

21283



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

'00 FEB 18 P3:37

February 17, 2000

OFFICE OF SECURITY AND
REGULATIONS AND
ADJUDICATIONS STAFF

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Jerry Kline
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

In the Matter of
Private Fuel Storage L.L.C.
(Independent Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI

Dear Administrative Judges:

The Staff has received a telephone call from Denise Chancellor, Counsel for the State of Utah, indicating that the State filed a document with the Licensing Board stating that it will not go forward with Contention Security-C. While the Staff has not yet received that written filing, Staff Counsel has received an E-mail message from Ms. Chancellor which recites the final paragraph of the State's written filing. Therein, the State indicates, in pertinent part, as follows:

[T]he State notifies the Board and the parties that the State will not pre-file testimony on Utah Security-C, and it will not present a witness or otherwise make an appearance at the hearing commencing on March 14, 2000.

The Staff requests that this matter be addressed in the telephone conference call scheduled to be held on February 22, 2000. Further, in light of the State's unambiguous statement, the Staff believes that the conference call should address the dismissal of Contention Security-C and cancellation of hearings on that contention, without requiring written submissions by the parties.

Thank you for your consideration.

Sincerely,

Sherwin E. Turk
Sherwin E. Turk
Counsel for NRC Staff

cc: Service List

D527