

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



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ATTORNEY GENERAL

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Chief Deputy Attorney General

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Chief of Staff

June 26, 1998

Sent Via first class mail and e-mail
to: Jay_Silberg@shawpittman.com

Jay Silberg, Esq
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007

re: Information Submitted to NRC Staff By and On Behalf of PFS

Dear Jay:

It was my understanding that once the State was admitted as a party to the PFS licensing proceeding, the State would receive a copy of everything the Applicant submitted to the NRC. The purpose of this letter is to document the ongoing problems the State is having in obtaining relevant information that the Applicant submits to the NRC. Initially, the State did not receive the Applicant's responses to the Staff's first Request for Additional Information (RIA). I think Stone and Webster has forwarded to me all the responses submitted on behalf of the Application, except the proprietary information. You confirmed to me that the Applicant's corporate counsel is drawing up an agreement between the State and the Applicant to allow the State access to proprietary and confidential information submitted by Applicant to the NRC Staff.

During the June 17, 1998, safeguards prehearing conference, the State found out that the Applicant wrote to NRC on May 18, 1998, about scheduling prioritization of fuel storage at the PFS facility. The Applicant did not send a copy of the letter to the State. The State does not have a copy of the following documents, including the foregoing letter, which have recently been accessioned in the Public Document Room (PDR):

1. May 18, 1998. J. D. Parkyn to Office of Material Safety & Safeguards. Confirms oral information responsive to Item 1 on 3/11/98 RAI and response to Item 2 of letter re appropriate scheduling prioritization of PFS, LLC application review (estimated 6 pages).

Jay Silberg, Esq
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2. May 22, 1998. J. D. Parkyn to the Office of Nuclear Materials Safety & Safeguards forwarding replacement pages to Rev 1 of PFS's SAR and Emergency Plan.
3. May 22, 1998. Replacement pages to Rev. 1 of the PFS SAR (estimated 42 pages).
4. May 22, 1998. Replacement pages to Rev. 1 of the PFS Emergency Plan (estimated 211 pages).

A copy of a printout from the PDR showing the above four items is enclosed.

There can be absolutely no doubt that all four items are necessary to the State's effective participation in this proceeding. It is obvious that whatever system you have devised for forwarding to the State (and for that matter, other parties to the proceeding) information submitted by or on behalf of the Applicant to the NRC Staff isn't working. It is tedious to have to review the PDR listings and make ongoing requests to you for information. Please advise what can be done to rectify this problem.

Sincerely,



Denise Chancellor
Assistant Attorney General

enclosure: as stated
cc: PFS Service List

CERTIFICATE OF SERVICE

I hereby certify that a copy of Denise Chancellor's June 26, 1998 letter to Jay Silberg re information Submitted to NRC Staff By and On Behalf of PFS was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 26th day of June, 1998:

Attn: Docketing & Services Branch
Secretary of the Commission
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U. S. Nuclear Regulatory Commission
Washington, DC 20555
(*United States mail, first class only*)


Denise Chancellor
Assistant Attorney General
State of Utah

BRS Printout from the NRC Public Document Room 8:30 AM MON., 15 JUNE, 1998

PRIVATE FUEL STORAGE ACCESSIONED 5/24/98 - 5/30/98

9

10217/6248#1

ACN:

9805290259

DATE:

980515

EST_PAGES:

1

L1:

DISCUSSES SECURITY ARRANGEMENTS TO BE PROVIDED AT 980602 ENVIRONMENTAL SCOPING MEETING RE PRIVATE FUEL STORAGE FACILITY.

L2:

L3:

RN#1:

DELLIGATTI M

AN#1:

DONNELL J L

RA#1:

NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS

AA#1:

E*****/?

10217/6247#2

ACN:

9805290258

DATE:

980522

EST_PAGES:

42

L1:

REPLACEMENT PAGES TO REV 1 OF 'PRIVATE FUEL STORAGE FACILITY EMERGENCY PLAN.'

L2:

AA#1:

E*****/?

