

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

LBP-00-14

ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 06/01/00**

**SERVED 06/01/00**

Before Administrative Judges:

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

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

June 1, 2000

MEMORANDUM AND ORDER  
(Denying Request for Admission of  
Late-Filed Amended Contention Utah V)

Intervenor State of Utah (State) requests the admission of a late-filed amended contention Utah V, Inadequate Consideration of Transportation-Related Radiological Environmental Impacts, in which it challenges the reliance of applicant Private Fuel Storage, L.L.C., (PFS) on the current Table S-4 of 10 C.F.R. Part 51 to assess the regional impacts of spent fuel transportation in the area of the proposed PFS Skull Valley, Utah 10 C.F.R. Part 72 independent spent fuel storage installation (ISFSI). A substantial portion of an earlier version of this same State contention was rejected by the Licensing Board because, among other things, it impermissibly challenged applicable Commission regulations, including Table S-4. Citing the agency's recent addendum to NUREG-1437, the generic environmental impact statement (EIS) for power reactor license renewals, see Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, NUREG-1437, Vol. 1, Add. 1, Generic Environmental Impact Statement for License Renewal of Nuclear Plants (Final Report Aug. 1999) [hereinafter August 1999 NUREG-1437 Addendum], the State now offers an amended form of the contention

relative to the use of Table S-4 to assess PFS ISFSI-area transportation impacts. PFS and the NRC staff both oppose the admission of this issue statement.

For the reasons set forth below, we deny the State's request to admit its late-filed amended contention Utah V.

## I. BACKGROUND

As part of its November 1997 intervention petition supplement, the State submitted contention Utah V asserting that the environmental report (ER) accompanying the PFS application failed to give adequate consideration to the transportation-related environmental impacts of its proposed Skull Valley ISFSI. See [State] Contentions on the Construction and Operating License Application by [PFS] for an [ISFSI] (Nov. 23, 1997) at 144 [hereinafter State Contentions]. As subsequently rewritten by the State and PFS, that issue statement read:

CONTENTION: The Environmental Report ("ER") fails to give adequate consideration to the transportation-related environmental impacts of the proposed ISFSI in that:

1. In order to comply with NEPA, PFS and the NRC Staff must evaluate all of the environmental impacts, not just regional impacts, associated with transportation of spent fuel to and from the proposed ISFSI, including preparation of spent fuel for transportation to the ISFSI, spent fuel transfers during transportation to the ISFSI, transferring and returning defective casks to the originating nuclear power plant, and transfers and transportation required for the ultimate disposal of the spent fuel.
2. PFS's reliance on Table S-4 is inappropriate and inadequate. 10 C.F.R. § 51.52 applies only to light-water-cooled nuclear power plant construction permit applicants, not to offsite ISFSI applicants. Even if 10 C.F.R. § 51.52 applied, PFS does not satisfy the threshold conditions for using Table S-4, and its reliance on NUREG-1437 is misplaced. Since the conditions specified in 10 C.F.R. § 51.52(a) for use of Table S-4 are not satisfied,

the PFS must provide “a full description and detailed analysis of the environmental effects of transportation of fuel and wastes to and from the reactor” in accordance with 10 C.F.R. § 51.52(b).

3. The SAR is inadequate to supplement Table S-4 in that:
  - a. The Applicant fails to adequately address the intermodal transfer point in that the analysis utilizes unreasonable assumptions regarding rail shipment volume and its associated effects.
  - b. The Applicant fails to calculate impacts of the return of substandard or degraded casks to the originating nuclear power plant licensees, including additional radiation doses to workers and the public.
  - c. The Applicant fails to address the environmental impacts of any necessary intermodal transfer required at some of the originating nuclear power plants due to lack of rail access or inadequate crane capability.
4. New information shows that Table S-4 grossly underestimates transportation impacts in that:
  - a. WASH-1238, which is the basis for Table S-4, uses poor and outdated data, and hence the Applicant's reliance on WASH-1238 and Table S-4 is inadequate to demonstrate compliance with NEPA;
  - b. WASH-1238 does not quantify the risks of spent fuel transportation. 10 C.F.R. § 51.45(c) requires that, to the extent practicable, the cost and benefits of a proposal should be quantified;

