

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of:	)	Docket No. 72-22-ISFSI
	)	
PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	November 23, 1999

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STATE OF UTAH'S MOTION TO ADD A WITNESS TO THE  
SAFEGUARDS PROTECTIVE ORDER

Pursuant to the Board's Memorandum and Order (Protective Order and Schedule for Filing Security Plan Contentions) dated December 17, 1997 ("Protective Order"), the State seeks to add Lieutenant Roy A. Mackay to the list of persons who may have access to protected safeguards information on a "need to know" basis.

The State has named Lieutenant Roy A. Mackay as the State's witness for the March 14, 2000 scheduled hearing on Utah Contention Security C. See State of Utah's Supplemental Answers to Applicant's General Interrogatories (Contention Utah Security-C) dated October 25, 1999 ("State's Supplemental Discovery Answers"). Lt. Mackay has more than 30 years experience with the Utah Highway Patrol ("UHP") and is currently the UHP Field Commander for all of Tooele County. A copy of Lt. Mackay's resume is attached to the State's October 25, 1999 Supplemental Discovery Answers. As a witness, Lt. Mackay may need access to those portions of the security


plan relevant to this issue set for hearing.<sup>1</sup> Moreover, during the hearing Lt. Mackay may be exposed to safeguards information. Lt. Mackay's executed nondisclosure affidavit, in the form attached to the Board's Protective Order, is attached as Exhibit 1.

The State also requests the Board to delete Rebecca Waldron from the list of State persons under sub-paragraph I.B.1 of the Protective Order who may have access to protected information.

The Applicant does not oppose the State request's to add Lt. Mackay to the State persons who may be afforded access to protected information on a need to know basis. The Staff advised the State that it will file a separate response.

DATED this 23rd day of November, 1999.

Respectfully submitted,



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<sup>1</sup> The issue remaining for hearing is whether a local law enforcement agency will provide timely response to any unauthorized activities at the PFS facility. See Memorandum and Order (Granting Motion for Summary Disposition Regarding Contentions Security-A and Security-B and Partial Summary Disposition Regarding Contention Security-C) at 4.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S MOTION TO ADD A  
WITNESS TO THE SAFEGUARDS PROTECTIVE ORDER was served on the  
persons listed below by electronic mail (unless otherwise noted) with conforming  
copies by United States mail first class, this 23rd day of November, 1999:

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A handwritten signature in black ink, appearing to read "Denise Chancellor", written over a horizontal line.

Denise Chancellor  
Assistant Attorney General  
State of Utah