

ATOMIC SAFETY AND LICENSING BOARD

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

June 13, 2001

ORDER

(Deposition and Summary Disposition Response Extensions;  
Clarification of LBP-01-19 Correction)

Upon consideration of (1) the June 11, 2001 joint request of applicant Private Fuel Storage, L.L.C., (PFS) and intervenor State of Utah (State) to extend the time within which to conduct the additional deposition of Lt. Colonel Hugh L. Horstman, USAF (Ret.); (2) the June 11, 2001 request of the NRC staff for an extension of time to respond to the May 25, 2001 PFS motion for summary disposition of contention OGD O, Environmental Justice Issues are Not Addressed; and (3) the June 12, 2001 request of intervenor Ohngo Gaudadeh Devia (OGD) for leave to file an extension request and motion for an extension of time to respond to the May 25, 2001 PFS summary disposition motion regarding contention OGD O, it is

ORDERED, that the June 11, 2001 joint request for an extension of time to conduct the deposition of Lt. Colonel Horstman is granted in that the parties shall have up to and including Tuesday, July 31, 2001, within which to complete his deposition; and it is

FURTHER ORDERED, that the June 11, 2001 staff request for an extension of time to file a response to the pending PFS summary disposition motion regarding contention OGD O is

granted in that the staff shall have up to and including Thursday, June 28, 2001, within which to file its response; and it is

FURTHER ORDERED, that the June 12, 2001 OGD request for leave to file an extension request is granted;<sup>1</sup> and it is

FURTHER ORDERED, that the June 12, 2001 OGD motion for an extension of time to file a response to the pending PFS summary disposition motion regarding contention OGD O is granted in that OGD shall have up to and including Thursday, June 28, 2001, within which to file its response.

---

<sup>1</sup> In several recent issuances regarding OGD-related matters, the Board has provided citations to earlier decisions in which it has established procedural directives that govern this proceeding, including requirements regarding filing and service of pleadings. See Licensing Board Memorandum and Order (Ruling on Discovery Motions and Request to Extend Time to Complete Depositions) (May 29, 2001) at 6 n.3 (unpublished); Licensing Board Memorandum and Order (Granting Motion to Compel Response Filing Extension Motion) (Apr. 17, 2001) at 3 (citing Licensing Board September 1997 initial prehearing order) (unpublished). It is the Board's expectation that OGD counsel is now fully familiar with these specifications.

The parties also are advised that correction number forty to LBP-01-19 set forth in the Board's June 11, 2001 order is intended to apply only to the second use of the phrase "a crashing aircraft" on page thirty-eight, line sixteen of the text.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

*/RA/*

---

G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 13, 2001

---

<sup>2</sup> 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, OGD, 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, L.L.C.	)	Docket No. 72-22-ISFSI
	)	
(Independent Spent Fuel Storage	)	
Installation)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DEPOSITION AND SUMMARY DISPOSITION RESPONSE EXTENSIONS; CLARIFICATION OF LBP-01-19 CORRECTION) 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  
Director, Utah Office  
Land and Water Fund of the Rockies  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105

Docket No. 72-22-ISFSI  
LB ORDER (DEPOSITION AND SUMMARY  
DISPOSITION RESPONSE EXTENSIONS;  
CLARIFICATION OF LBP-01-19 CORRECTIONS)

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

Samuel E. Shepley, Esquire  
Steadman & Shepley, LC  
550 South 300 West  
Payson, UT 84651-2808

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 Evangeline S. Ngbea]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 13<sup>th</sup> day of June 2001