

**RAS 9553**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 03/16/05**  
**SERVED 03/16/05**

ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:

Michael C. Farrar, Chairman  
Dr. Peter S. Lam  
Dr. Paul B. Abramson

In the Matter of  
PRIVATE FUEL STORAGE, LLC  
(Independent Spent Fuel Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

March 16, 2005

SCHEDULING MEMORANDUM

Our Order of March 11, 2005 called for the Applicant and Staff to have in our hands by close of business next Monday, March 21, their answers to the State of Utah's March 7 Motion for Reconsideration of our February 24 aircraft crash consequences Partial Initial Decision. Under the Rules of Practice, the filing by the State of a reply to those answers appears not to be a matter of right. See 10 C.F.R. § 2.730(c); see generally 10 C.F.R. § 2.771.

Until we see the Applicant's and Staff's answers, we will not be in position to determine whether a responsive pleading by the State would be appropriate. For planning purposes, however, we take this opportunity to advise the State now that if we allow it to reply to those answers (which it will receive on Tuesday morning, March 22), we would likely require that such a reply be in our hands by the morning of Wednesday, March 30.

We will advise the parties on Tuesday, March 22 about whether a reply filing by the State is in order. At that same time or shortly thereafter, we will also advise them whether we deem it necessary to hold oral argument on the matter (and if so whether there are specific areas upon which their oral presentations should focus).

Again to assist the parties in planning, we can advise them now that any such argument, if held, would take place in our Rockville, Maryland hearing room in early afternoon on Wednesday, April 6. Whether that argument could be conducted without explicit reference to Safeguards-protected matters, and thus could be open to the public, remains to be seen.

THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

Michael C. Farrar, Chairman  
ADMINISTRATIVE JUDGE

*/RA/*

Peter S. Lam  
ADMINISTRATIVE JUDGE

*/RA/*

Paul B. Abramson  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 16, 2005

Copies of this Scheduling Memorandum were sent this date by Internet e-mail transmission to counsel for Applicant PFS, Intervenor State of Utah, and 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  
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(Independent Spent Fuel Storage )  
Installation) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB SCHEDULING MEMORANDUM 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  
Michael C. Farrar, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Paul B. Abramson  
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  
Laura C. Zaccari, Esquire  
John T. Hull, 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  
Western Resource Advocates  
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 SCHEDULING MEMORANDUM

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

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

Paul C. EchoHawk, Esquire  
ECHOHAWK LAW OFFICES  
151 North 4th Avenue, Suite A  
P.O. Box 6119  
Pocatello, ID 83205-6119

Joseph R. Egan, Esquire  
Martin G. Malsch, Esquire  
Egan, Fitzpatrick, Malsch & Cynkar, PLLC  
The American Center at Tysons Corner  
8300 Boone Boulevard, Suite 340  
Vienna, VA 22182

Stephen L. Simpson, Esquire  
Office of the Solicitor  
Department of the Interior  
Division of Indian Affairs  
1849 C Street, NW, Mailstop 6456-MIB  
Washington, DC 20240

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of March 2005