

STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



JAN GRAHAM  
ATTORNEY GENERAL

CAROL CLAWSON  
Solicitor General

REED RICHARDS  
Chief Deputy Attorney General

PALMER DEPAULIS  
Chief of Staff

July 6, 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: In the Matter of Private Fuel Storage, L.L.C.  
Docket No. 72-22-ISFSI

Dear Mr. Silberg:

This letter is in response to your letter of July 2, 1998 informing me that a copy of documents I listed in my June 26 letter to you (primarily revisions to the Safety Analysis Report and Emergency Plan) were in fact sent to Dianne R. Nielson, Department of Environmental Quality and Governor Leavitt. However, a copy of these documents were not sent to me, or to other parties to the proceeding, including NRC's counsel Mr. Sherwin Turk.

Please be advised that the distribution to the State described in your June 30 letter is not acceptable. It is imperative that counsel for the State timely receive a copy of whatever license amendments, documents, correspondence, etc. that the Applicant submits to the NRC Staff, as it does with all pleadings filed in this proceeding. This should be the case whether the documents are generated by the PFS project office or directly by Mr. Parkyn. Please send a copy of the information requested in my June 26 letter directly to me.

One further note about the proposed confidentiality agreement between the Applicant and the State that would allow the State to have access to proprietary information submitted by the Applicant to the NRC, deals with the fact that Utah Contentions E (Financial Assurance) and S (Decommissioning) have been consolidated with Castle Rock Contention 7 and Confederated Tribes of the Goshute Reservation (Confederated Tribes) Contention F. As the State has the lead on these consolidated contentions, it may need to share details from the

Letter to Jay Silberg, Esq.  
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proprietary information with Castle Rock and the Confederated Tribes. Therefore, the State requests that the Applicant also enter into separate agreements with Castle Rock and the Confederated Tribes that would allow them access to confidential and proprietary information. I have written to counsel for both parties requesting that they contact you about entering into such an agreement. A copy of my letter to counsel for both parties is enclosed.

Since writing the above, I have received your email copy of the Confidentiality and Nondisclosure Agreement and have the following comments. First, the State does not see the need for ¶ 6, which does not allow the State to disclose, without PFS's prior written consent, that Confidential Information has been made available to the State or that the State has inspected such information. I request that ¶ 6 be deleted. Second, ¶ 7 requires the State, prior to disclosure of any Confidential Information in the NRC proceeding, to advise PFS in advance of the disclosure. If and when the State submits a pleading to the NRC based on Confidential Information obtained from PFS, it is willing to submit the pleading to the NRC as a proprietary or confidential pleading. A mechanism already exists in the ASLB proceeding for filing confidential pleadings. However, the State does not agree that it should first advise PFS that the State will use of such information in the NRC proceeding. I will contact you by telephone to determine what mutually agreeable changes may be made to the agreement to satisfy the foregoing concerns.

Sincerely,



Denise Chancellor  
Assistant Attorney General

enclosure: as stated  
cc: PFS Service List

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July 6, 1998

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re: In the Matter of Private Fuel Storage, L.L.C.  
Docket No. 72-22-ISFSI - Proprietary and Confidential Information

Dear Mr. Kennedy and Messrs. Parr, Later and Allan:

The State had received assurance from Jay Silberg, counsel for the Applicant, that Private Fuel Storage, LLC is willing to enter into a confidentiality agreement with the State for access to proprietary and confidential information submitted by the Applicant to the NRC.

The current information that the Applicant has claimed as proprietary, appears to deal with financial and corporate information. Such information may have a bearing on the Utah Contentions E (Financial Assurance) and S (Decommissioning). The State is the lead party on these contentions, which have been consolidated with Castle Rock Contention 7 and Confederated Tribes of Goshute Reservation Contention F. In order for the State to share proprietary information it receives from the Applicant and to appropriately discuss the issues with you, it will be necessary for you to also enter into a similar agreement with the Applicant.

Letter to John Paul Kennedy, Sr., Esq, Clayton J. Parr, Esq. et al  
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I have written to Mr. Silberg (copy attached) requesting that the Applicant enter into an agreement with you similar to the one the Applicant will enter into with the State. If you wish to enter into such an agreement, I suggest you contact Mr. Silberg.

Please let me know whether you enter into an agreement with PFS so that we may coordinate litigation of the joint contentions, referred to above, that may be based on proprietary information provided by PFS.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Chancellor", with a long horizontal flourish extending to the right.

Denise Chancellor  
Assistant Attorney General

enclosure: as stated  
cc: PFS Service List

CERTIFICATE OF SERVICE

I hereby certify that copies of Denise Chancellor's July 6, 1998 letter to Jay Silberg and Ms. Chancellor's July 6, 1998 letter to John Paul Kennedy, Clayton J. Parr, Michael Later, and Bryan Allan were served on the persons listed below by electronic mail (unless otherwise noted) on July 6, 1998, with conforming copies by United States mail first class, on the 7th day of July, 1998:

Attn: Docketing & Services Branch  
Secretary of the Commission  
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11555 Rockville Pike, One White Flint  
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E-mail: [secy@nrc.gov](mailto:secy@nrc.gov)  
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Denise Chancellor  
Assistant Attorney General  
State of Utah