- c. WASH-1238 does not address accidents caused by human error or sabotage;
- d. WASH-1238 does not include up-to-date analyses of maximum credible accidents;
- e. WASH-1238 does not address the potential for degradation of fuel cladding caused by dry fuel storage;
- f. WASH-1238 does not address the greater release fraction from severe accident consequences demonstrated in recent analyses;
- g. WASH-1238 does not address specific regional characteristics of impacts on the environment from transportation and therefore is inadequate to satisfy 10 C.F.R. § 72.108.
- h. WASH-1238 does not address circumstances and consequences of a criticality event of a representative rail transportation cask with a large capacity (capacity greater than a critical mass of fuel);
- i. WASH-1238 does not contain information from the more recent and more accurate dose modeling RADTRAN computer program;
- j. WASH-1238 does not address a representative transportation distance for the shipment of spent fuel from the originating nuclear power plants. WASH-1238 assumes an approximate distance of 1000 miles. The PFS acknowledges that the distance may be more than twice that amount. ER at 4.7-3.

LBP-98-7, 47 NRC 142, 199-200, reconsideration granted in part and denied in part on other grounds, LBP-98-10, 47 NRC 288, aff'd on other grounds, CLI-98-13, 48 NRC 26 (1998).

In our April 1998 decision on the admission of contentions, we declared that, with one exception,<sup>1</sup> contention Utah V and its supporting bases were inadmissible on the grounds that they

fail to establish with specificity any genuine dispute; impermissibly challenge the applicable Commission regulations or rulemaking-associated generic determinations, including 10 C.F.R. §§ 51.52 [(Table S-4)], 72.108, and . . . WASH-1238 (Dec. 1972), as supplemented, NUREG-75/038 (Supp. 1 Apr. 1975); lack adequate factual or expert opinion support; and/or fail properly to challenge the PFS application.

Id. at 200-01.

On October 4, 1999, the State submitted what it labeled a late-filed amended contention Utah V. See [State] Request for Admission of Late-Filed Amended Utah Contention V (Oct. 4, 1999) [hereinafter State Request]. This revised version states:

AMENDED CONTENTION V: The ER for the PFS facility fails to give adequate consideration to the transportation-related environmental impacts of the proposed [ISFSI] in that it relies on Table S-4, which neglects to consider the impacts of converging many spent fuel shipments on the Wasatch Front region, including the impact of a severe and foreseeable accident on Salt Lake City and its environments, and including economic as well as physical impacts. Therefore, the ER is inadequate to satisfy 10 C.F.R. § 72.108. The impacts on the Wasatch Front must also be considered cumulatively with the impacts on high population areas in Nevada, such as Las Vegas.

Id. at 2. As the basis for this revised version of the contention, the State relies upon an August 1999 addendum to NUREG-1437, the generic environmental impact statement (EIS) for nuclear plant license renewal, that analyzes the question

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<sup>1</sup> The only portion of this contention that we admitted addressed the question of whether the weight for a loaded PFS shipping cask is outside the parameters of 10 C.F.R. § 51.52 (Table S-4). See LBP-98-7, 47 NRC at 200-01.

whether the environmental impacts of the transportation of higher enrichment and higher burnup spent nuclear fuel are consistent with the values of 10 CFR 51.52, Table S-4 as applicable to license renewal, continue to be applicable given that it is likely that spent fuel will be shipped to a single destination, such as the proposed repository at Yucca Mountain in Nye County, Nevada, . . . .”

