

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 7915

DOCKETED 06/09/04

COMMISSIONERS:

SERVED 06/09/04

Nils J. Diaz, Chairman
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

_____)
In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.)
)
(Independent Spent Fuel)
Storage Installation))
_____)

Docket No. 72-22-ISFSI

CLI-04-16

MEMORANDUM AND ORDER

This order accepts for review the issue of what financial information may be withheld from public disclosure as proprietary information in this proceeding.

On March 24, 2004, the Commission issued CLI-04-10, which accepted for review various issues relating to the Private Fuel Storage, L.L.C. (PFS)'s financial assurances. The financial assurance issues arose on petition for review of four Board orders, as yet unpublished, relating to PFS's assurances that it will be financially capable of constructing, operating, and decommissioning the proposed project. In its order granting review, CLI-04-10, the Commission asked the parties to indicate what information they thought should be redacted from CLI-04-10 as proprietary information prior to publication.

On March 31, the Board issued its Memorandum and Order (Disclosure/Redaction of Evidentiary and Decisional Materials Relating to Contentions Utah E/Confederated Tribes F and Utah S; Adopting Transcript Corrections Relating to Contentions Utah E/ Confederated Tribes F and Utah S). That order has been the subject of cross-petitions for review by PFS and Utah.

On April 30, the Board granted PFS's motion for stay and partial reconsideration, and clarified its March 31 ruling on proprietary information.

Because the issue of proprietary information is already before us with respect to the information to be withheld from CLI-04-10, and because novel issues on the proprietary question have been raised, the Commission accepts review of the issues raised in the cross petitions, and of related issues raised by the Board's April 30 ruling.

The parties have already submitted briefs in this matter outlining their respective positions. Should any party wish to supplement their brief, they may do so with briefs, not to exceed 15 pages within 21 days following the issuance of this order. The parties may submit reply briefs, not to exceed 5 pages, 10 days thereafter.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, MD
This 9th day of June, 2004

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(Independent Spent Fuel Storage)	
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION MEMORANDUM AND ORDER (CLI-04-16) 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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Docket No. 72-22-ISFSI
 COMMISSION MEMORANDUM AND ORDER
 (CLI-04-16)

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Docket No. 72-22-ISFSI
COMMISSION MEMORANDUM AND ORDER
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of June 2004