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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'00 MAR 20 12:17

Before Administrative Judges:

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

ORIGINAL
FILED
ADMINISTRATIVE
JUDGES

SERVED MAR 20 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

March 20, 2000

MEMORANDUM AND ORDER

(Making Publicly Available Decision
Regarding Contention Utah E/Confederated
Tribes F and Extending Discovery Period)

By memorandum and order issued March 10, 2000, the Licensing Board ruled on a partial summary disposition motion regarding contention Utah E/Confederated Tribes F, Financial Assurance. See LBP-00-06, 51 NRC __ (Mar. 10, 2000). In a separate memorandum issued that date, the Board advised all the parties to this proceeding that it had crafted its March 10, 2000 decision to avoid using 10 C.F.R. § 2.790 "proprietary information" so the issuance could be publicly released, but nonetheless was treating its ruling as confidential pending receipt of the views of the parties involved with the motions on whether the decision could be publicly released. As part of a March 17, 2000 submission, applicant Private Fuel Storage, L.L.C. (PFS), advised the

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Board that it has not identified any proprietary information in the March 10, 2000 decision and so has no objection to making that issuance publicly available. See Joint Report on Matters Requested in LBP-00-06 (Mar. 17, 2000) at 3 [hereinafter Joint Report].

Accordingly, included as Attachment A to this memorandum and order is a copy of LBP-00-06 as issued, which shall be made part of the public record of this proceeding. The published version of this decision will omit the designation "HANDLE AS PROPRIETARY INFORMATION PENDING REVIEW" that is found on the bottom of each page.¹

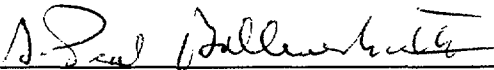
Additionally, in that March 17, 2000 submission, the parties indicated that additional time is required to complete the depositions of intervenor State of Utah (State) witnesses Dr. Marvin Resnikoff and Matthew Lamb regarding contention Utah H, Inadequate Thermal Design, that previously were scheduled to be finished on or before March 9, 2000. See Joint Report at 4-5. The Board grants the parties' proposed extension of the discovery period in

¹ Because of the length of LBP-00-06, the Office of the Secretary need not serve an additional paper copy of the decision on applicant PFS, intervenor State of Utah (State), the NRC staff, or the Board members, all of whom previously were served with a copy.

that the depositions of Dr. Resnikoff and Mr. Lamb shall be completed on or before Friday, March 31, 2000.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 20, 2000

² Copies of this memorandum and order and the accompanying attachment 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

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PRIVATE FUEL STORAGE, L.L.C.)

(Independent Spent Fuel Storage
Installation))

Docket No. 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (MAKING PUBLICLY AVAILABLE DECISION REGARDING CONTENTION UTAH E/CONFEDERATED TRIBES F AND EXTENDING DISCOVERY PERIOD) 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.

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
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Washington, DC 20555

Administrative Judge
Jerry R. Kline
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Docket No. 72-22-ISFSI
LB MEMORANDUM AND ORDER
(MAKING PUBLICLY AVAILABLE DECISION
REGARDING CONTENTION
UTAH E/CONFEDERATED TRIBES F
AND EXTENDING DISCOVERY PERIOD)

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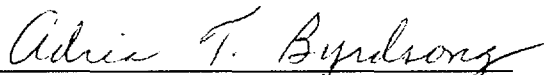
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of March 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PRIVATE FUEL STORAGE, L.L.C.)

(Independent Spent Fuel Storage
Installation))

Docket No. 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (GRANTING IN PART, DENYING IN PART, AND REFERRING RULING ON SUMMARY DISPOSITION MOTION REGARDING CONTENTION UTAH E/CONFEDERATED TRIBES F) (LBP-00-06) 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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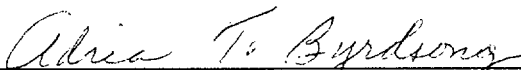
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of March 2000

ATTACHMENT A