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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'00 MAR 10 P1:51

Before Administrative Judges:

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

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SERVED MAR 10 2000

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

March 10, 2000

MEMORANDUM

(Notice Regarding Issuance of Decision
for Partial Summary Disposition of
Contention Utah E/Confederated Tribes F)

By memorandum and order issued this date, the Licensing Board has ruled on pending partial summary disposition and discovery motions regarding contention Utah E/Confederated Tribes F, Financial Assurance. See LBP-00-06, 51 NRC ____ (Mar. 10, 2000). In that decision, the Board (1) granted in part and denied in part a December 3, 1999 partial summary disposition motion filed by applicant Private Fuel Storage, L.L.C., (PFS); (2) requested additional information from the parties concerning litigation of this contention; (3) denied December 27, 1999 and January 10, 2000 requests by intervenor State of Utah (State) to release any claimed proprietary information relative to the PFS dispositive

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motion; and (4) referred its partial summary disposition rulings to the Commission in accordance with 10 C.F.R. § 2.790(f).

At present, the Board's decision is being treated as not subject to public release. Accordingly, copies are being provided only to the State, PFS, and the NRC staff.¹ In crafting its decision, however, the Board has attempted to minimize the use of proprietary information not subject to public disclosure in accordance with 10 C.F.R. § 2.790 so that, in substantial part, this issuance can be placed in the public record of this proceeding. To confirm there are no problems in this regard, we have requested that these three parties inform the Board in a joint filing to be submitted by Friday, March 17, 2000, of their view as to whether any additional portions of the decision are not subject to public disclosure.

Once the Board has received a response from these parties, it will make a final determination about whether its contention Utah E/Confederated Tribe F decision, or portions of that decision, can be made part of the public

¹ In accordance with the Board's recent orders on dissemination of documents containing proprietary information, PFS, the State, and the staff are being sent copies of the decision by internet e-mail.

record of this proceeding. The parties will be advised of the Board's ruling in this regard.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

This memorandum is issued pursuant to the authority of the Chairman of the Atomic Safety and Licensing Board designated for this proceeding.

Rockville, Maryland

March 10, 2000

² Copies of this memorandum 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

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PRIVATE FUEL STORAGE, L.L.C.) Docket No. 72-22-ISFSI
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Installation))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (NOTICE REGARDING ISSUANCE OF DECISION FOR PARTIAL SUMMARY DISPOSITION OF CONTENTION UTAH E/CONFEDERATED TRIBES F) have been served upon the following persons by deposit in the U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555	Administrative Judge G. Paul Bollwerk, III, Chairman Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555
Administrative Judge Jerry R. Kline Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555	Administrative Judge Peter S. Lam Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555
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Docket No. 72-22-ISFSI
LB MEMORANDUM AND ORDER
(NOTICE REGARDING ISSUANCE
OF DECISION FOR PARTIAL SUMMARY
DISPOSITION OF CONTENTION
UTAH E/CONFEDERATED TRIBES F)

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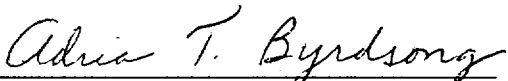
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 10th day of March 2000