

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel)	
Storage Installation))	March 18, 1998

**STATE OF UTAH'S RESPONSE TO THE BOARD'S REQUEST FOR
INFORMATION REGARDING CONTENTIONS INVOLVING
PROPRIETARY AND SAFEGUARDS MATERIAL**

The State responds to the Board's March 9, 1998, Order requesting information regarding contentions involving proprietary and safeguards material. The State's preference is that any and all information in this proceeding should be open and available for public scrutiny and discussion, but the State realizes that such an open policy may not be possible with respect to proprietary and safeguards information.

With respect to Utah Contentions EE and GG, the State is constrained from disclosing proprietary information under its confidentiality agreements with Holtec and Sierra Nuclear. Under these circumstances, the State believes that it is up to PFS and/or the Staff to determine whether all and any of Utah Contentions EE and GG may be disclosed. Furthermore, because of the confidentiality agreements, the State is precluded from providing proprietary information to the Board. The State and PFS have mutually agreed that PFS will provide the Board with the proprietary and non-

proprietary information referenced in Utah Contentions EE and GG and the responses and replies to those contentions. With respect to safeguards contentions, Utah Security-A through Utah Security-I, the State will rely on the Staff's determination of what information may be disclosed.

Of particular concern to the State is that Contentions EE and GG and the safeguards contentions be read, reviewed and analyzed as a whole, so that the actual contentions are not divorced from their bases. Therefore, considerations regarding public disclosure of contentions should apply to the bases for the contentions as well as the contentions themselves. In the event that only a contention and not its bases is publicly disclosed, both the nonproprietary contention and its proprietary bases must be evaluated together.

Under separate cover, and in accordance with the Board's Protective Order, the State is providing the Board with two 3.5 inch diskettes, one of which contains all proprietary filings relating to Contentions EE and GG, the other contains safeguards filings. The proprietary filings to date are:

1. State of Utah's Request for Consideration of Late-Filed Contentions EE and FF dated December 23, 1997.
2. State of Utah's Request for Consideration of Late-Filed Contention GG, dated January 8, 1998.
3. State of Utah's Reply to the NRC Staff's and Applicant's Responses to State of Utah's Contentions EE and GG, and Notice of Withdrawal of Contentions FF, dated February 11, 1998.

The safeguards filings are Utah Contentions Security-A through Utah Security-I dated January 3, 1998 and the State's Reply, dated February 11, 1998, to the NRC Staff and PFS's responses to those contentions.

In the State's February 11, 1998 reply to the Staff and PFS's responses to Utah Contentions EE and GG the last line on page 32 was inadvertently omitted from the pleading. The State under separate cover now files corrected page 32¹ which replaces page 32 as originally filed.

DATED this 18th day of March, 1998.

Respectfully submitted,



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¹ After "soil site" corrected page 32 adds the following: conditions and how these factors affect the stability of the casks."

CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S RESPONSE TO THE BOARD'S REQUEST FOR INFORMATION REGARDING CONTENTIONS INVOLVING PROPRIETARY AND SAFEGUARDS MATERIAL, was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 18th day of March, 1998:

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