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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'99 DEC -3 P1:32

Before Administrative Judges:

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

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

**SERVED DEC - 3 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

December 3, 1999

ORDER

(Granting Motion to  
Add and Delete Names  
from Protective Order)

Upon consideration of (1) intervenor State of Utah's (State) November 23, 1999 motion to add the name of State witness Lieutenant Roy A. Mackay to, and delete the name of Rebecca Waldron from, the list of those authorized on behalf of the State to have access to 10 C.F.R. Part 73 safeguards information in accordance with the Board's December 17, 1999 protective order, as amended on December 23, 1997;<sup>1</sup> and (2) the NRC staff's December 1, 1999 response to the State's motion, it is

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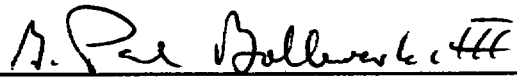
<sup>1</sup> In its November 23, 1999 motion, the State represents that applicant Private Fuel Storage, L.L.C., (PFS) does not oppose its request.

PDR ADOCK

DS02

ORDERED, that the State's November 23, 1999 motion to add and delete names from the list of those authorized to have access to safeguards information is granted in that (1) the name of Lieutenant Roy A. Mackay is added to the list of those individuals authorized to have access to safeguards information on behalf of the State as set forth in paragraph I.B.1 of the Board's December 17, 1999 memorandum and order;<sup>2</sup> and (2) the name of Rebecca Waldron is deleted from that list.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

  
G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 3, 1999

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<sup>2</sup> In its December 1, 1999 response to the State's motion, the staff points out that Lieutenant Mackay's nondisclosure affidavit does not contain language provided for by the Board's December 23, 1999 amendment order that permits access to safeguards information in a Denver, Colorado office of PFS or its contractor Stone and Webster Engineering Corporation. In this regard, the Board notes that Lieutenant Mackay's access to safeguards information at this Denver location is subject to the State providing an appropriately worded nondisclosure affidavit.

<sup>3</sup> Copies of this 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 ORDER GRANT'G MOTION...NAMES 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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**Docket No.(s)72-22-ISFSI  
ORDER GRANT'G MOTION...NAMES**

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**Dated at Rockville, Md. this  
3 day of December 1999**

  
**Office of the Secretary of the Commission**