August 1999 NUREG-1437 Addendum at 1. According to the State, because NUREG-1437 questions the adequacy of generic Table S-4 to address the impacts of the convergence of shipments of spent fuel in the region of the Yucca Mountain repository in Nevada, in particular the Las Vegas area, the Commission also has “implicitly question[ed] the adequacy of Table S-4 to address the impacts of the convergence of fuel on Salt Lake City and the PFS facility.” State Request at 2. Also, according to the State, in response to a State comment on the need to address the impacts of the convergence of spent fuel in the Salt Lake City region, the agency declared such an analysis beyond the scope of the license renewal generic EIS, but did state that “the NRC currently is reviewing a site-specific application for construction and operation of the proposed [PFS] Facility at Skull Valley in a separate regulatory action. A site-specific study of the cumulative impacts of transportation is part of that review.” Id. at 9 (quoting August 1999 NUREG-1437 Addendum at A1-8). According to the State, the upshot of these statements is that:

It is now clear from NUREG-1437 that the Commission does not consider Table S-4 to constitute an adequate analysis of spent fuel transportation impacts involving convergence of a large number of shipments on a single site; and that it contemplates that these issues will be addressed in the instant licensing proceeding. In effect, after having been sent by the Board to a generic proceeding, the State has now been returned to the Board for resolution of this issue. Accordingly, the State is seeking reconsideration of the Licensing Board’s previous decision rejecting the contention.

Id.

Recognizing, however, that to gain admission of a late-filed issue it must address the five factors of 10 C.F.R. § 2.714(a)(1), the State contends that it has satisfied the initial good cause requirement because the Board's original basis for rejecting the contention, i.e., that it impermissibly challenged Commission generic determinations, has been overruled by the agency determination in NUREG-1437. The State further claims that its amended contention is timely because its admission request was filed within thirty days after the issuance of the August 1999 final version of the NUREG-1437 addendum. Also, according to the State, it has satisfied the other late-filing requirements of section 2.714(a)(1) because (1) the testimony of its expert witness, Dr. Marvin Resnikoff, will assist in the development of a sound record; (2) there is no other forum in which the State can raise its concerns regarding the inadequacy of Table S-4; (3) the State's interest in this matter will not be represented by another party; and (4) although this issue may somewhat broaden the proceeding, it will not delay it because National Environmental Policy Act (NEPA) issues presently are not scheduled to go to hearing until 2001. See id. at 10-12.

PFS opposes the admission of amended contention Utah V, arguing initially that the State's contention is nothing more than a motion for reconsideration of the Board's April 1998 ruling on contention Utah V that is grossly out of time. Additionally, PFS declares that the State has not established good cause for accepting a late-filed contention under section 2.714(a)(1) since the so-called Wasatch Front convergence issue, i.e., the "convergence" of spent fuel shipments in the Wasatch Front area of Utah, was not based upon new information and could have been included with State's November 1997 contentions. PFS also claims that the other factors of section 2.714(a)(1) do not overcome the State's lack of good cause because State has other means available to protect its interests, including commenting on the draft EIS that will be published for the PFS ISFSI. PFS additionally claims that the inclusion of this contention

will broaden and delay this proceeding by expanding its scope, thus establishing that the section 2.714(a)(1) five-factor balancing exercise does not support admission of the amended contention. See [PFS] Response to [State] Request for Admission of Late-Filed Amended Utah Contention V (Oct. 18, 1999) at 5-10.

The staff also opposes admission of the State's late-filed amended contention. The staff claims that the State lacks good cause for the late-filed contention because it could have raised the "regional cumulative impact issue" prior to the September 3, 1999 Federal Register publication of the final version of the NUREG-1437 addendum, see 64 Fed. Reg. 48,496 (1999), and that, in fact, this notice was only the culmination of an extensive rulemaking proceeding in which the State took an active part. According to the staff, the "convergence" issue relative to the Yucca Mountain site actually was made evident as early as 1996 in the rulemaking proceeding that resulted in the original adoption of NUREG-1437 as the generic EIS for reactor license renewal proceedings, see 61 Fed. Reg. 66,537 (1996), and in the proposed rule regarding the adoption of Addendum 1 for NUREG-1437, which was published on February 26, 1999, 64 Fed. Reg. 9884 (1999). Both rulemaking items recognized that, notwithstanding Table S-4, in the absence of the generic EIS rulemaking, individual reactor license renewal applicants were required to discuss the generic and cumulative impacts associated with transportation infrastructure in the vicinity of the Yucca Mountain high-level waste repository site. The staff further maintains that while late-filing factors two and three support the State's admission request, given that no other party can represent the State's interests and its participation arguably may assist in developing a sound record, factors four and five do not. According to the staff, these two factors fail to support late admission of amended contention Utah V because this proceeding will be delayed by its inclusion and there are other means available to protect the State's interest, such as the State's opportunity to



comment on the staff's draft EIS relative to any discussion of transportation issues. See NRC Staff's Response to [State] Request for Admission of Late-Filed Amended Utah Contention V (Oct. 18, 1999) at 5-12.

