

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
1998

ATOMIC SAFETY AND LICENSING BOARD

98 MAY 20 P2:07

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

OFFICE
RULING
ADJUDICATING

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

May 20, 1998

SERVED MAY 20 1998

MEMORANDUM AND ORDER
(Memorializing Prehearing
Conference Rulings)

During the May 19, 1998 prehearing conference, the Licensing Board established several dates for filings by the parties as well as indicated its willingness to (1) adopt an agreed-upon wording change to contention Utah DD/Castle Rock 16, and (2) accept a proposed change in the previous designation of the "lead" party for contention Utah E/Castle Rock 7/Confederated Tribes F. Those filing dates and the adopted changes are as follows:

1. Wednesday, May 27, 1998 -- Joint report from the parties on a proposed discovery cutoff date.
2. Monday, June 15, 1998 -- NRC staff report on the status of/schedule for issuance of the Safety Evaluation Report and the draft/final Environmental Impact Statements for the Private

Fuel Storage facility and issuance of the Safety Evaluation Report for the Holtec cask.

3. Paragraph one of contention Utah DD/Castle Rock 16 is revised to read:

1. The License Application fails to address all possible impacts on federally endangered or threatened species, specifically peregrine falcons nesting on the Timpie Springs Waterfowl Management Area.

4. The May 6, 1998 requests of the State of Utah (State or Utah) and the Confederated Tribes of the Goshute Reservation (Confederated Tribes) to change the lead party designation for contention Utah E/Castle Rock 7/Confederated Tribes F from the Confederated Tribes to the State are granted.

In addition, as the Board indicated during the prehearing conference, the parties are authorized to begin the informal discovery process as outlined in LBP-98-7, 47 NRC ___, ___ (slip op. at 160-61) (Apr. 22, 1998).

The filings required under this memorandum and order should be served on the Board, the Office of the Secretary, and counsel for the other participants by facsimile transmission, e-mail, or other means that will ensure receipt by close of business (4:30 p.m. EDT) on the day of filing. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Sept. 23, 1997) at 5-6 (unpublished);

Licensing Board Memorandum and Order (Additional Guidance on Service Procedures) (Nov. 19, 1997) (unpublished).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

G. Paul Bollwerk, III
G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 20, 1998

* Copies of this memorandum and order were sent this date to counsel for the applicant Private Fuel Storage, L.L.C., and to counsel for intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes, Castle Rock Land and Livestock, L.C./Skull Valley Co., Ltd., and the State by Internet e-mail transmission; and to counsel for the staff by e-mail through the agency's wide area network system.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of

PRIVATE FUEL STORAGE, LLC

**(Independent Spent Fuel Storage
Installation)**

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (...PREH. CONF. RUL'GS) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

**Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555**

**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**

**Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555**

**Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555**

**Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555**

**Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg
2001 S Street, N.W., Suite 430
Washington, DC 20009**

**Martin S. Kaufman, Esq.
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017**

**Joro Walker, Esq.
Land and Water Fund of the Rockies
165 South Main, Suite 1
Salt Lake City, UT 84111**

Docket No.(s)72-22-ISFSI
LB M&O (...PREH. CONF. RUL'GS)

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Jay E. Silberg, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

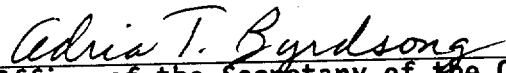
John Paul Kennedy, Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

Clayton J. Parr, Esq.
Castle Rock, et al.
Parr, Waddoups, Brown, Gee & Loveless
185 South State Street, Suite 1300
Salt Lake City, UT 84111

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Assocs., P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Dated at Rockville, Md. this
20 day of May 1998


Office of the Secretary of the Commission