

June 10, 2003

Denise Chancellor, Esq.
James Soper, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873

In the Matter of
Private Fuel Storage, L.L.C.
(Independent Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI

Dear Ms. Chancellor and Mr. Soper:

During the prehearing conference on the aircraft crash consequences proceeding held on May 29, 2003, Mr. Soper requested a copy of an aircraft crash study submitted to the Nuclear Regulatory Commission ("NRC" or "Commission") by the Nuclear Energy Institute ("NEI"). That request was based upon an assertion of relevance and Mr. Soper's assumption that the analysis being conducted by Private Fuel Storage, L.L.C. ("PFS"), or the NRC Staff's evaluation thereof, may rely upon the NEI study. Tr. 13883, 13885, 13899. In addressing that request, Judge Farrar directed that I ascertain whether the NEI study was submitted as safeguards or otherwise classified information, and whether it may be released. Tr. 13886-87, 13909.

The NRC Staff does not intend to rely upon the NEI study in its evaluation of the PFS analysis in this proceeding. However, I have inquired into the status of the NEI study, and learned that it was submitted by NEI to the Chairman of the Commission as safeguards information. Accordingly, any request by Counsel for the State of Utah for a copy of that study should be submitted directly to the Commission.

Sincerely,

/RA/
Sherwin E. Turk
Counsel for NRC Staff

cc: Service List