

June 7, 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S RESPONSE TO "APPLICANT'S MOTION TO STRIKE
PORTIONS OF TESTIMONY OF MICHAEL SHEEHAN ON UTAH CONTENTION S"

Pursuant to 10 C.F.R. § 2.730 and the Atomic Safety and Licensing Board's "Memorandum and Order (Granting Joint Motion to Approve Stipulation on Contention Utah S and Outlining Administrative Matters)," dated May 1, 2000, the staff of the Nuclear Regulatory Commission (Staff) hereby responds to "Applicant's Motion to Strike Portions of Testimony of Michael Sheehan on Utah Contention S," dated May 31, 2000. The Staff agrees with the Applicant, Private Fuel Storage, L.L.C., that the issue of the vintage of the data underlying the Applicant's decommissioning cost estimates is outside of the scope of the contention, and that portions of Dr. Sheehan's testimony in Questions 8, 19, and 20 pertaining to the vintage of the data underlying PFS' decommissioning cost estimates should be stricken.¹

Respectfully submitted,

Catherine L. Marco

Catherine L. Marco
Counsel for NRC Staff

Dated at Rockville, Maryland
this 7th day of June 2000

¹ This issue was also addressed in a Staff motion in *limine*. See "NRC Staff's Motion in Limine to Exclude Portions of Prefiled Testimony of Michael F. Sheehan, Ph.D. Regarding Utah Contention S," dated May 31, 2000.

SECY-020

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CERTIFICATE OF SERVICE

I hereby certify that copies of (1) "NRC STAFF'S RESPONSE TO 'APPLICANT'S BRIEF ON THE SCOPE OF UTAH CONTENTION S, BASIS ONE,'" (2) "NRC STAFF'S RESPONSE TO 'APPLICANT'S MOTION TO STRIKE PORTIONS OF TESTIMONY OF MICHAEL SHEEHAN REGARDING UTAH CONTENTION S,'" and (3) "NRC STAFF'S RESPONSE TO 'STATE OF UTAH'S MOTION IN LIMINE TO EXCLUDE PART OF THE TESTIMONY FILED BY JOHN D. PARKYN, CONTENTION E'" in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 7th day of June, 2000:

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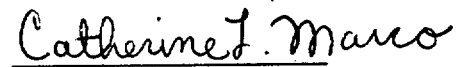
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