

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'99 JUN -2 P2:06

Before Administrative Judges:

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

OFFICE  
FILE  
ADJUDICATOR

**SERVED JUN - 2 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

June 2, 1999

MEMORANDUM AND ORDER  
(Providing Opportunity to  
Address Import of License  
Application Amendment)

Applicant Private Fuel Storage, L.L.C., (PFS) has provided the Board with a copy of Amendment No. 3 to its June 1997 application to construct and operate a 10 C.F.R. Part 72 independent spent fuel storage facility in Skull Valley, Utah. Among other things, that amendment, which is dated May 19, 1999, and was sent to intervenor State of Utah (State), revises chapter eight of the PFS Safety Analysis Report (SAR) to incorporate what appears to be a revised dose analysis for a postulated loss of confinement event that PFS initially provided to the NRC staff in its February 10, 1999 responses to the staff's December 10, 1998 Requests for Additional Information (RAIs).

This information also is the subject of an April 21, 1999 PFS motion for summary disposition regarding contention Utah C, as is the fact that at the time of the motion the revised analysis had not been submitted as a license application amendment. Under the circumstances, we will provide movant PFS and the responding parties, the State and the staff, a brief opportunity to address the significance, if any, of the license application amendment to the pending dispositive motion.

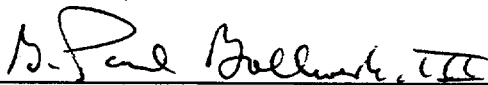
Accordingly, PFS, the State, and the staff shall have up to and including Tuesday, June 8, 1999, within which to address the question of the import, if any, of the May 1999 PFS application amendment upon the arguments previously made in support of, or in opposition to, the pending PFS dispositive motion regarding Utah C. Absent leave of the Board, party briefs on this matter should not exceed seven pages.

The filings permitted under this memorandum and order should 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 midnight Eastern Time (ET) 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); Licensing Board Memorandum and Order (Schedule for Telephone Conference and Directives Regarding Expedited Service) (Sept. 2, 1998) at 2-3 (unpublished).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

  
\_\_\_\_\_  
G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 2, 1999

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\* 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, LLC**

**(Independent Spent Fuel Storage  
Installation)**

**Docket No.(s) 72-22-ISFSI**

**CERTIFICATE OF SERVICE**

**I hereby certify that copies of the foregoing LB M&O RE LICENSE APP AMENDM'T  
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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**Administrative Judge  
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Docket No.(s)72-22-ISFSI  
LB M&O RE LICENSE APP AMENDM'T

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Dated at Rockville, Md. this  
2 day of June 1999

  
Office of the Secretary of the Commission