

**RAS 3599**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 11/21/01**  
**SERVED 11/21/01**

ATOMIC SAFETY AND LICENSING BOARD

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 21, 2001

ORDER

(Ruling on Motion to Supplement or to Extend  
Time for Filing Summary Disposition Response)

Upon consideration of (1) intervenor State of Utah's (State) November 13, 2001 motion for an opportunity to supplement its response to the November 9, 2001 motion of applicant Private Fuel Storage, L.L.C., (PFS) for summary disposition regarding contention Utah L, Part B, or, in the alternative, for an extension of time to respond to that summary disposition motion, and the November 19, 2001 responses of the NRC staff and PFS in opposition to the State's November 13, 2001 motion; and (2) the unopposed November 21, 2001 motion of the NRC staff for an extension of time to file responses to the November 9, 2001 PFS summary disposition request, it is

ORDERED, that the State's November 13, 2001 motion is denied as it seeks to extend the time for filing its summary disposition response or to supplement that response following the Licensing Board's ruling on its October 10, 2001 motion to compel, as amended on November 8, 2001, albeit without prejudice to renewal of the State's request to supplement its

summary disposition response following the Board's issuance of its decision regarding the State's pending motion to compel, as amended; and it is

FURTHER ORDERED, that the staff's November 21, 2001 motion for extension of time to file summary disposition responses is granted in that party responses to the November 9, 2001 PFS summary disposition motion shall be filed on or before Friday, December 7, 2001, and any party replies to responses in support of the PFS motion shall be filed on or before Monday, December 17, 2001.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

*/RA/*

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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 21, 2001

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\* Copies of this order were sent this date by Internet e-mail and/or facsimile 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 staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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(Independent Spent Fuel Storage )  
Installation) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (RULING ON MOTION TO SUPPLEMENT OR TO EXTEND TIME FOR FILING SUMMARY DISPOSITION RESPONSE) 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 ORDER (RULING ON MOTION TO SUPPLEMENT  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 21<sup>st</sup> day of November 2001