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DOCKETED
February 9, 2000

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

'00 FEB 15 P3:43

Before the Atomic Safety and Licensing Board

OFFICE OF THE
ADMINISTRATIVE
ADJUDICATOR

In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.)
)
(Private Fuel Storage Facility))

Docket No. 72-22-ISFSI

**APPLICANT'S RESPONSE TO MEMORANDUM
AND ORDER REQUESTING CLARIFICATION**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") hereby responds to the Atomic Safety and Licensing Board's Memorandum and Order of February 2, 2000 requesting clarification on whether Utah Contention GG "continues to present a matter in controversy in this proceeding." PFS has moved for summary disposition of Utah GG and on January 21, 2000 both the State of Utah and the NRC Staff filed responses to PFS's summary disposition motion. Also on January 21, 2000, PFS advised the Board of a January 10, 2000 letter from BNFL Fuel Solutions ("BFS"), the vendor for the TranStor storage cask, to the Office of Nuclear Material Safety and Safeguards in which BFS requested the NRC to cease review of the TranStor storage system license application and to return the application. BFS's January 10 letter further states that BFS will address all issues identified in the NRC's review and advise the NRC of its plans for resubmitting the TranStor license application at a future date.

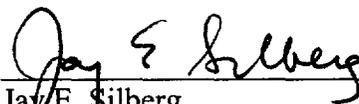
PFS's January 21, 2000, letter advised the Board and the parties that it was evaluating effects of BFS's letter and, after consultation with BFS, PFS would notify the Board of any impacts on its license application and the current adjudicatory hearing. PFS

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is still in the process of consulting with BFS, in particular seeking clarification of BFS's plans – and schedule – for resubmitting the TranStor license application at a future date, as referred to in its January 10, 2000 letter. PFS hopes to have such information in the near future (within the next 2 or 3 weeks) and will advise the Board promptly upon its receipt of the impact on this proceeding, if any.

Since all the pleadings for summary disposition of Utah GG are already on file, we would suggest that the Board go forward with its decision on the motion unless that action would delay the Board's action on PFS's motion for partial summary disposition of Utah E and the State's related motions to compel Utah E discovery. The advantage of such a course of action is that it would permit Utah GG to be heard at the June 2000 hearing in the event that the Board were to deny the summary disposition motion and BFS were to resubmit the TranStor license application with no impact on the issues raised in Utah GG.¹ Alternatively, the Board should hold the motion in abeyance until further information becomes available on this matter.

Respectfully submitted,



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February 9, 2000

¹ Given the nature of the issues raised in the NRC review of the TranStor application (concerning coatings) which prompted BFS to send its January 10, 2000 letter to the NRC, we do not believe that a resubmitted TranStor application would in any way affect the narrow coefficient of friction issues raised by the State in Utah GG.

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OFFICE OF THE
GENERAL COUNSEL
ADJUDICATIVE DIVISION

In the Matter of)
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PRIVATE FUEL STORAGE L.L.C.)
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(Private Fuel Storage Facility))

Docket No. 72-22 - ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Response to Memorandum and Order Requesting Clarification were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 9th day of February 2000.

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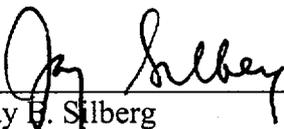
* Adjudicatory File
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