

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

97 DEC 31 A8:46

Before Administrative Judges:

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

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

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

December 31, 1997

SERVED DEC 31 1997

ORDER

(Granting Leave to File Response
to Contentions and Schedule for
Responses to Late-Filed Contentions)

Upon consideration of (1) the December 23, 1997 request of the State of Utah (State) for consideration of late-filed Contentions EE and FF; and (2) the December 29, 1997 motion of applicant Private Fuel Storage, L.L.C. (PFS), for leave to file a response to State Contentions Z through DD, to which the State has advised the Licensing Board it will make no response, it is

ORDERED, that responses to the State's late-filed contentions pleading shall be filed on or before Friday, January 9, 1998, and it is

FURTHER ORDERED, that the PFS motion for leave to file a response to State Contentions Z through DD is granted and

that its response shall be filed on or before Tuesday, January 6, 1998; and it is

FURTHER ORDERED, that the PFS response to State Contentions Z through DD and any response to the State's late-filed contention pleading that does not include proprietary information shall be served on the Board, the Office of the Secretary, and counsel for the other participants by facsimile transmission, e-mail, or other means that will ensure receipt by close of business (4:30 p.m. EST) on the day of filing, see Licensing Board Memorandum and Order (Initial Prehearing Order) (Sept. 23, 1997) at 5-6 (unpublished); Licensing Board Memorandum and Order (Additional Guidance on Service Procedures) (Nov. 19, 1997) (unpublished); and it is

FURTHER ORDERED, that any response to the State's late-filed contention pleading that includes proprietary information shall (1) be served in the manner and on the individuals described in paragraphs I.H.1.a.-b. of the Board's December 17, 1997 memorandum and order, as amended, and include a cover letter or memorandum that shall served on all other participants as described in paragraph I.H.2. of that issuance,¹ see Licensing Board Memorandum and Order (Protective Order and Schedule for Filing Security Plan

¹ In addition, any future pleading regarding the State's late-filed contentions that includes proprietary information shall be served using the procedures referenced above.

Contentions) (Dec. 17, 1997) at 8, 9 (unpublished); Licensing Board Memorandum and Order (Additional Amendments to Protective Order) (Dec. 23, 1997) at 2 (unpublished); (2) be served so as ensure receipt by the individuals described in paragraph I.H.1.a. of the Board's December 17, 1997 memorandum and order by the next business day; and (3) include in the accompanying cover letter or memorandum advice to the Board about whether the participant anticipates that any oral argument concerning the late-filed contentions at the prehearing conference now scheduled for the week of January 26, 1998, would involve discussing proprietary information so as to require an in camera session.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²


G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 31, 1997

² Copies of this order were sent this date to counsel for the applicant PFS, and to counsel for petitioners Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation and David Pete, Castle Rock Land and Livestock, L.C., et al., and the State by Internet e-mail transmission; and to counsel for the NRC staff by e-mail through the agency's wide area network system.

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 (GRANTING LEAVE...) 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.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran & Spielberg
2001 S Street, N.W., Suite 430
Washington, DC 20009

Denise Chancellor, Esq.
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, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

Docket No.(s)72-22-ISFSI
LB ORDER (GRANTING LEAVE...)

John Paul Kennedy, Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

Jean Belille, Esq.
Ohngo Gaudadeh Devia
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

Clayton J. Parr, Esq.
Castle Rock, et al.
Parr, Waddoups, Brown, Gee & Loveless
185 South State Street, Suite 1300
Salt Lake City, UT 84111

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Assocs., P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101

Dated at Rockville, Md. this
31 day of December 1997

Adria T. Byrdson
Office of the Secretary of the Commission