

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



JAN GRAHAM
ATTORNEY GENERAL

CAROL CLAWSON
Solicitor General

REED RICHARDS
Chief Deputy Attorney General

PALMER DePAULIS
Chief of Staff

June 26, 1998

Sent Via first class mail and e-mail
to: Jay_Silberg@shawpittman.com

Jay Silberg, Esq
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007

re: Information Submitted to NRC Staff By and On Behalf of PFS

Dear Jay:

It was my understanding that once the State was admitted as a party to the PFS licensing proceeding, the State would receive a copy of everything the Applicant submitted to the NRC. The purpose of this letter is to document the ongoing problems the State is having in obtaining relevant information that the Applicant submits to the NRC. Initially, the State did not receive the Applicant's responses to the Staff's first Request for Additional Information (RIA). I think Stone and Webster has forwarded to me all the responses submitted on behalf of the Application, except the proprietary information. You confirmed to me that the Applicant's corporate counsel is drawing up an agreement between the State and the Applicant to allow the State access to proprietary and confidential information submitted by Applicant to the NRC Staff.

During the June 17, 1998, safeguards prehearing conference, the State found out that the Applicant wrote to NRC on May 18, 1998, about scheduling prioritization of fuel storage at the PFS facility. The Applicant did not send a copy of the letter to the State. The State does not have a copy of the following documents, including the foregoing letter, which have recently been accessioned in the Public Document Room (PDR):

1. May 18, 1998. J. D. Parkyn to Office of Material Safety & Safeguards. Confirms oral information responsive to Item 1 on 3/11/98 RAI and response to Item 2 of letter re appropriate scheduling prioritization of PFS, LLC application review (estimated 6 pages).

Jay Silberg, Esq
June 26, 1998
Page 2

2. May 22, 1998. J. D. Parkyn to the Office of Nuclear Materials Safety & Safeguards forwarding replacement pages to Rev 1 of PFS's SAR and Emergency Plan.
3. May 22, 1998. Replacement pages to Rev. 1 of the PFS SAR (estimated 42 pages).
4. May 22, 1998. Replacement pages to Rev. 1 of the PFS Emergency Plan (estimated 211 pages).

A copy of a printout from the PDR showing the above four items is enclosed.

There can be absolutely no doubt that all four items are necessary to the State's effective participation in this proceeding. It is obvious that whatever system you have devised for forwarding to the State (and for that matter, other parties to the proceeding) information submitted by or on behalf of the Applicant to the NRC Staff isn't working. It is tedious to have to review the PDR listings and make ongoing requests to you for information. Please advise what can be done to rectify this problem.

Sincerely,



Denise Chancellor
Assistant Attorney General

enclosure: as stated
cc: PFS Service List

CERTIFICATE OF SERVICE

I hereby certify that a copy of Denise Chancellor's June 26, 1998 letter to Jay Silberg re information Submitted to NRC Staff By and On Behalf of PFS was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 26th day of June, 1998:

Attn: Docketing & Services Branch
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Mail Stop: O16G15
11555 Rockville Pike, One White Flint
North
Rockville, MD 20852-2738
(two copies)
E-mail: secy@nrc.gov

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

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
E-Mail: pfscase@nrc.gov

Ernest L. Blake, Jr.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com

Clayton J. Parr, Esq.
Parr, Waddoups, Brown, Gee & Loveless
185 South State Street, Suite 1300
P. O. Box 11019
Salt Lake City, Utah 84147-0019
E-Mail: karenj@pwlaw.com

John Paul Kennedy, Sr., Esq.
1385 Yale Avenue
Salt Lake City, Utah 84105
E-Mail: john@kennedys.org

Richard E. Condit, Esq.
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
E-Mail: rcondit@lawfund.org

Joro Walker, Esq.
Land and Water Fund of the Rockies
165 South Main, Suite 1
Salt Lake City, Utah 84111
E-Mail: joro61@inconnect.com


Danny Quintana, Esq.
Danny Quintana & Associates, P.C.
50 West Broadway, Fourth Floor
Salt Lake City, Utah 84101
E-Mail: quintana@xmission.com

Martin S. Kaufman, Esq.
Atlantic Legal Foundation
205 E. 42nd Street
New York, New York 10017
E-mail: mskaufman@yahoo.com

Richard Wilson
Department of Physics
Harvard University
Cambridge, Massachusetts 02138
E-mail: wilson@huhepl.harvard.edu

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U. S. Nuclear Regulatory Commission
Washington, DC 20555
(*United States mail, first class only*)



Denise Chancellor
Assistant Attorney General
State of Utah

BRS Printout from the NRC Public Document Room 8:30 AM MON., 15 JUNE, 1998

PRIVATE FUEL STORAGE ACCESSIONED 5/24/98 - 5/30/98

9

10217/6248#1

ACN: 9805290259
DATE: 980515
EST_PAGES: 1
L1: DISCUSSES SECURITY ARRANGEMENTS TO BE PROVIDED AT 980602
L2: ENVIRONMENTAL SCOPING MEETING RE PRIVATE FUEL STORAGE
L3: FACILITY.
RN#1: DELLIGATTI M
AN#1: DONNELL J L
RA#1: NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS
AA#1: E*****/?