In addition to its analysis of the section 2.714(a)(1) late-filing factors, the staff also claims that certain portions of amended contention Utah V should be excluded as lacking a factual and legal basis as required by section 2.714(b)(2). The staff asserts in this regard that to the degree the contention suggests the agency found in NUREG-1437 that Table S-4 is inadequate to address the State's "convergence" concern, the issue statement lacks an adequate basis in light of the finding in the 1999 NUREG-1437 addendum that the Table S-4 environmental impact values are appropriate for reactor license renewal review even if spent fuel is transported to a single destination such as the proposed Yucca Mountain high-level waste geologic repository. Also lacking foundation, the staff declares, is the State's assertion that the staff will consider the specific issue of the impacts of spent fuel transportation through the Salt Lake City area in the upcoming EIS for the PFS Skull Valley facility. Finally, according to the staff, without basis is the State's conclusion that, because the agency failed to do so in NUREG-1437, the ER for the PFS facility must address the cumulative economic and other impacts of spent fuel shipments through both Utah and Nevada to provide a context for assessing the validity of other alternatives, such as leaving spent fuel at the reactor sites until a high-level waste repository is constructed. See id. at 13-16.

Thereafter, in an October 28, 1999 reply to the PFS and staff responsive filings, the State declares the staff's concerns about the bases for its amended contention inapposite in light of the discussion in NUREG-1437 regarding shipment "convergence" in Las Vegas and the State's unresolved comments regarding its similar concern relative to the Salt Lake City area. Also, the State challenges the PFS assertion that its request is merely an untimely

reconsideration request. According to the State, its request fell well within the recognized parameters of new information/changed circumstances that are sufficient to support such a request. Finally, the State declares relative to the five-factor balancing test of section 2.714(a)(1) that (1) the language of contention Utah V makes it clear the State did attempt to litigate the spent fuel transportation issue in its original contention so that, contrary to PFS's assertion, its concern is not late-filed; (2) contrary to the staff's assertion, nothing in the ongoing reactor license renewal generic EIS rulemaking prior to the September 1999 final version of NUREG-1437 addressing its comments was sufficient to support the admission of its amended contention so that its issue statement is not late-filed; and (3) a balancing of the other section 2.714(a)(1) late-filing factors supports admission of its amended contention Utah V. See [State] Reply to [PFS] and Staff Oppositions to Late-Filed Amended Utah Contention V (Oct. 28, 1999) at 2-9 [hereinafter State Reply].

## II. ANALYSIS

As was outlined above, in its admission request, the State has suggested both that amended contention Utah V should be admitted as appropriately late-filed and because its subject matter requires that the Board reconsider its April 1998 ruling that, for the most part, the contention was inadmissible. PFS and the staff have argued that the State is wrong on both counts. We discuss both theories below.

### A. The Late-Filing Criteria

Because the deadline for filing timely contentions in this proceeding passed in November 1997, the State's amended contention Utah V must be shown to be admissible under a balancing of the five late-filing criteria of 10 C.F.R. § 2.714(a)(1). The first and most important factor is whether good cause exists for the late filing. See Commonwealth Edison Co.

(Braidwood Nuclear Power Station, Units 1 and 2), CLI-86-8, 23 NRC 241, 244 (1986). The other factors include the availability of other means whereby the petitioner's interest will be protected (factor two); the extent to which the petitioner's participation may reasonably be expected to assist in the development of a sound record (factor three); the extent to which the petitioner's interests will be represented by existing parties (factor four); and the extent to which the petitioner's participation will broaden the issues or delay the proceeding (factor five).

