

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'99 MAY 21 P1:36

Before Administrative Judges:

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

CLERK
AD

SERVED MAY 21 1999

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 21, 1999

MEMORANDUM AND ORDER
(Schedule Regarding Partial Summary
Disposition Motion on Contention Utah H)

In accordance with the Board's April 23, 1999 order, see Licensing Board Order (Response Schedule) (Apr. 23, 1999) at 2 n.2 (unpublished), further party responses to the May 19, 1999 motion of applicant Private Fuel Storage, L.L.C., (PFS) for partial summary disposition regarding contention Utah H should be filed as follows:

Responses Supporting/Opposing the May 19, 1999
PFS Motion -- Tuesday, June 8, 1999

Responses Opposing Responses Supporting the
May 19, 1999 PFS Motion -- Friday, June 18, 1999

In addition, given (1) the apparent relationship between the pending April 30, 1999 motion of intervenor State of Utah (State) to compel a PFS response to the State's April 9, 1999 discovery request regarding contention

Utah H and the May 19, 1999 PFS partial summary disposition motion regarding Utah H; and (2) the fact the PFS partial summary disposition motion will not be fully briefed until after the initial discovery period relative to contention Utah H is scheduled to close, if appropriate the Board may provide a limited additional period for discovery on contention Utah H following its ruling on the PFS dispositive motion.

The filings permitted 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 midnight Eastern Time (ET) 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 See Licensing Board Memorandum and Order (Initial Prehearing Order) (Sept. 23, 1997) at 5-6 (unpublished); Licensing Board Memorandum and Order (Additional Guidance on Service Procedures) (Nov. 19, 1997) (unpublished); Licensing Board Memorandum and Order (Schedule for Telephone Conference and Directives Regarding Expedited Service) (Sept. 2, 1998) at 2-3 (unpublished).

If a filing includes proprietary or safeguards information, it should (1) be served in the manner and on the individuals described in paragraphs I.H.1.a.-c. of the Board's December 17, 1997 memorandum and order, as amended, and include a cover letter or memorandum that shall be

served on all other participants as described in paragraph I.H.2. of that issuance, see Licensing Board Memorandum and Order (Protective Order and Schedule for Filing Security Plan Contentions) (Dec. 17, 1997) at 8, 9 (unpublished); Licensing Board Memorandum and Order (Additional Amendments to Protective Order) (Dec. 23, 1997) at 2 (unpublished); and (2) be served so as ensure receipt by the individuals described in paragraph I.H.1.a. of the Board's December 17, 1997 memorandum and order by the next business day.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 21, 1999

* Copies of this memorandum and 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 NRC staff.

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NUCLEAR REGULATORY COMMISSION

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Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O--SCHED. RE MOT. CONT H 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.

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Dated at Rockville, Md. this
21 day of May 1999


Office of the Secretary of the Commission