10217/6246#3

ACN:

9805290257

DATE:

980522

EST_PAGES:

211

L1:

REPLACEMENT PAGES TO REV 1 OF 'PRIVATE FUEL STORAGE FACILITY SAR.'

L2:

AA#1:

E*****/?

10217/6245#4

ACN:

9805290256

DATE:

980522

EST_PAGES:

2

L1:

FORWARDS REPLACEMENT PAGES TO REV 1 OF PRIVATE FUEL STORAGE FACILITY SAR & EMERGENCY PLAN INCORPORATING INFO AS NOTED IN 980519 RESPONSE TO RAI.

L2:

L3:

RPT:

TAC-L22462

AN#1:

PARKYN J D

RA#1:

NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS

AA#1:

E*****/?

10217/6150#5

ACN:

9805290164

DATE:

980519

EST_PAGES:

140

L1:

FORWARDS RESPONSES TO 980401 RAI RE PRIVATE FUEL STORAGE FACILITY. PROPRIETARY RESPONSES WILL BE SUBMITTED UNDER SEPARATE COVER.

L2:

L3:

RPT:

TAC-L22462

AN#1:

PARKYN J D

RA#1:

NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS

AA#1:

E*****/?

BRS Printout from the NRC Public Document Room 8:30 AM MON., 15 JUNE, 1998

PRIVATE FUEL STORAGE ACCESSIONED 5/24/98 - 5/30/98

9

10217/5781#6
 ACN: 9805280099
 DATE: 980519
 EST_PAGES: 67
 L1: TRANSCRIPT OF PRIVATE FUEL STORAGE PREHEARING CONFERENCE ON
 L2: 980519.PP 836-900.
 FICHE: A3569:001-A3569:069
 RPT: ASB-300-293, ISFSI
 AA#1: NASLP/@ATOMIC SAFETY & LICENSING BOARD PANEL

10217/5773#7
 ACN: 9805280091
 DATE: 980526
 EST_PAGES: 1
 L1: INFORMS THAT FINAL RULE ADOPTING REVISED PHYSICAL SECURITY
 L2: PLAN REQUIREMENTS FOR AWAY-FROM-REACTOR ISFISIS WAS RECENTLY
 L3: PUBLISHED IN FR (63 FR26955 ON 980515).FINAL RULE IS
 L4: EFFECTIVE ON 981112.
 FICHE: A3568:307-A3568:307
 RPT: ISFSI-PSP
 RN#1: MOORE T S
 AN#1: TURK S E
 RA#1: NASLP/@ATOMIC SAFETY & LICENSING BOARD PANEL
 AA#1: NRCGC/@OFFICE OF THE GENERAL COUNSEL (POST 860701)

10217/5183#8
 ACN: 9805260289
 DATE: 980518
 EST_PAGES: 6
 L1: CONFIRMS ORAL INFO RESPONSIVE TO ITEM 1 ON 980311 RAI &
 L2: RESPONSE TO ITEM 2 OF LTR RE APPROPRIATE SCHEDULING
 L3: PRIORITIZATION OF PRIVATE FUEL STORAGE LLC APPLICATION
 L4: REVIEW.
 FICHE: A3667:336-A3667:341
 RPT: TAC-L22462
 AN#1: PARKYN J D
 RA#1: NOMA/@OFFICE OF NUCLEAR MATERIAL SAFETY & SAFEGUARDS
 AA#1: E*****/?

10217/5117#9
 ACN: 9805260207
 DATE: 980514
 EST_PAGES: 22
 L1: NRC STAFF BRIEF IN RESPONSE TO APPLICANT BRIEF ON APPEAL OF
 L2: ORDER GRANTING CONFEDERATED TRIBES PETITION FOR INTERVENTION
 L3: (LBP-98-7).W-CERTIFICATE OF SVC ENCL.
 FICHE: A3667:188-A3667:231
 RPT: LBP-98-7
 AN#1: TURK S E
 RA#1: NRCC/@COMMISSIONERS (POST 750119)
 AA#1: NRCGC/@OFFICE OF THE GENERAL COUNSEL (POST 860701)