motion responses 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 (ET) on the day of filing.

³ Absent a further order from the Board relative to a specific motion to compel, party responses to any motion to compel shall be filed within seven days of the date of service of the motion. In addition, the parties are reminded that, as is the case for discovery filings generally, motion to compel responses 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 (General Schedule for Proceeding and Associated Guidance)

(continued...)

The filings 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 (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).

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁴



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 23, 1999

⁴ Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant PFS; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State; and (3) 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 ORDER (RESPONSE SCHEDULES) 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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Docket No.(s)72-22-ISFSI
LB ORDER (RESPONSE SCHEDULES)

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Dated at Rockville, Md. this
23 day of April 1999

Adrian T. Byrdson
Office of the Secretary of the Commission