

DOCKETED
USNRC

November 10, 1999

'99 NOV 16 P12:22

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)

PRIVATE FUEL STORAGE L.L.C.)

(Private Fuel Storage Facility))

Docket No. 72-22 - /SFS/

**JOINT REPORT ON ADMINISTRATIVE MATTERS
CONCERNING PROPRIETARY INFORMATION**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") files this joint report pursuant to the Atomic Safety and Licensing Board's Memorandum and Order (Ruling on Summary Disposition and Discovery Motions Regarding Contention Utah H), LBP-99-42, ___ NRC ___, dated November 2, 1999. In Section II.D of LBP-99-42, the Board requested the State, PFS, and the Staff to advise the Board in a joint filing whether they have any objection to the public release of any part of LBP-99-42 because it would involve the disclosure of proprietary information subject to nondisclosure under 10 C.F.R. § 2.790. The Board also requested that the parties advise the Board in a joint filing (1) whether they anticipate that any hearing on contention Utah H, contention Utah GG, or any other contention will involve the use of proprietary information such that the proceedings should be closed; and (2) if a closed hearing is necessary, whether proceedings on those contentions should be held in conjunction with the closed hearing

PDR ADock

DS03

on contention Security-C as outlined in the parties' November 1, 1999 joint report on scheduling for that issue, or should be conducted under another schedule, bearing in mind the Board's preference for conducting closed hearings at the Atomic Safety and Licensing Board Panel Hearing Room in Rockville, Maryland.

Counsel for the Applicant has conferred with counsel for the State and counsel for the Staff with respect to the above matters. Concerning whether any of the parties object to the public release of any part of LBP-99-42 because it would involve the disclosure of proprietary information, the Applicant is able to inform the Board that none of the parties object to the public release of any part of LBP-99-42, and it may be so released.

Concerning whether any hearing on Utah contentions H and GG will involve proprietary information such that the proceedings should be closed, the parties do anticipate that some parts of the evidence on these contentions, as well as on other contentions, primarily Utah E on financial qualifications and Utah S on decommissioning, may involve proprietary information such that parts of the hearing would need to be closed. However, the parties believe that it is too early to determine the extent to which proprietary information would be involved and the extent to which the hearing would therefore need to be closed. The parties believe that they will be in a much better position to ascertain the extent to which proprietary information will be involved in any hearing on these and other contentions after having prepared and filed direct testimony on the contentions.

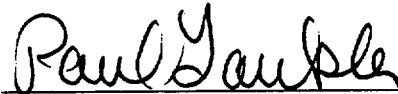
The parties do not favor holding any closed hearings that may be necessary on the above contentions in conjunction with the closed hearing on contention Security-C as outlined in the parties' November 1, 1999 joint report on scheduling for that issue. The dates proposed by the parties with respect to Security C were premised on the hearing involving a single contention and were selected to minimize overlap with other scheduled activities, i.e., summary disposition and preparing and filing direct testimony on the remaining contentions.

The parties believe that to the extent that all or portions of any of the hearing on the other contentions will involve proprietary information, such that the hearing will need to be closed, the closed portion of the hearing could be conducted in Utah in conjunction with the hearing on the other contentions as currently scheduled. Although the attendance at the closed portions of the hearing would need to be restricted and other precautions may need to be undertaken, hearings involving proprietary matters would not trigger the security measures required for Safeguards Information, such as use in a controlled access building. Thus, a closed hearing involving proprietary matters could more easily be undertaken in Salt Lake City than one involving Safeguards Information. Also, it would have the advantage of allowing those portions of the hearing on a contention which do not involve proprietary information to be open to the public and avoid unnecessary travel and moving of hearing materials during the middle of the hearing (assuming that both the closed and non-closed portions of the hearings would be

held in the same general time frame, regardless of where they are held, as the parties believe is most reasonable).

In summary, none of the parties object to the public release of any part of LBP-99-42. Further, the parties believe that the question of the extent to which closed hearings will be required should be postponed until after the parties file their direct testimony at which time both the Board and the parties will have a much better idea of the extent to which the hearing on the various contentions will involve proprietary information. The parties further believe that closed hearings involving proprietary matters should not be held in conjunction with the closed hearing on contention Security-C in Rockville, Maryland, but instead should be held in conjunction with the regularly scheduled hearings in Salt Lake City, Utah.

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul Gaukler", written over a horizontal line.

Jay E. Silberg
Ernest L. Blake, Jr.
Paul A. Gaukler
SHAW PITTMAN,
2300 N Street, N.W.
Washington, DC 20037
(202) 663-8000
Counsel for Private Fuel Storage L.L.C.

Dated: November 10, 1999

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

DOCKETED
USNRC

'99 NOV 16 P12:22

Before the Atomic Safety and Licensing Board

OFFICE OF THE
ADMINISTRATIVE JUDGE
ADJUDICATING OFFICE

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 Joint Report on Administrative Matters Concerning 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 10th day of November 1999.

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

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 and kjerry@erols.com

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

* Susan F. Shankman
Deputy Director, Licensing & Inspection
Directorate, Spent Fuel Project Office
Office of Nuclear Material Safety &
Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, Utah 84105
e-mail: john@kennedys.org

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

* 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, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancel@state.UT.US

Joro Walker, Esq.
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109
e-mail: joro61@inconnect.com

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
e-mail: quintana@xmission.com

* By U.S. mail only


Paul A. Gaukler