

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

98 JUN 29 P2:55

Before Administrative Judges:

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

OFFICE
FUEL
ADJUDICATOR

SERVED JUN 29 1998

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

June 29, 1998

MEMORANDUM

(Notice Regarding Issuance
of Decision on Admissibility of
Physical Security Plan Contentions)

Previously, the parties to this proceeding were provided with a listing of the nine contentions filed by intervenor State of Utah (State) challenging the adequacy of the physical security plan (PSP) submitted by applicant Private Fuel Storage, L.L.C. (PFS), for its proposed Skull Valley, Utah, independent spent fuel storage installation. See Licensing Board Memorandum (Status Conference and Security Contentions) (June 16, 1998) attach. A (unpublished). By memorandum and order issued this date, the Licensing Board has ruled on the admissibility of those contentions. See LBP-98-13, 47 NRC ____ (June 29, 1998). In that decision, the Board admitted one of the State's PSP contentions, Security-C.

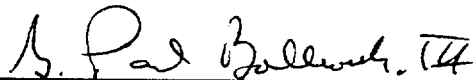
At present, the Board's PSP contentions decision is being treated as not subject to public release. Accordingly, copies are being provided only to the State, PFS, and the NRC staff.¹ In crafting its decision, however, the Board has attempted to avoid the use of 10 C.F.R. Part 73 "safeguards information" so that this issuance can be made part of the public record of this proceeding. To confirm there are no problems in this regard, we have requested that these three parties inform the Board in a joint filing to be submitted by Monday, July 6, 1998, of their view as to whether any portion of the decision is not subject to public disclosure.

Once the Board has received a response from these parties, it will make a final determination about whether the PSP contentions decision, or portions of that decision, can be made part of the public record of this proceeding.

¹ In accordance with the Board's previous orders on dissemination of documents containing 10 C.F.R. Part 73 safeguards information, the State and PFS are being sent copies of the decision by overnight/express mail while the staff's copy is being sent through the agency's internal mail system.

The parties will be advised of the Board's ruling in this regard.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 29, 1998

² Copies of this memorandum were sent this date to counsel for the applicant PFS, and to counsel for intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Castle Rock Land and Livestock, L.C./Skull Valley Company, LTD., 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.

**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 MEMO - NOTICE ON PSP CONT.
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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Docket No.(s)72-22-ISFSI
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Dated at Rockville, Md. this
29 day of June 1998

Adria T. Byrdson
Office of the Secretary of the Commission