

RAS 2243

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

DOCKETED 10/02/00

SERVED 10/02/00

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

October 2, 2000

MEMORANDUM AND ORDER
(Schedule Regarding Model Service Agreement)

In accordance with the Commission's directive in CLI-00-13, 52 NRC __, __ (slip op. at 15-16) (Aug. 1, 2000), and upon consideration of the September 29, 2000 filing of applicant Private Fuel Storage, L.L.C., (PFS) entitled "Applicant's Submission of Model Service Agreement," we hereby establish the following schedule regarding party filings relative to the model service agreement submitted by PFS on September 29, 2000:

1. On or before Tuesday, October 10, 2000, the parties shall provide the Board with a joint report indicating whether the PFS model service agreement is considered by intervenors to be adequate to meet the intervenor concerns expressed in contention Utah E/Confederated Tribes F, Financial Assurance, thereby entitling PFS to summary disposition on those concerns. If the response indicates that the PFS service agreement is not considered adequate, then in the joint report PFS should advise the Board whether it is prepared to submit a summary disposition motion relative to contention Utah E/Confederated Tribes F as it relates to expressed intervenor service agreement concerns. Additionally, in the joint report the parties should indicate whether (1) one or more of them intends to submit late-filed contentions relative

to the PFS model service agreement; and (2) any of them intends to file any submission (e.g., motion to reopen the record) addressing the impact, if any, of the service agreement variations described in the PFS September 29, 2000 pleading upon the Board's prior summary disposition rulings or the evidentiary record that is now pending with the Board relative to the June 2000 hearings.

2. Regarding paragraph one above, if PFS indicates it is prepared to move for summary disposition in connection with contention Utah E/Confederated Tribes F as it relates to expressed intervenor service agreement concerns, that motion shall be filed on or before Monday, October 30, 2000, with party responses due on or before Monday, November 20, 2000.

3. Also regarding paragraph one above, if any party indicates it intends to submit late-filed contentions relative to the PFS model service agreement or a submission addressing the impact of the service agreement variations, such contentions or submissions shall be filed on or before Monday, October 30, 2000, with party responses due on or before Monday, November 13, 2000.

4. Absent leave of the Board, the aforementioned PFS dispositive motion regarding contention Utah E/Confederated Tribes F or a party submission addressing the impact, if any, of the service agreement variations, and any responses, thereto shall not exceed twenty-five

pages, and party late-filed contentions and any responses thereto shall not exceed fifteen pages per contention.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 2, 2000

* Copies of this memorandum and 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 NRC staff.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (SCHEDULE REGARDING MODEL SERVICE AGREEMENT) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 72-22-ISFSI
LB MEMORANDUM AND ORDER
(SCHEDULE REGARDING MODEL
SERVICE AGREEMENT)

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 2nd day of October 2000