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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 09/26/00

SERVED 09/26/00

Before Administrative Judges:

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

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

September 26, 2000

MEMORANDUM AND ORDER
(Ruling on Motions for Decision and for
Appointment of Special Assistants)

By e-mails sent to the Board and the parties on September 25, 2000, petitioner William D. Peterson has provided separate filings requesting (1) a decision on his September 15, 2000 pleading entitled "Petition for Intervention into the EIS"; and (2) the appointment of special assistants pursuant to 10 C.F.R. § 2.718(k) to act as an arbitration panel in connection with Mr. Peterson's dispute with the State of Utah over the licensing and operation of the proposed Pigeon Spur, Utah spent fuel storage facility. As to the first matter, in light of the Board's ruling yesterday on his September 15, 2000 filing, see Licensing Board Memorandum and Order (Denying Motion for Reconsideration/Intervention Petition) (Sept. 25, 2000) (unpublished), his motion requesting a decision clearly is moot. And as to the second filing, even assuming this Board has the authority under section 2.718(k) to take the action he requests (which is not at all clear), in light of our ruling denying his reconsideration/intervention petition, Mr. Peterson has

no standing before the Board to seek such relief. Accordingly, his motion for appointment of special assistants is denied.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 26, 2000

* Copies of this memorandum and order were sent this date by Internet e-mail transmission to petitioner Peterson and to counsel for (1) applicant Private Fuel Storage, L.L.C.; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State of Utah; and (3) the NRC staff.

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NUCLEAR REGULATORY COMMISSION

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Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (RULING ON MOTIONS FOR DECISION AND FOR APPOINTMENT OF SPECIAL ASSISTANTS) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sherwin E. Turk, Esquire
Catherine L. Marco, Esquire
Office of the General Counsel
Mail Stop - 0-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Diane Curran, Esquire
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Martin S. Kaufman, Esquire
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017

Joro Walker, Esquire
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109

Docket No. 72-22-ISFSI
LB MEMORANDUM AND ORDER
(RULING ON MOTIONS FOR
DECISION AND FOR APPOINTMENT
OF SPECIAL ASSISTANTS)

Denise Chancellor, Esquire
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

John Paul Kennedy, Esquire
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

Richard E. Condit, Esquire
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

William D. (Bill) Peterson
Pigeon Spur Fuel Storage Facility
4010 Cumberland Road
Holladay, UT 84124

Jay E. Silberg, Esquire
D. Sean Barnett, Esquire
Shaw Pittman
2300 N Street, NW
Washington, DC 20037-1128

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Danny Quintana, Esquire
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, UT 84101

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 26th day of September 2000