

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

97 DEC 23 P1:24

Before Administrative Judges:

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

OFFICE OF GENERAL COUNSEL
RULEMAKING AND
ADJUDICATIONS STAFF

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

December 23, 1997

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MEMORANDUM AND ORDER
(Additional Amendments to
Protective Order)

The Board has before it the December 22, 1997 pleading "NRC Staff's Comments in Response to Memorandum and Order (Protective Order and Schedule for Filing Security Plan Contentions)." In that filing, the NRC staff suggests several revisions to the Licensing Board's December 17, 1997 protective order and the attached nondisclosure affidavit that permit access to the physical security plan for the proposed facility of applicant Private Fuel Storage, L.L.C. (PFS). The staff represents that PFS and petitioner State of Utah (State), the other participants impacted by the protective order, have no objection to these revisions. In addition, relative to the Board's December 22, 1997 memorandum and order regarding the use of commercial overnight delivery services to transmit protected

information, the Board has now been advised that, after further consideration, the NRC Division of Security does not object to the use of such services.

Accordingly, the Board's December 17, 1997 memorandum and order and the nondisclosure affidavit form appended as Attachment A thereto are amended as follows:

1. In the memorandum and order, on page five, line three of footnote five is revised to read: "Esq.) or the State (including William J. Sinclair and Denise Chancellor, Esq.) are".

2. In the memorandum and order, on page eight, paragraph I.H.1.b. is revised to read:

"b. by (i) United States first class, registered, express, or certified mail, (ii) internal NRC mail, (iii) messenger-courier or overnight delivery service (e.g., Federal Express), or (iv) personal delivery by an individual who otherwise is authorized access pursuant to 10 C.F.R. § 73.21(c) or an order issued by the Licensing Board or the Commission in this proceeding; and".

3. On page three of Attachment A to the memorandum and order, paragraph 5(a)(iii) is revised to read: "(iii) an office to be provided by the Applicant or its contractor, Stone & Webster Engineering Corp., in Washington, D.C., and/or Denver, Colorado."

The Board notes that, in accord with the second revision above, participants are authorized to use either

United States Postal Service Express Mail Service or commercial overnight delivery services such as Federal Express for next day delivery of materials containing protected information. The Board further notes that because the third revision provides an additional protected information access location, those who already have submitted a nondisclosure affidavit need not submit a revised affidavit. They should, however, be informed of the additional access location by counsel for the participant on whose behalf they executed the nondisclosure affidavit.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 23, 1997

Copies of this memorandum and order were sent this date to counsel for the applicant PFS, and to counsel for petitioners Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation and David Pete, Castle Rock Land and Livestock, L.C., et al., and the State by Internet e-mail transmission; and to counsel for the staff by e-mail through the agency's wide area network system.

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PRIVATE FUEL STORAGE, LLC

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Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (ADD'L AMENDMENTS...) have been served upon the following persons by 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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Dated at Rockville, Md. this
23 day of December 1997

Adria T. Byrdson
Office of the Secretary of the Commission