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

DOCKETED 11/02/01

SERVED 11/02/01

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

November 2, 2001

MEMORANDUM AND ORDER
(Schedule for Motion to Compel Supplement)

The Licensing Board Chairman yesterday conducted a telephone conference with counsel for intervenor State of Utah (State), applicant Private Fuel Storage, L.L.C. (PFS), and the NRC staff concerning the State's request that a deposition witness, Dr. Alan Cornell, be directed to answer questions regarding a staff seismic rulemaking plan that he previously reviewed as a member of a staff contractor-assembled expert panel. The Board Chairman indicated that because the question of the scope of discovery relative to Dr. Cornell's knowledge and participation with respect to the staff rulemaking plan was also pending in connection with an October 10, 2001 State motion to compel responses to the State's twelfth set of discovery requests, the Board (1) preferred to consider any discovery disputes regarding Dr. Cornell's rulemaking plan involvement in the context of ruling on that motion; and (2) would accord the State an opportunity to supplement or amend its pending motion to compel to address the deposition questions it wished to pose to Dr. Cornell. In this regard, any additional

State filing concerning Dr. Cornell's deposition should be submitted on or before Thursday, November 8, 2001.

It is so ORDERED.

FOR THE ATOMIC SAFETY^{*}
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 2, 2001

* Copies of this memorandum and order were sent this date by Internet e-mail or facsimile transmission to (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.

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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 FOR MOTION TO COMPEL SUPPLEMENT) 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 FOR MOTION TO
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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 November 2001