

April 20, 2004 (4:06PM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

BEFORE THE COMMISSIONERS

In the Matter of:

) Docket No. 72-22-ISFSI

) PRIVATE FUEL STORAGE, LLC  
) (Independent Spent Fuel  
) Storage Installation)

) ASLBP No. 97-732-02-ISFSI

) April 14, 2004

**STATE OF UTAH'S UNOPPOSED REQUEST TO FILE A SHORT RESPONSE  
TO APPLICANT'S DESIGNATION OF PROPOSED PROPRIETARY  
REDACTIONS TO CLI-04-10**

On March 24, 2004, the Commission issued CLI-04-10 as a proprietary order and offered the parties the opportunity to file a "designation of appropriate redactions" and agreed to withhold publishing the decision for at least 14 days. CLI-04-10, slip op. at 19. Private Fuel Storage, LLC ("PFS") requested, and was granted, an extension of time to file its designation, and yesterday, April 13, 2004, it filed "Applicant's Designation of Proposed Proprietary Redactions to CLI-04-10." That filing consists of a short cover filing, an attached mark-up of redactions to CLI-04-10 in bolded type, and a bracketed number next to each set of redactions corresponding to a justification for withholding proprietary information previously filed with the Licensing Board on July 3, 2003.

When the Licensing Board issued substantive decisions that may contain proprietary information, it gave the parties the opportunity to file and justify proposed redactions and allowed responses generally in accordance with NRC motion practice, 10 C.F.R. § 2.730. The State is requesting the same opportunity here. It seeks to file a five page response to PFS's proposed redaction by April 20, 2004.

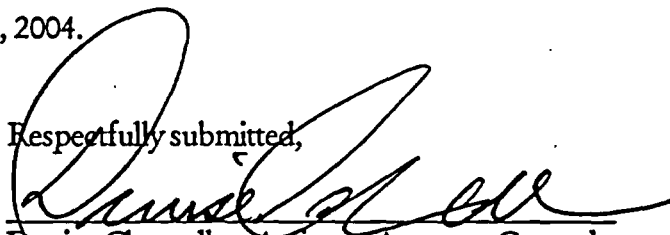
The State has good cause for making this request. PFS has requested significant redactions to the substance of CLI-04-10 on pages 4-7, 13, 16 and 17. Currently, there is nothing on file that responds to PFS's justification for these specific redactions. While Utah's objections to these redactions can be gleaned, in part, from its filings before the Licensing Board, those objections are not placed in the context of CLI-04-10.

WHEREFORE, the State requests the opportunity to file a five page response to Applicant's Designation of Proposed Proprietary Redactions to CLI-04-10 by April 20, 2004.

The State has contacted counsel for the NRC Staff and the Applicant. The Staff does not oppose Utah's request. Counsel for PFS does not oppose Utah's request provided that PFS may file a three page reply by April 27.

DATED this 14<sup>th</sup> day of April, 2004.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S UNOPPOSED REQUEST TO FILE A SHORT RESPONSE TO APPLICANT'S DESIGNATION OF PROPOSED PROPRIETARY REDACTIONS TO CLI-04-10 was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 14<sup>th</sup> day of April, 2004:

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