

RAS 2213

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September 15, 2000

By Electronic Filing and U.S. Mail

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Office of the Secretary of the Commission
U. S. Nuclear Regulatory Commission
11555 Rockville Pike, One White Flint North
Rockville, MD 20852-2738
Attn: Docketing & Services Branch

Re: Private Fuel Storage – Docket No. 72-22 – ASLBP No. 97-732-02

To the Secretary of the Commission:

Today, Private Fuel Storage (“PFS”) is submitting its copies of various propriety exhibits, pre-filed testimony and proprietary redactions of the Hearing Transcript for Utah E. These material contain confidential commercial and financial information from the proprietary testimony and exhibits filed by PFS (and other parties) for Utah E and related confidential commercial and financial information from testimony given at the hearing in Salt Lake City on June 20-22 and June 27. Therefore, for the reasons set forth in the affidavit of John D. Parkyn dated May 15, 2000, filed in conjunction with PFS’s original pre-filed testimony and Exhibits for Utah E on May 15, 2000, PFS requests that the NRC treat these materials as confidential information under 10 C.F.R. § 2.790.

If you have any questions, please contact me at (202) 663-8304.

Sincerely,

Paul A. Gaukler

cc: G. Paul Bollwerk III, Esq.
Dr. Jerry R. Kline
Dr. Peter S. Lam
Sherwin Turk, Esq.
Denise Chancellor, Esq.

Template = SECY-044

SECY-02

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Emile L. Julian
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September 15, 2000

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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

**JOINT FILING OF THE PARTIES ON PORTIONS OF
THE HEARING TRANSCRIPTS, PRE-FILED TESTIMONY, AND EXHIBITS
CONCERNING UTAH E THAT CAN BE PLACED ON THE PUBLIC RECORD**

Pursuant to the Orders of the Atomic Safety and Licensing Board (“Licensing Board” or “Board”) of July 13, 2000¹ and September 8, 2000², Applicant Private Fuel Storage L.L.C. (“Applicant” or “PFS”), the State of Utah (“State”), and the Nuclear Regulatory Commission Staff (“NRC Staff” or “Staff”) file this joint pleading identifying those portions of the Hearing Session Transcripts, Pre-Filed Testimony and Exhibits concerning Utah Contention E that can be placed on the public record.

PFS identified and provided to the NRC Staff and the State its proposed redactions with respect to the Hearing Transcripts, Pre-Filed Testimony and Exhibits for Utah E. Counsel for PFS has discussed the redactions with counsel for the State and for the NRC Staff and the parties have reached an agreement on those portions of the evidentiary record that can be publicly released with respect to the great majority of the record. This pleading identifies those portions

¹ Order (Scheduling matters) (July 13, 2000) (“Board July 13 Order”).

² Order (Granting Extension Request) (Sept. 8, 2000).

of the Hearing Transcripts, Pre-Filed Testimony and Exhibits that the parties agree can be made publicly available in that order.

1. Hearing Transcripts

Appendix A to this pleading is a table that identifies those portions of the Hearing Transcript for Utah E that PFS believes should remain confidential and not be released to the public. The Table consists of three columns as follows:

- The first column identifies the relevant page(s) and line(s) of the Hearing Transcript that PFS believes should be redacted in whole or in part from that made publicly available.
- The second column identifies those portions of the Hearing Transcript identified in the first column that PFS had determined is confidential and proprietary information that should be redacted from transcripts made available to the public.
- The third column identifies the State of Utah's position with respect to PFS's proposed redaction.

Therefore, the parties agree that Hearing Transcript on Utah E - except for the materials identified in the first two columns on the table in Attachment A - can be publicly released.³ In addition, the State intends to move, in a separate pleading that will be filed today, for public disclosure of additional material as identified in the third column of the Attachment.⁴

2. Pre-file Testimony

Attached to this pleading are hard copies of the following pre-filed testimonies with respect to Utah E:

³ The indices to the Hearing Transcript can not be released because they identify the proprietary dollar figures to be redacted from the Hearing Transcript.

⁴ The Board's July 13, 2000 Order requires a party seeking disclosure of material, which the parties do not agree on, to file a separate pleading requesting such disclosure. PFS intends to reply to the State's request in such time period as may be allowed by the Board.

