

**RAS 4206**

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

**DOCKETED 04/02/02**

**SERVED 04/02/02**

Before Administrative Judges:

Michael C. Farrar, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel  
Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

April 2, 2002

ORDER FOR PROCEEDING  
(In Limine Motions -- Contention Utah K)

Three of the parties -- the Applicant PFS, the NRC Staff, and the State of Utah -- each filed in limine motions on March 25, 2002, challenging some aspect of the testimony or exhibits another party proposes to rely upon at the evidentiary hearing of Contention Utah K, scheduled to begin on the afternoon of Tuesday, April 9, 2002. We now have in hand the respective replies of those same parties, duly filed by April 1, 2002.

Together, the motions and the replies raise some important issues that have the potential to significantly affect the course of the proceeding. In order to give them the attention they deserve, and to make appropriate rulings, the Board has determined to discuss those motions with the parties at the opening session of the Salt Lake City hearings, on the morning of Monday, April 8. That discussion will not be in the form of the usual oral argument but rather will involve counsel responding to the Board's inquiries. The Board anticipates making its rulings at the close of the discussion, in time for the parties, if appropriate, to take remedial or other action before the start of the next afternoon's session.

In order to accommodate the Board's inquiries, the time previously allotted for the parties' opening statements is being reduced. Specifically, the time of the Applicant, the Staff and the State is reduced from 25 to 15 minutes apiece, and the time of the Skull Valley Band, the Confederated Tribes and OGD is reduced from 10 to 7 minutes apiece. (SUWA's time remains unchanged, at 10 minutes.) This will provide 40 minutes to pursue the multi-faceted pending motions and to arrive at appropriate outcomes.

Accordingly, on this 2nd day of April, 2002, the time for opening statements is REDUCED and the parties are DIRECTED to prepare to respond to the Board's inquiries about the in limine motions.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

***/RA by Thomas S. Moore Acting For/***

Rockville, Maryland  
April 2, 2002

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Michael C. Farrar, Chairman  
ADMINISTRATIVE JUDGE

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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, OGD, 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

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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 ORDER FOR PROCEEDING (IN LIMINE MOTIONS -- CONTENTION UTAH K) 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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[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 April 2002