We conclude amended contention Utah V fails to meet the criteria for late-filed contentions. Our determination in this regard is based on the fact that, from the record before us, it is apparent that the particular issue at the heart of the State's amended contention -- the need for a site-specific consideration of spent fuel transportation "convergence" impacts in the Salt Lake City area in the PFS facility EIS rather than reliance on the generic impacts outlined in Table S-4 -- could reasonably have been raised as early as 1997 when contention Utah V initially was filed. In endorsing the NUREG-1437 reactor license renewal GEIS, the December 1996 statement of considerations for the final license renewal environmental review rule declared "because Table S-4 does not take into account the generic and cumulative (including synergistic) impacts of transportation infrastructure construction and operation in the vicinity of the Yucca Mountain repository site, such information would have to be provided by [license renewal] applicants." 61 Fed. Reg. at 66,538. In essence, this was an acknowledgment that, relative to the impacts of high-level waste transportation in the Yucca Mountain environs, including the Las Vegas area, the generic impact analysis in Table S-4 was not enveloping without a further EIS analysis directed to that question. And this is precisely the assertion now being made by the State in the context of the PFS spent fuel storage facility and the Salt Lake City area. Accordingly, to the degree this analogous situation provided a basis for the State's contention, it was available as a supporting consideration at the time the contention originally

was filed. Although the State considers the 1999 NUREG-1437 addendum rulemaking to be the trigger point for its late-filed amended contention, what that proceeding did was to establish, based on a site-specific analysis, that the Table S-4 generic determination was indeed a bounding analysis for the Yucca Mountain area, thereby relieving license renewal applicants of the need for the previously-required case-by-case, site-specific determination that the State maintains still is necessary relative to the PFS ISFSI facility and the Wasatch Front area. As a consequence, we do not see that the 1999 rulemaking relative to NUREG-1437 Addendum 1, and particularly the September 1999 final rule, brought “anything new to the table” relative to the State’s concerns such that it is the informational trigger for a good cause finding here.<sup>2</sup>

Because good cause thus is lacking for the State’s late-filed issue, a compelling showing is required on the four remaining section 2.714(a)(1) late-filing factors. See Braidwood, CLI-86-8, 23 NRC at 244. Albeit the less important of the four, see id. at 245, elements two and four seemingly favor the State. Regarding factor two, the only other means available to protect the State’s interest in having its concerns considered and address -- its ability to comment on the draft EIS evaluation of transportation issues for the EIS evaluation -- appears not to be on a par with the opportunity afforded by the adjudicatory procedures that govern this proceeding. And as to factor four, no other party appears to be in a position to represent the State’s interests relative to this issue. On the other hand, factor three does little

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<sup>2</sup> Relative to the February 1999 proposed rule and the September 1999 final rule regarding the NUREG-1437 addendum, since both acknowledged the central point that additional analysis was necessary before the Table S-4 generic impacts could be considered bounding relative to high-level waste repository-related transportation convergence impacts, reasonable support for any State contention regarding PFS facility-related high-level waste convergence transportation impacts was available in the earlier document. Compare 64 Fed. Reg. 9884, 9885 (1999) (proposed rule) with id. at 66,538 (final rule). Thus, even assuming this addendum rulemaking was the appropriate late-filing trigger, there would not be good cause for the filing of amended contention Utah V in October 1999, some seven months after the February 1999 proposed rule was issued.

to add to the State's side of the balance given that the proffer of the State's expert witness, Dr. Resnikoff, lacks the specificity demanded by the Commission if this factor is to be accorded any significant weight in favor of admitting the contention. See LBP-99-43, 50 NRC 306, 315 (1999). And as to factor five, the extent to which this contention will broaden the issues or delay the proceeding, this weighs somewhat against the State. Notwithstanding the fact that under the current schedule discovery on this contention may not significantly delay the proceeding, admission of this contention would introduce a new issue and thus extend the duration of the case by adding some additional hearing time to the proceeding.

