

**RAS 3541**

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<sup>\*</sup>  
AND LICENSING BOARD

*/RA/*

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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 2, 2001

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\* 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.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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Installation)	)	

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.

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

Joro Walker, Esquire  
Director, Utah Office  
Land and Water Fund of the Rockies  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105

Martin S. Kaufman, Esquire  
Atlantic Legal Foundation  
205 E. 42<sup>nd</sup> St.  
New York, NY 10017

Docket No. 72-22-ISFSI  
LB MEMORANDUM AND ORDER  
(SCHEDULE FOR MOTION TO  
COMPEL SUPPLEMENT)

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

Jay E. Silberg, Esquire  
D. Sean Barnett, Esquire  
Shaw Pittman  
2300 N Street, NW  
Washington, DC 20037-1128

John Paul Kennedy, Sr., Esquire  
David W. Tufts, Esquire  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Durham Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, UT 84105

Richard Wilson  
Department of Physics  
Harvard University  
Cambridge, MA 02138

Richard E. Condit, Esquire  
Land and Water Fund of the Rockies  
2260 Baseline Road, Suite 200  
Boulder, CO 80302

Tim Vollmann, Esquire  
3301-R Coors Road N.W., #302  
Albuquerque, NM 87120

Larry EchoHawk, Esquire  
Paul C. EchoHawk, Esquire  
Mark A. EchoHawk, Esquire  
EchoHawk PLLC  
P.O. Box 6119  
Pocatello, ID 83205-6119

Marlinda Moon, Chairman  
Sammy Blackbear, Sr., Vice-Chairman  
Miranda Wash, Secretary  
Skull Valley Band of Goshute Indians  
P.O. Box 511132  
Salt Lake City, UT 84151-1132

[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 2<sup>nd</sup> day of November 2001