

RAS 7631

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

April 13, 2004

DOCKETED  
USNRC

Before the Commission

April 20, 2004 (4:06PM)

In the Matter of )

PRIVATE FUEL STORAGE L.L.C. )

(Private Fuel Storage Facility) )

Docket No. 72-22

ASLBP No. 97-732-02-ISFSI

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**APPLICANT'S DESIGNATION OF PROPOSED  
PROPRIETARY REDACTIONS TO CLI-04-10**

Pursuant to the Commission's March 24, 2004, Memorandum and Order<sup>1</sup> ruling on the petitions for review concerning decisions by the Atomic Safety and Licensing Board ("Licensing Board") on financial qualifications and decommissioning funding and the April 6, 2004 Order of the Secretary,<sup>2</sup> Applicant Private Fuel Storage, L.L.C. ("PFS") hereby submits its designation of proposed proprietary redactions to CLI-04-10. PFS has designated those portions of CLI-04-10 containing PFS proprietary information using the same procedures by which it previously designated PFS proprietary information contained in the Licensing Board's decisions.

Specifically, PFS is filing, as an appendix to this submission, a copy of CLI-04-10 in which those portions of the decision that PFS has determined are proprietary and confidential are indicated in **bold face type**. Next to each proposed redaction is a number in brackets corresponding to a different type of proprietary information. The numbers correspond to the categories of proprietary information specified by PFS in its justifications for redacting portions of the Licensing Board's decisions on financial qualifications and decommissioning funding.<sup>3</sup>

<sup>1</sup> Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-04-10, 59 N.R.C. \_\_\_\_ (2004).

<sup>2</sup> Order (April 6, 2004).

<sup>3</sup> Applicant's Justification for Withholding Portions of Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Related to Remand from CLI-00-13), Partial Initial Decision (Contention Utah

Footnote continued on next page

The proprietary information in CLI-04-10 is of the same types as the proprietary information contained in the Licensing Board's earlier decisions. Thus, the reasons for redacting the types of proprietary information set forth in Applicant's Justification are also applicable to the redactions to CLI-04-10 designated here.<sup>4</sup> PFS's reasons for protecting from public disclosure each type of proprietary information are described and supported by necessary affidavits cited in Applicant's Justification.

The remaining portions of CLI-04-10 not marked in bold face type do not contain PFS proprietary information and can be made publicly available.<sup>5</sup>

Respectfully submitted,



Jay E. Silberg  
Paul A. Gaukler  
D. Sean Barnett  
SHAW PITTMAN, LLP  
2300 N Street, N.W.  
Washington, DC 20037  
(202) 663-8000

Dated: April 13, 2004

Counsel for Private Fuel Storage L.L.C.

---

Footnote continued from previous page

E/Confederated Tribes F), and Partial Initial Decision (Contention Utah S) from Public Disclosure (July 3, 2003) at 2 ("Applicant's Justification").

<sup>4</sup> For ease of reference, PFS is providing with this filing an additional electronic copy of Applicant's Justification for the Commission, the State, and the Staff.

<sup>5</sup> Before the Licensing Board, the State of Utah objected to the redaction of any proprietary information from the Board's decisions. For its part the NRC Staff, while generally finding PFS's redactions to be reasonable, objected to some of PFS's proposed redactions, including some of the type designated by PFS in CLI-04-10. PFS believes that the parties will be briefing fully their differing positions in the various filings that will be made with the Commission during the course of its review of the Board's March 31 Memorandum and Order. Memorandum and Order (Disclosure/Redaction of Evidentiary and Decisional Materials Relating to Contentions Utah E/Confederated Tribes F and Utah S; Adopting Transcript Corrections Relating to Contentions Utah E/Confederated Tribes F and Utah S) (March 31, 2004).

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Applicant's Designation of Proposed Proprietary Redactions to CLI-04-10 (without the Appendix containing CLI-04-10 which contains PFS Proprietary Information) were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. Mail, first class, postage prepaid, this 13<sup>th</sup> day of April, 2004.

Nils J. Diaz, Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 G15  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738  
e-mail: [Chairman@nrc.gov](mailto:Chairman@nrc.gov)

Jeffrey S. Merrifield, Commissioner  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 C1  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738  
e-mail: [cmrmerrifield@nrc.gov](mailto:cmrmerrifield@nrc.gov)

Edward McGaffigan, Jr. Commissioner  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 G15  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738  
e-mail: [cmrmcgaffigan@nrc.gov](mailto:cmrmcgaffigan@nrc.gov)

G. Paul Bollwerk III, Esq., Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [gpb@nrc.gov](mailto:gpb@nrc.gov)

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [PSL@nrc.gov](mailto:PSL@nrc.gov)

Emile L. Julian, Assistant for  
Rulemakings and Adjudications  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications  
Staff  
e-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
(Original and two copies)

Paul EchoHawk, Esq.  
Larry EchoHawk, Esq.  
Mark EchoHawk, Esq.  
EchoHawk PLLC  
P.O. Box 6119  
Pocatello, ID 83205-6119  
e-mail: [paul@echohawk.com](mailto:paul@echohawk.com)

Catherine L. Marco, Esq.  
Sherwin E. Turk, Esq.  
Office of the General Counsel  
Mail Stop O-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
e-mail: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

John Paul Kennedy, Sr., Esq.  
David W. Tufts, Esq.  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Durham Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, Utah 84105  
e-mail: [dtufts@djlplaw.com](mailto:dtufts@djlplaw.com)

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [JRK2@nrc.gov](mailto:JRK2@nrc.gov); [kjerry@erols.com](mailto:kjerry@erols.com)

\*Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Denise Chancellor, Esq.  
Assistant Attorney General  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873  
e-mail: [dchancellor@utah.gov](mailto:dchancellor@utah.gov)


Joro Walker, Esq.  
Land and Water Fund of the Rockies  
1473 South 1100 East  
Suite F  
Salt Lake City, UT 84105  
e-mail: [lawfund@inconnect.com](mailto:lawfund@inconnect.com)

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036  
e-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

Tim Vollmann, Esq.  
Skull Valley Band of Goshute Indians  
3301-R Coors Road, N.W.  
Suite 302  
Albuquerque, NM 87120  
e-mail: [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com)

James M. Cutchin  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [jmc3@nrc.gov](mailto:jmc3@nrc.gov)  
(e-mail copy only)

\* By U.S. mail only



Paul A. Gaukler