

RAS 2259

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

DOCKETED 10/05/00

SERVED 10/05/00

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 5, 2000

ORDER
(Scheduling Matters)

Upon consideration of the items discussed during the Licensing Board's October 4, 2000 telephone conference with applicant Private Fuel Storage, L.L.C., (PFS), intervenor State of Utah (State), and the NRC staff and other pending matters, it is

ORDERED, that the Board's October 2 and 3, 2000 issuances are hereby amended in the following respects:

1. The Board directive to the parties in its October 2, 2000 issuance to file a joint report is rescinded;
2. On or before Tuesday, October 17, 2000, PFS shall provide the listing and description of additional model service agreement (MSA) provisions that embody variations or changes from representations previously made to the Board by PFS about the service agreement in dispositive motion or evidentiary presentations requested in the Board's October 3, 2000 issuance;
3. Party late-filed contentions or other submissions addressing the impact of the MSA variations/changes upon the Board's prior summary disposition rulings or the June 2000 evidentiary record shall be filed on or before Tuesday, November 7, 2000, with party responses to those filings due on or before Tuesday, November 21, 2000;
4. Any PFS dispositive motion in connection with intervenor MSA-related concerns shall be filed on or before Friday, December 1, 2000, with party responses to

such a motion due on or before Thursday, December 21, 2000, and party replies to any party response supporting the dispositive motion to be filed on or before Friday, January 5, 2000; and it is

FURTHER ORDERED, that the State's September 15, 2000 request to respond to any justification provided by PFS for withholding information relative to contention

Utah E/Confederated Tribes F, Financial Assurance, and the PFS September 25, 2000 motion to file a reply to any State response are granted in that any party responses addressing the justifications provided in the September 25, 2000 PFS response to the State's request to disclose evidentiary material shall be filed on or before Wednesday, October 11, 2000, and any party replies to those party responses shall be filed on or before Wednesday, October 18, 2000; and it is

FURTHER ORDERED, that party responses to the State's October 3, 2000 motion to compel staff responses to its eighth set of discovery requests relating to contention Utah Z, No Action Alternative, shall be filed on or before Wednesday, October 11, 2000.

The Board reiterates that, as it established in its October 2, 2000 memorandum and order, absent leave of the Board, a twenty-five page limit applies to any PFS dispositive motion filed under paragraph four above, any party submission addressing the impact of the MSA variations/changes upon the Board's prior summary disposition rulings or the June 2000 evidentiary record filed under paragraph three above, and any related responsive pleadings, while party late-filed contentions relating the MSA and any responses thereto shall not exceed fifteen pages per contention.

Finally, as the Board noted during the telephone conference, in light of recent developments regarding the PFS MSA, it does not anticipate issuing an initial decision regarding contention Utah E/Confederated Tribes F by the October 30, 2000 date specified in

the current general schedule. The Board is still assessing the status of any determination regarding contention Utah S, Decommissioning.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 5, 2000

* 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

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PRIVATE FUEL STORAGE, L.L.C.)	Docket No. 72-22-ISFSI
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Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULING MATTERS) 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 ORDER (SCHEDULING MATTERS)

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 5th day of October 2000