- Testimony of Joseph F. Gase and George L. Takacs IV on PFSF Construction Costs Contention Utah E/Confederated Tribes F (Revised per Board Order of June 12, 2000), dated June 15, 2000.
- Testimony of John Parkyn on PFSF Construction Costs Contention Utah E/Confederated Tribes F (Revised per Board Order of June 12, 2000), dated June 15, 2000.
- Testimony of John Parkyn and Jon Kapitz on the Operation and Maintenance Costs of the PFSF Contention Utah E/Confederated Tribes F, dated May 15, 2000.
- Testimony of Hanson D. Pickerl on Nuclear property Insurance for the PFSF Contention Utah E/Confederated Tribes F (Revised per Board Order of June 12, 2000), dated June 15, 2000.
- Testimony of John Parkyn on On-Site Property Insurance for the PFSF Contention Utah E/Confederated Tribes F (Revised per Board Order of June 12, 2000), dated June 15, 2000.
- Pre-Filed Testimony of Michael F. Sheehan, Ph.D. on Behalf of the State of Utah regarding Contention Utah E (Revised per Board Order of June 12, 2000), dated June 14, 2000.
- NRC Staff Testimony of Alex F. McKeigney and Robert S. Wood on Utah Contention E/Confederated Tribes F (Financial Assurance), dated May 15, 2000.

Those portions of the Pre-Filed Testimony that PFS has determined are proprietary and confidential are marked with red brackets, e.g., “[]”. Large redactions and redactions that begin on one page and continue on to the next are also marked with red side bars in the right hand margin.

The parties agree that the remaining portions of the Pre-Filed Testimony, not marked as described above, can be made publicly available.⁵ In addition, the State of Utah intends to move

⁵ The parties also agree that NRC Staff testimony of Alex F. McKeigney and Robert S. Wood on Utah Contention S Decommissioning Funding, dated May 15, 2000, which was filed as maybe containing proprietary information, may also be released to the public in its entirety.

for public disclosure, in a separate pleading, of certain portions of the Pre-Filed Testimony that PFS has identified as confidential and proprietary.

3. Utah E Exhibits

Attached as Appendix B to this pleading is a table of Utah E exhibits filed by the parties, with four columns as follows:

- The first column identifies the exhibit number and title.
- The second column identifies with an “X” whether the parties agree that exhibit can be released in its entirety.
- The third column identifies with an “X” whether the parties agree that portions of the exhibit can be publicly released.
- The fourth column identifies with an “X” whether PFS has determined that Exhibit is confidential in its entirety and should not be released to the public.

Except for State Exhibits 14 (Parkyn Deposition) and 29 (Pickerl Deposition), the Exhibits that can be partially released (identified as the “X” in the third column) are attached to the pleadings. The portions of the exhibits that PFS believes contains confidential information are identified by red brackets and red side bars as described above with respect to the Pre-Filed Testimony. Those portions of the Parkyn and Pickerl depositions that PFS believes contain confidential information are identified in Appendices C and D respectively. These two appendices are tables identical to the format of the table in Appendix A for the Hearing Transcript. As in Appendix A, the first column identifies the relevant page(s) and line(s) of the deposition, the second column identifies the portion thereof that PFS believes to be proprietary and confidential, and the third column identifies the State’s position. As with the Hearing Transcripts, the parties agree that those portions of the depositions not identified by PFS as being proprietary and confidential can be publicly released. Again, the State will file a

separate pleading requesting disclosure of certain material which PFS claims is proprietary, to which PFS will reply in accordance with the schedule established by the Board.

Once a final determination is made by the Board as to those portions of the Utah Evidentiary Record that are to be made publicly available, the parties will coordinate to provide the Board with the redacted record accordingly.

Respectfully submitted,



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Dated: September 15, 2000

Counsel for Private Fuel Storage L.L.C.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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 Filing of the Parties on Portions of the Hearing Transcripts, Pre-Filed Testimony, and Exhibits Concerning Utah E that Can Be Placed on the Public Record – without the Proprietary Appendices, Pre-Filed Testimony and Exhibits – were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by first class U.S. mail, postage prepaid this 15th day of September 2000.

G. Paul Bollwerk III, Esq., Chairman
Administrative Judge
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I further certify this 15th day of September 2000 that copies of the Proprietary Appendices, Pre-Filed Testimony and Exhibits referred to in the Joint Filing of the Parties on Portions of the Hearing Transcripts, Pre-Filed Testimony and Exhibits Concerning Utah E that Can Be Placed on the Public Record were served on the persons listed below by Federal Express such that delivery would be received by next business day.

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