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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

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

OFFICE OF THE SECRETARY
RULES, PRACTICE AND
ADJUDICATION STAFF

SERVED FEB 17 2000

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

February 17, 2000

MEMORANDUM AND ORDER

(Schedule for Prehearing Conference)

Previously, the Board had calendared a telephone prehearing conference for Tuesday, February 22, 2000, to discuss the scheduled March 14-15, 2000 hearing on contention Security-C, Local Law Enforcement. On Tuesday of this week, the Board received telephone notice from counsel for intervenor State of Utah (State) that the State had mailed a letter to the Board and the parties indicating it did not intend to make an appearance at the March 14, 2000 hearing. As of the issuance of this order, the Board has not received that correspondence. It has, however, received a letter from the NRC staff that (1) quotes a portion of an e-mail from counsel for the State that contains a similar representation about the State's participation; and (2) requests that the already scheduled Tuesday prehearing

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conference be devoted to the subject of the status of the March 14-15, 2000 hearing. A similar suggestion was made yesterday by counsel for applicant Private Fuel Storage, L.L.C., (PFS) in a brief telephone call to the Board Chairman.


Under the circumstances, the Board believes it would be prudent to hold a telephone conference with counsel for the parties involved in litigating contention Security-C to obtain a clearer understanding of the status of March 2000 hearing and the potential application, if any, of 10 C.F.R. § 2.707 regarding party defaults.

Accordingly, the Board will conduct the previously scheduled telephone prehearing conference with the parties to the litigation on contention Security-C -- PFS, the State, and the staff -- on Tuesday, February 22, 2000, beginning at 11:30 a.m. EST (9:30 a.m. MST) (please note the time change). The Board will be contacting these parties to provide dial-in instructions. Any other party to the

proceeding that wishes to participate should contact the Board Chairman by 4:30 p.m. EST on Friday, February 18, 2000.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

This memorandum and order is issued pursuant to the authority of the Chairman of the Atomic Safety and Licensing Board designated for this proceeding.

Rockville, Maryland

February 17, 2000

* 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; and (3) the staff.

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Docket No. 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (SCHEDULE FOR PREHEARING CONFERENCE) have been served upon the following persons by deposit in the 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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LB MEMORANDUM AND ORDER
(SCHEDULE FOR PREHEARING
CONFERENCE)

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Dated at Rockville, Maryland
this 17th day of February 2000