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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'99 NOV 15 10:58

Before Administrative Judges:

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

OFFICE OF THE
RULING JUDGE
ADJUDICATORY STAFF

SERVED NOV 15 1999

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

November 15, 1999

MEMORANDUM AND ORDER
(Making Publicly Available
Decision Ruling on Motions
Regarding Contention Utah H)

By memorandum and order issued November 2, 1999, the Licensing Board ruled on the admissibility of summary disposition and discovery motions regarding contention Utah H, Inadequate Thermal Design. See LBP-99-42, 50 NRC ___ (Nov. 2, 1999). In a separate memorandum issued that date, the Board advised all the parties to this proceeding that it had crafted its November 2 decision to avoid using 10 C.F.R. § 2.790 "proprietary information" so the issuance could be publicly released, but nonetheless was treating its ruling as confidential pending receipt of the views of the parties involved with the motions on whether the decision could be publicly released. In a November 10, 1999 submission, intervenor State of Utah (State), applicant Private Fuels

PDR ADOCK

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Storage, L.L.C., (PFS) and the NRC staff advised the Board they have not identified any proprietary information in the November 2, 1999 decision and so have no objection to making that issuance publicly available.

Accordingly, included as Attachment A to this memorandum and order is a copy of LBP-99-42 as issued, which shall be made part of the public record of this proceeding. The published version of this decision will omit the designation "HANDLE AS PROPRIETARY INFORMATION PENDING REVIEW" that is found on the bottom of each page.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 15, 1999

* Copies of this memorandum and order and the accompanying attachment were sent this date by Internet e-mail transmission to counsel for (1) applicant PFS,; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State; and (3) the staff.

ATTACHMENT A