

**RAS 2218**

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

**DOCKETED 09/26/00**

**SERVED 09/26/00**

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

September 26, 2000

MEMORANDUM AND ORDER

(Ruling on Motions for Decision and for  
Appointment of Special Assistants)

By e-mails sent to the Board and the parties on September 25, 2000, petitioner William D. Peterson has provided separate filings requesting (1) a decision on his September 15, 2000 pleading entitled "Petition for Intervention into the EIS"; and (2) the appointment of special assistants pursuant to 10 C.F.R. § 2.718(k) to act as an arbitration panel in connection with Mr. Peterson's dispute with the State of Utah over the licensing and operation of the proposed Pigeon Spur, Utah spent fuel storage facility. As to the first matter, in light of the Board's ruling yesterday on his September 15, 2000 filing, see Licensing Board Memorandum and Order (Denying Motion for Reconsideration/Intervention Petition) (Sept. 25, 2000) (unpublished), his motion requesting a decision clearly is moot. And as to the second filing, even assuming this Board has the authority under section 2.718(k) to take the action he requests (which is not at all clear), in light of our ruling denying his reconsideration/intervention petition, Mr. Peterson has

no standing before the Board to seek such relief. Accordingly, his motion for appointment of special assistants is denied.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

*/RA/*

---

G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 26, 2000

---

\* Copies of this memorandum and order were sent this date by Internet e-mail transmission to petitioner Peterson and to counsel for (1) applicant Private Fuel Storage, L.L.C.; (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 NRC 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 MEMORANDUM AND ORDER (RULING ON MOTIONS FOR DECISION AND FOR APPOINTMENT OF SPECIAL ASSISTANTS) 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  
Land and Water Fund of the Rockies  
2056 East 3300 South, Suite 1  
Salt Lake City, UT 84109

Docket No. 72-22-ISFSI  
LB MEMORANDUM AND ORDER  
(RULING ON MOTIONS FOR  
DECISION AND FOR APPOINTMENT  
OF SPECIAL ASSISTANTS)

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

William D. (Bill) Peterson  
Pigeon Spur Fuel Storage Facility  
4010 Cumberland Road  
Holladay, UT 84124

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 Adria T. Byrdsong]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 26<sup>th</sup> day of September 2000