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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'99 NOV 15 AIO:59

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

OFFICE OF THE  
GENERAL COUNSEL  
ADMINISTRATIVE

**SERVED NOV 15 1999**

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 15, 1999

ORDER  
(Schedule for  
Evidentiary Hearing Regarding  
Contention Security-C)

Upon consideration of (1) the November 1, 1999 joint report of applicant Private Fuel Storage, L.L.C. (PFS), intervenor State of Utah (State), and the NRC staff regarding a schedule for the evidentiary hearing for contention Security-C; and (2) the November 10, 1999 joint report of those parties regarding litigation of contentions involving 10 C.F.R. § 2.790 proprietary information, it is

ORDERED, that the schedule in connection with the evidentiary hearing on contention Security-C will be as follows:

PDR ADOCK

DS02

Prehearing telephone conference: <sup>1</sup>	11:00 a.m. EST, Tuesday, February 22, 2000
Prefiled testimony submitted:	Tuesday, February 29, 2000
Motions in limine:	Tuesday, March 7, 2000
Motion in limine responses:	Friday, March 10, 2000
Evidentiary hearing	Tuesday-Wednesday, March 14-15, 2000
Findings of fact (simultaneous filings)	Wednesday, March 29, 2000
Findings of fact responses: (simultaneous filings)	Friday, April 7, 2000

and it is;

FURTHER ORDERED, that the evidentiary hearing regarding contention Security-C will begin on Tuesday, March 14, 2000, at 9:00 a.m. EST, at the Atomic Safety and Licensing Board Panel Hearing Room, Room T-3B45, Two White Flint North Building, 11545 Rockville Pike, Rockville, Maryland; and it is

FURTHER ORDERED, that because the hearing regarding this contention is likely to involve evidence concerning 10 C.F.R. Part 73 "safeguards information," in accordance with the Board's December 17, 1997 protective order (1)

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<sup>1</sup> The focus of this prehearing conference will be the evidentiary hearing on contention Security-C. Counsel for any party wishing to participate in this telephone conference should advise the Board Chairman by e-mail on or before Tuesday, February 15, 2000.

attendance at the hearing will be limited to those PFS, State, and NRC staff counsel, experts, and staff who have a "need to know" relative to the litigation of contention Security-C; and (2) on or before Tuesday, February 29, 2000, PFS, the State, and the staff shall each provide the Board with a list of those individuals who will attend the hearing on its behalf.<sup>2</sup>

With regard to the conduct of closed hearings on contention Utah H, Inadequate Thermal Design, contention Utah GG, Failure to Demonstrate Cask-Pad Stability During Seismic Event for TranStor Casks, and any other contention that may involve 10 C.F.R. § 2.790 propriety information, the Board adopts the parties suggestion that (1) any closed proceedings regarding proprietary information be held at the same place and in conjunction with any nonproprietary portion of the hearing regarding those contentions; and (2) any determination regarding closing portions of the hearing

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<sup>2</sup> The PFS and State lists should include a statement indicating that the enumerated individuals have executed a nondisclosure affidavit in accordance with the Board's December 17, 1997 protective order.

be made after prefiled testimony is submitted relative to the contentions involved.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>



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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 15, 1999

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<sup>3</sup> Copies of this 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; and (3) the staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage  
Installation)

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER--SCHED. FR...HEAR'G.. have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Washington, DC 20555

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Docket No.(s)72-22-ISFSI  
LB ORDER--SCHED. FR...HEAR'G..

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Dated at Rockville, Md. this  
15 day of November 1999

  
Office of the Secretary of the Commission