

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

Before Administrative Judges:

Paul S. Ryerson, Chairman
Nicholas G. Trikouros
Dr. Gary S. Arnold

In the Matter of

INTERIM STORAGE PARTNERS LLC

(WCS Consolidated Interim Storage Facility)

Docket No. 72-1050-ISFSI

ASLBP No. 19-959-01-ISFSI-BD01

September 5, 2019

ORDER

(Scheduling Initial Scheduling Conference)

In accordance with 10 C.F.R. § 2.332, the Board will hold an initial scheduling conference call on Wednesday, September 18, 2019, at 2:30 PM EDT to develop a scheduling order to govern the conduct of this proceeding.

Prior to the conference call, the parties (counsel for Sierra Club, ISP, and the NRC Staff) should familiarize themselves with the relevant procedural rules of 10 C.F.R. Part 2. Pending issuance of a scheduling order: (1) a new or amended contention shall be deemed timely if it is filed within 30 days of the date when the new and material information on which it is based first becomes available to the moving party; and (2) notwithstanding 10 C.F.R. § 2.323, a dispositive motion, such as a motion for summary disposition under 10 C.F.R. § 2.1205 or a motion to dismiss a contention as moot, need not necessarily be made within 10 days of the occurrence or circumstance from which the motion arises.

Pursuant to 10 C.F.R. § 2.332(d), the Board will consider the NRC Staff's projected schedule for completion of its safety and environmental evaluations in developing the hearing

schedule. Accordingly, on or before Friday, September 13, 2019, the NRC Staff shall submit its current estimate of the schedule for completing such evaluations.

Among other matters, the parties should be prepared to address the following subjects during the conference call:

1. The degree to which the Board's consideration of summary disposition motions will expedite the proceeding and, if so, suggestions for modifying the time limits set in 10 C.F.R. § 2.1205(a) to prevent motions for summary disposition from conflicting with preparation for the evidentiary hearing.
2. Suggested due date and frequency for the updating of mandatory disclosures under 10 C.F.R. § 2.336(d) and for the updating of the hearing file under 10 C.F.R. § 2.1203(c).
3. Suggested time limit for filing a final list of potential witnesses pursuant to 10 C.F.R. § 2.336(a)(1).
4. Opportunities for settlement, including the utility of appointing a settlement judge pursuant to 10 C.F.R. § 2.338.
5. Whether any party expects to assert a privilege or protected status for any information or documents otherwise required to be disclosed in this proceeding and, if so, whether development of a protective order and non-disclosure agreement is necessary or appropriate.
6. Whether the parties should be required to file their respective initial written statements of position and written testimony with supporting affidavits pursuant to 10 C.F.R. § 2.1207(a)(1) simultaneously or sequentially and, if sequentially, in what order.
7. Suggested time limits for the filing of motions for cross-examination under 10 C.F.R. § 2.1204(b).

Before the conference call, the parties shall confer in good faith to reach agreement on the foregoing issues, insofar as practicable.

The Board's law clerk, Molly Mattison, will provide the parties with the telephone number and passcode for the prehearing conference call. Members of the public or media who wish to listen to the conference call may do so and should contact Ms. Mattison at 301-415-0181 or Molly.Mattison@nrc.gov on or before Tuesday, September 17, 2019, for the requisite information.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 5, 2019

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)
(WCS Consolidated Interim Storage Facility))
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Initial Scheduling Conference)** have been served upon the following persons by the Electronic Information Exchange:

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ORDER (Scheduling Initial Scheduling Conference)**

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[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 5th day of September, 2019