

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

97 DEC 22 P2:00

Before Administrative Judges:

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

OFFICE OF THE CLERK
RULEMAKING AND
ADJUDICATION 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 22, 1997

SERVED DEC 22 1997

MEMORANDUM AND ORDER
(Protective Order Amendment)

Section 73.21(g) (2) of 10 C.F.R. provides that protected "safeguards information," such as that in the physical security plan of applicant Private Fuel Storage, L.L.C. (PFS), may be transmitted by "messenger-courier." In the portion of the Licensing Board's December 17, 1997 memorandum and order that provides procedures for access to the protected information in the PFS physical security plan, paragraph I.H.1.b. states that documents containing protected information can be transmitted "by messenger-courier or overnight delivery service (e.g., Federal Express)." Licensing Board Memorandum and Order (Protective Order and Schedule for Filing Security Plan Contentions) (Dec. 17, 1997) at 8 (unpublished). Upon further inquiry, however, the NRC Division of Security has advised the Board

that private overnight delivery services such as Federal Express generally are not considered appropriate delivery services for such protected information.

Accordingly, paragraph I.H.1.b. is revised to read as follows:

"b. by (i) United States first class, registered, express, or certified mail, (ii) internal NRC mail, (iii) messenger-courier or overnight delivery service approved by the NRC Division of Security, or (iv) personal delivery by an individual who otherwise is authorized access pursuant to 10 C.F.R. § 73.21(c); and".

Thus, to accomplish next business day service of protected information, participants may use United States Postal Service Express Mail Service. Any participant wishing to use another overnight delivery service should contact the NRC Division of Security at (301) 415-8100 to

ascertain if that service is an acceptable transmission method.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

D. Paul Bollwerk, III
G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 22, 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 of Utah by Internet e-mail transmission; and to counsel for the NRC staff by e-mail through the agency's wide area network system.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage
Installation)

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (PROT. ORDER AMENDMENT) 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.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran & Spielberg
2001 S Street, N.W., Suite 430
Washington, DC 20009

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Jay E. Silberg, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

Docket No.(s)72-22-ISFSI
LB M&O (PROT. ORDER AMENDMENT)

John Paul Kennedy, Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, UT 84105

Jean Belille, Esq.
Ohngo Gaudadeh Devia
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

Clayton J. Parr, Esq.
Castle Rock, et al.
Parr, Waddoups, Brown, Gee & Loveless
185 South State Street, Suite 1300
Salt Lake City, UT 84111

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Assocs., P.C.
50 West Broadway, Fourth Floor
Salt Lake City, UT 84101

Dated at Rockville, Md. this
22 day of December 1997

Adria T. Byrdson
Office of the Secretary of the Commission