

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 05/06/03

ATOMIC SAFETY AND LICENSING BOARD

RAS 6382

SERVED 05/06/03

Before Administrative Judges:
Michael C. Farrar, 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

May 6, 2003

MEMORANDUM REGARDING ORAL ARGUMENT
(on Applicant's Motion for Reconsideration)

The parties have filed a number of additional pleadings since this Board issued its April 29 Notice scheduling oral argument (on the Applicant PFS's Motion for Reconsideration of the Board's March 10 Partial Initial Decision regarding the probability of an aircraft crash) for Thursday, May 29, at NRC Headquarters beginning at 3:00 P.M. EDT (1:00 P.M. MDT). In addition to covering the relevant substantive and procedural issues, those pleadings contained two suggestions as to scheduling matters: (1) the State asked that, if it elects to participate in person at the argument rather than by videoconference from Salt Lake City, the argument begin earlier in the day, so as to conclude by 3:00 P.M. EDT, to enable counsel to catch a return plane flight that same day; and (2) all parties suggested that we take advantage of their presence for the probability oral argument to discuss with them their differing views on scheduling and other matters related to the future hearing to be held on the consequences of an aircraft crash.

Both suggestions have obvious merit. Accordingly, the parties are informed that -- if the State elects to participate in person (that election is to be made by May 9) -- the May 29 oral argument on the probability-related issues will begin at 9:30 A.M. EDT and conclude no later than 12:15 P.M. After a break for lunch (with the parties' conference rooms adjacent to the

hearing room available for that purpose), the prehearing conference on the consequences issues will begin at 1:15 P.M. and conclude no later than 3:00 P.M.

If, on the other hand, the State elects to participate by videoconference from Salt Lake, the oral argument schedule announced on April 29 will be altered to include time for the prehearing conference on the consequences issues. The parties will be informed of that schedule as soon as new videoconference arrangements can be confirmed.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 6, 2003

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 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 REGARDING ORAL ARGUMENT (ON APPLICANT'S MOTION FOR RECONSIDERATION) 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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LB MEMORANDUM REGARDING ORAL ARGUMENT
(ON APPLICANT'S MOTION FOR RECONSIDERATION)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 6th day of May 2003