

RAS 2276

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

DOCKETED 10/11/00

SERVED 10/11/00

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 11, 2000

ORDER

(Denying Motions to Strike and for Reconsideration)

Upon consideration of (1) the September 26, 2000 motion of petitioner William D. Peterson to strike the September 22, 2000 response of applicant Private Fuel Storage, L.L.C. (PFS), to his September 14, 2000 petition to intervene relative to the NRC staff's June 2000 draft environmental impact statement (DEIS); and (2) petitioner Peterson's September 28, 2000 motion to strike the September 22, 2000 responses of PFS and the staff to his September 14, 2000 DEIS intervention petition and for reconsideration of the Licensing Board's September 26, 2000 memorandum and order ruling on his request for appointment of special assistants; it is

ORDERED, that petitioner Peterson's September 26 and 28, 2000 motions to strike are denied; and it is

FURTHER ORDERED, that petitioner Peterson's September 28, 2000 motion for reconsideration is denied in that he has not provided any information that suggests that the Board's September 26, 2000 determination is based on a material error of law or fact.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 11, 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 of Utah; and (3) the staff.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DENYING MOTIONS TO STRIKE AND FOR RECONSIDERATION) 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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LB ORDER (DENYING MOTIONS
TO STRIKE AND FOR RECONSIDERATION)

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of October 2000