

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 6525

DOCKETED 06/16/03
SERVED 06/16/03

In the Matter of)
)
)

PRIVATE FUEL STORAGE L.L.C.)

(Independent Spent Fuel)
Storage Installation))
_____)

Docket No. 72-22-ISFSI

ORDER

This order relates to petition for review of Licensing Board decisions relating to financial matters. On May 27, 2003 the Licensing Board issued three decisions relating to financial matters.¹ On June 4, 2003 at Utah's request, this office expanded the page limits and extended time for filing Utah's combined petition for review until June 30, 2003 and also expanded the page limits for the applicant's and staff's responses. Still pending before the Board is the issue of which financial documents will be kept confidential and which are to be considered part of the public record.

On June 6, 2003, the applicant PFS filed a Motion for Clarification and/or Reconsideration of the Board's ruling relating to matters on remand from CLI-00-13.² Utah has requested additional time to file its petition for review until 10 days after the Board rules on PFS's motion for clarification. The applicant and staff do not oppose the motion.

¹Partial Initial Decision (Contention Utah E/Confederated Tribes F, Financial Assurance); Partial Initial Decision (Contention Utah S, Decommissioning); and Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Relating to Remand from CLI-00-13) (May 27, 2003).

²Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Relating to Remand from CLI-00-13) (May 27, 2003).

Utah has also requested that it be allowed to file a seven-page supplement to its petition for review not more than seven days after it receives an anticipated Board ruling on which financial documents are confidential and which will be part of the public record. The applicant and staff do not oppose the motion provided they are allowed seven days and seven pages to respond to any supplemental petition filed by the state.

Pursuant to my authority under 10 C.F.R. §§2.772(b) and 2.772(k):

1) I hereby extend the time for Utah to file its petition for review on financial matters until June 30, 2003 or until 10 days after the Board issues its ruling on PFS's motion for clarification.

2) If the Board issues its confidentiality ruling before, concurrently with, or within three days of its ruling on the motion for clarification, then Utah will file a single petition for review, addressing all financial issues, not exceeding 27 pages in length, within 10 days. In that case, PFS and the staff may file a response not exceeding 27 pages in length, within the 10-day time period prescribed by regulation for responding to a petition for review. If the Board issues its confidentiality ruling more than three days after its ruling on PFS's motion for clarification, Utah may file a supplemental petition for review addressing confidentiality matters only, not exceeding seven pages, within seven days. The applicant and staff may file a response of no more than seven pages within seven days of Utah's supplement.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of June 2003

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER DATED JUNE 16, 2003 have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution with copies by electronic mail or facsimile as indicated.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of June 2003