

November 17, 2003

Michael C. Farrar, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
Washington, DC 20555

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

Dear Administrative Judges:

The NRC Staff in the Office of Nuclear Security and Incident Response (NSIR) has reviewed the aircraft crash analyses and reports submitted to the NRC by the State of Utah ("State") in September 2003, to determine whether those documents or portions thereof should be treated as safeguards information (SGI) in accordance with Section 147 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2167.

Based on its review, the Staff has determined that the following documents contain SGI and should be handled with appropriate protective measures, in order to avert the unauthorized disclosure of SGI to persons who have not established a "need to know" the information and have not executed the non-disclosure affidavit developed for use in this proceeding:

1. "Criticality Safety Assessment Under Accident Scenarios at the Proposed Private Fuel Storage Facility for Spent Nuclear Fuel in Utah," Thorne, M.C., and Khursheed, A. (Sept. 2003).
2. "Structural Evaluation of Impacts From F-16 Aircraft and Military Ordnance on Holtec HI-STORM 100 Overpack and Multi-purpose Canister," Hoffman, C.M., *et al.* (Sept. 2003).
3. "Probability of Munitions Impacts and Aircraft Crashes at a Proposed Private Fuel Storage Facility for Spent Nuclear Fuel in Utah," Thorne, M.C. (Sept. 2003).
4. "Radiation Dose From Potential Accidental Release of Radioactive Material at the Proposed PFS Facility," Thompson, G. (Sept. 2003).

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In addition, the Staff has determined that the following documents do not contain SGI and do not require to be handled with protective measures, and the restrictive markings which had been placed on these documents may therefore be removed at this time:

1. "Evaluation of Impact Velocity and Impact Angle for F-16 Crashes at the Proposed PFS Site," Horstman, H.L. (Sept. 2003).
2. "Evaluation of Military Ordnance Impacts at the Proposed Private Fuel Storage Site in Skull Valley, Utah," McDonald, L.N. (Sept. 2003).
3. Letter from Connie Nakahara to the Atomic Safety and Licensing Board, dated September 19, 2003, and the enclosures thereto.

Sincerely,

/RA/
Sherwin E. Turk
Counsel for NRC Staff

cc: Service List