

1. RAS 7631

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

April 13, 2004

DOCKETED
USNRC

Before the Commission

April 20, 2004 (4:06PM)

In the Matter of)

PRIVATE FUEL STORAGE L.L.C.)

(Private Fuel Storage Facility))

Docket No. 72-22

ASLBP No. 97-732-02-ISFSI

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**APPLICANT'S DESIGNATION OF PROPOSED
PROPRIETARY REDACTIONS TO CLI-04-10**

Pursuant to the Commission's March 24, 2004, Memorandum and Order¹ ruling on the petitions for review concerning decisions by the Atomic Safety and Licensing Board ("Licensing Board") on financial qualifications and decommissioning funding and the April 6, 2004 Order of the Secretary,² Applicant Private Fuel Storage, L.L.C. ("PFS") hereby submits its designation of proposed proprietary redactions to CLI-04-10. PFS has designated those portions of CLI-04-10 containing PFS proprietary information using the same procedures by which it previously designated PFS proprietary information contained in the Licensing Board's decisions.

Specifically, PFS is filing, as an appendix to this submission, a copy of CLI-04-10 in which those portions of the decision that PFS has determined are proprietary and confidential are indicated in **bold face type**. Next to each proposed redaction is a number in brackets corresponding to a different type of proprietary information. The numbers correspond to the categories of proprietary information specified by PFS in its justifications for redacting portions of the Licensing Board's decisions on financial qualifications and decommissioning funding.³

¹ Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-04-10, 59 N.R.C. ____ (2004).

² Order (April 6, 2004).

³ Applicant's Justification for Withholding Portions of Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Related to Remand from CLI-00-13), Partial Initial Decision (Contention Utah

Footnote continued on next page

The proprietary information in CLI-04-10 is of the same types as the proprietary information contained in the Licensing Board's earlier decisions. Thus, the reasons for redacting the types of proprietary information set forth in Applicant's Justification are also applicable to the redactions to CLI-04-10 designated here.⁴ PFS's reasons for protecting from public disclosure each type of proprietary information are described and supported by necessary affidavits cited in Applicant's Justification.

The remaining portions of CLI-04-10 not marked in bold face type do not contain PFS proprietary information and can be made publicly available.⁵

Respectfully submitted,



Jay E. Silberg
Paul A. Gaukler
D. Sean Barnett
SHAW PITTMAN, LLP
2300 N Street, N.W.
Washington, DC 20037
(202) 663-8000

Dated: April 13, 2004

Counsel for Private Fuel Storage L.L.C.

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E/Confederated Tribes F), and Partial Initial Decision (Contention Utah S) from Public Disclosure (July 3, 2003) at 2 ("Applicant's Justification").

⁴ For ease of reference, PFS is providing with this filing an additional electronic copy of Applicant's Justification for the Commission, the State, and the Staff.

⁵ Before the Licensing Board, the State of Utah objected to the redaction of any proprietary information from the Board's decisions. For its part the NRC Staff, while generally finding PFS's redactions to be reasonable, objected to some of PFS's proposed redactions, including some of the type designated by PFS in CLI-04-10. PFS believes that the parties will be briefing fully their differing positions in the various filings that will be made with the Commission during the course of its review of the Board's March 31 Memorandum and Order. Memorandum and Order (Disclosure/Redaction of Evidentiary and Decisional Materials Relating to Contentions Utah E/Confederated Tribes F and Utah S; Adopting Transcript Corrections Relating to Contentions Utah E/Confederated Tribes F and Utah S) (March 31, 2004).

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(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Designation of Proposed Proprietary Redactions to CLI-04-10 (without the Appendix containing CLI-04-10 which contains PFS Proprietary Information) were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. Mail, first class, postage prepaid, this 13th day of April, 2004.

Nils J. Diaz, Chairman
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: Chairman@nrc.gov

Jeffrey S. Merrifield, Commissioner
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: cmrmerrifield@nrc.gov

Edward McGaffigan, Jr. Commissioner
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: cmrmcgaffigan@nrc.gov

G. Paul Bollwerk III, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: gpb@nrc.gov

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: PSL@nrc.gov

Emile L. Julian, Assistant for
Rulemakings and Adjudications
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

Paul EchoHawk, Esq.
Larry EchoHawk, Esq.
Mark EchoHawk, Esq.
EchoHawk PLLC
P.O. Box 6119
Pocatello, ID 83205-6119
e-mail: paul@echohawk.com

Catherine L. Marco, Esq.
Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
e-mail: pfscase@nrc.gov

John Paul Kennedy, Sr., Esq.
David W. Tufts, Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, Utah 84105
e-mail: dtufts@djlplaw.com

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: JRK2@nrc.gov; kjerry@erols.com

*Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

* Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancellor@utah.gov


Joro Walker, Esq.
Land and Water Fund of the Rockies
1473 South 1100 East
Suite F
Salt Lake City, UT 84105
e-mail: lawfund@inconnect.com

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

Tim Vollmann, Esq.
Skull Valley Band of Goshute Indians
3301-R Coors Road, N.W.
Suite 302
Albuquerque, NM 87120
e-mail: tvollmann@hotmail.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: jmc3@nrc.gov
(e-mail copy only)

* By U.S. mail only



Paul A. Gaukler