10217/6247#2

ACN: 9805290258
DATE: 980522
EST_PAGES: 42
L1: REPLACEMENT PAGES TO REV 1 OF 'PRIVATE FUEL STORAGE FACILITY
L2: EMERGENCY PLAN.'
AA#1: E*****/?

10217/6246#3

ACN: 9805290257
DATE: 980522
EST_PAGES: 211
L1: REPLACEMENT PAGES TO REV 1 OF 'PRIVATE FUEL STORAGE FACILITY
L2: SAR.'
AA#1: E*****/?

10217/6245#4

ACN: 9805290256
DATE: 980522
EST_PAGES: 2
L1: FORWARDS REPLACEMENT PAGES TO REV 1 OF PRIVATE FUEL
L2: STORAGE FACILITY SAR & EMERGENCY PLAN INCORPORATING INFO
L3: AS NOTED IN 980519 RESPONSE TO RAI.
RPT: TAC-L22462
AN#1: PARKYN J D
RA#1: NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS
AA#1: E*****/?

10217/6150#5

ACN: 9805290164
DATE: 980519
EST_PAGES: 140
L1: FORWARDS RESPONSES TO 980401 RAI RE PRIVATE FUEL STORAGE
L2: FACILITY. PROPRIETARY RESPONSES WILL BE SUBMITTED UNDER
L3: SEPARATE COVER.
RPT: TAC-L22462
AN#1: PARKYN J D
RA#1: NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS
AA#1: E*****/?

BRS Printout from the NRC Public Document Room 8:30 AM MON., 15 JUNE, 1998

PRIVATE FUEL STORAGE ACCESSIONED 5/24/98 - 5/30/98

9

10217/5781#6

ACN: 9805280099
DATE: 980519
EST_PAGES: 67
L1: TRANSCRIPT OF PRIVATE FUEL STORAGE PREHEARING CONFERENCE ON
L2: 980519.PP 836-900.
FICHE: A3569:001-A3569:069
RPT: ASB-300-293, ISFSI
AA#1: NASLP/@ATOMIC SAFETY & LICENSING BOARD PANEL

10217/5773#7

ACN: 9805280091
DATE: 980526
EST_PAGES: 1
L1: INFORMS THAT FINAL RULE ADOPTING REVISED PHYSICAL SECURITY
L2: PLAN REQUIREMENTS FOR AWAY-FROM-REACTOR ISFSIS WAS RECENTLY
L3: PUBLISHED IN FR (63 FR26955 ON 980515).FINAL RULE IS
L4: EFFECTIVE ON 981112.
FICHE: A3568:307-A3568:307
RPT: ISFSI-PSP
RN#1: MOORE T S
AN#1: TURK S E
RA#1: NASLP/@ATOMIC SAFETY & LICENSING BOARD PANEL
AA#1: NRCGC/@OFFICE OF THE GENERAL COUNSEL (POST 860701)

10217/5183#8

ACN: 9805260289
DATE: 980518
EST_PAGES: 6
L1: CONFIRMS ORAL INFO RESPONSIVE TO ITEM 1 ON 980311 RAI &
L2: RESPONSE TO ITEM 2 OF LTR RE APPROPRIATE SCHEDULING
L3: PRIORITIZATION OF PRIVATE FUEL STORAGE LLC APPLICATION
L4: REVIEW.
FICHE: A3667:336-A3667:341
RPT: TAC-L22462
AN#1: PARKYN J D
RA#1: NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS
AA#1: E*****/?

10217/5117#9

ACN: 9805260207
DATE: 980514
EST_PAGES: 22
L1: NRC STAFF BRIEF IN RESPONSE TO APPLICANT BRIEF ON APPEAL OF
L2: ORDER GRANTING CONFEDERATED TRIBES PETITION FOR INTERVENTION
L3: (LBP-98-7).W-CERTIFICATE OF SVC ENCL.
FICHE: A3667:188-A3667:231
RPT: LBP-98-7
AN#1: TURK S E
RA#1: NRCC/@COMMISSIONERS (POST 750119)
AA#1: NRCGC/@OFFICE OF THE GENERAL COUNSEL (POST 860701)