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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'00 MAR 13 P2:41

Before Administrative Judges:

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

OFFICE OF THE  
GENERAL COUNSEL  
ADJUTANT GENERAL

**SERVED MAR 13 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 13, 2000

MEMORANDUM AND ORDER

(Requesting Additional Information  
Regarding Contention Utah H  
Discovery Requests)

Pending before the Licensing Board are motions and responses filed by intervenor State of Utah (State) and the NRC staff concerning the staff's February 14, 2000 responses and objections to the State's January 31, 2000 fifth set of staff-direct discovery requests as they relate to contention Utah H, Thermal Design. It is apparent from the State's February 22, 2000 motion to compel and the staff's February 29, 2000 motion for protective order, as well as the State's March 7, 2000 response to the staff's protective order motion, that a focal question is the relevance of the staff's thermal design review and analysis for the HI-STAR 100 cask storage system relative to the HI-STORM 100 cask storage system that applicant Private Fuel Storage,

DS02

L.L.C., (PFS) proposes to use at its planned 10 C.F.R. Part 72 facility. It also is apparent that various aspects of this question were to be explored at a scheduled March 10, 2000 State deposition of NRC staff member Jack Guttman.

Relative to these pending discovery motions, and in light of the March 10, 2000 deposition, the Board requests that on or before Friday, March 17, 2000, the State and the staff provide the Board with a joint report addressing whether any aspects of their pending discovery motions have been resolved as a result of the March 10, 2000 deposition or any other recent developments. In this regard, if they find it convenient to do so, these parties may include their information in the joint status report now due to the Board that same date pursuant to its March 10, 2000 issuance concerning contention Utah E/Confederated Tribes F,

Financial Assurance. See LBP-00-06, 51 NRC \_\_, \_\_ (slip op. at 65-66) (Mar. 10, 2000).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*



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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

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

Rockville, Maryland

March 13, 2000

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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.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (REQUESTING ADDITIONAL INFORMATION REGARDING CONTENTION UTAH H DISCOVERY REQUESTS) 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.

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Docket No. 72-22-ISFSI  
LB MEMORANDUM AND ORDER  
(REQUESTING ADDITIONAL INFORMATION  
REGARDING CONTENTION UTAH H  
DISCOVERY REQUESTS)

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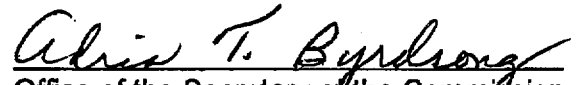
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 13<sup>th</sup> day of March 2000