On balance, therefore, the lateness factors in section 2.714(a)(1) weigh against admitting amended contention Utah V. As a consequence, as a late-filed issue, this contention cannot be admitted.<sup>3</sup>

B. The Reconsideration Criteria

In addition to the late-filing aspect of this contention, PFS makes a point that, to the extent this "convergence" issue was a part of the original contention Utah V, the State seems to be requesting untimely reconsideration of our ruling denying its admission other than on the Table S-4 truck weight issue.<sup>4</sup> Assuming for argument's sake that the State is correct that it

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<sup>3</sup> While our ruling on the late-filing criteria means we need not reach the question of the contention's admissibility under the section 2.714(b) criteria, based on our review of the parties' filings, we would have admitted the contention except for the last sentence, which lacks an adequate factual or legal basis.

In this regard, we also note that our ruling here is without prejudice to any additional challenge the State may wish to interpose on this transportation impact "convergence" issue based on any discussion in the soon to be issued staff draft EIS for the PFS facility. See 10 C.F.R. § 2.714(b)(2)(iii).

<sup>4</sup> In filing its amended contention Utah V, the State makes no mention of the admitted "truck weight" portion of this contention. Nevertheless, nothing we do here negates or otherwise affects our earlier admission of that issue.

previously requested admission of this question -- a matter that is not altogether clear<sup>5</sup> -- and we rejected it, then the PFS reconsideration argument merits further consideration.

To counter this PFS assertion, the State seeks to invoke what it describes as Commission precedent permitting reconsideration whenever there is new information or changed circumstances. See State Reply at 6 (citing Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), CLI-89-7, 29 NRC 395, 398 & n.8 (1989)). As our discussion in section II.A above makes clear, however, we do not consider the basis put forth by the State in support of admission of amended contention Utah V to involve either new information or changed circumstances.<sup>6</sup> Given that our original contention admission order set a May 4, 1998 time limit on reconsideration motions, see LBP-98-7, 47 NRC at 249, the State's request is grossly out of time without good cause shown, and so must be rejected.

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<sup>5</sup> A review of the record relating to the contention Utah V as originally proposed reveals that although there were separate references to the NUREG-1437 environmental analysis and the possibility of a spent fuel shipment accident in Salt Lake City, see State Contentions at 146, 159, as well as a possible transportation bottleneck at the proposed Rowley Junction intermodal transfer point located approximately 25 miles north of the PFS ISFSI, see Tr. at 583-84, there was never any connection made between these elements so as clearly to present the "convergence" theory upon which amended contention Utah V now rests.

<sup>6</sup> In this regard, the State quotes NUREG-1437, Addendum 1 as stating:

"There were . . . changed circumstances, not accounted for in the original analyses supporting Table S-4 and not adequately treated in the 1996 amendment for license renewal."

State Reply at 3 (quoting August 1999 NUREG-1437 Addendum at 3) (emphasis supplied). In fact, the passage reads:

There were, however, certain circumstances not accounted for in the original analyses supporting Table S-4 and not adequately treated in the 1996 amendment for license renewal.

August 1999 NUREG-1437 Addendum at 3 (emphasis supplied).

### III. CONCLUSION

For the reasons set forth above, we deny the State's October 4, 1999 request for admission of a late-filed amended contention Utah V challenging the adequacy of Table S-4 to assess convergent transportation impacts in the Wasatch Front region based on our findings that (1) a balancing of the five factors in 10 C.F.R. § 2.714(a)(1) does not support admitting this

contention; and (2) to the degree the State's pleading asks for reconsideration of our April 1998 determination denying admission of portions of contention Utah V, that request is untimely.

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For the foregoing reasons, it is this first day of June 2000, ORDERED, that the State's October 4, 1999 request for admission of an amended late-filed contention Utah V is denied.

THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>7</sup>

*/RA/*

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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Jerry R. Kline  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Peter S. Lam  
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 1, 2000

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<sup>7</sup> 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.



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE, L.L.C.	)	Docket No. 72-22-ISFSI
	)	
(Independent Spent Fuel Storage	)	
Installation)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (DENYING REQUEST FOR ADMISSION OF LATE-FILED AMENDED CONTENTION UTAH V) (LBP-00-14) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 72-22-ISFSI  
LB MEMORANDUM AND ORDER  
(DENYING REQUEST FOR  
ADMISSION OF LATE-FILED  
AMENDED CONTENTION UTAH V)  
(LBP-00-14)

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[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 1<sup>st</sup> day of June 2000