

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 04/21/04

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
PRIVATE FUEL STORAGE, L.L.C.)
)
(Independent Spent)
Fuel Storage Installation))

Docket No. 72-22-ISFSI

NRC STAFF’S RESPONSE TO “APPLICANT’S MOTION FOR STAY
PENDING COMMISSION REVIEW OF PUBLIC DISCLOSURE OF CERTAIN
INFORMATION RELATING TO CONTENTION UTAH E/CONFEDERATED TRIBES F”

Pursuant to 10 C.F.R. § 2.788(d) and the Atomic Safety and Licensing Board’s Order of April 5, 2004, the NRC staff (“Staff”) hereby files its response to the “Applicant’s Motion For Stay Pending Commission Review of Public Disclosure of Certain Information Relating to Contention Utah E/Confederated Tribes F” (“Stay Motion”), filed on April 15, 2004.¹ In its Stay Motion, as supplemented by its April 16, 2004, Clarification and Correction, the Applicant requests that the Licensing Board stay, pending Commission review, the implementation of its March 31, 2004 Memorandum and Order concerning the redaction and public disclosure of certain financial assurance matters. The Staff does not oppose the Applicant’s Stay Motion.

Respectfully submitted,

/RA/

Catherine L. Marco
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th day of April, 2004

¹ The Applicant filed a clarification and correction to its Stay Motion on April 16, 2004. See “Clarification and Correction to Applicant’s Motion For Stay Pending Commission Review of Public Disclosure of Certain Information Relating to Contention Utah E/Confederated Tribes F” (“Clarification and Correction”), dated April 16, 2004.

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-ISFSI
)
(Independent Spent)
Fuel Storage Installation))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO 'APPLICANT'S MOTION FOR STAY PENDING COMMISSION REVIEW OF PUBLIC DISCLOSURE OF CERTAIN INFORMATION RELATING TO CONTENTION UTAH E/CONFEDERATED TRIBES F,'" in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 20th day of April, 2004:

G. Paul Bollwerk, III, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-mail: gpb@nrc.gov

Office of the Secretary*
ATTN: Rulemakings and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-mail: SECY@nrc.gov
HEARINGDOCKET@nrc.gov

Dr. Jerry R. Kline*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-mail: jrk2@nrc.gov

Office of the Commission Appellate
Adjudication
Mail Stop: O16-C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Peter S. Lam*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-mail: psl@nrc.gov

James M. Cutchin, V*
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-mail: jmc3@nrc.gov

Atomic Safety and Licensing Board Panel
Mailstop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Jay E. Silberg, Esq.**
Paul A. Gaukler, Esq.
Sean Barnett, Esq.
Shaw Pittman
2300 N Street, N.W
Washington, DC 20037-8007
E-mail: jay_silberg@shawpittman.com
paul_gaukler@shawpittman.com
sean_barnett@shawpittman.com

Tim Vollmann, Esq.**
3301-R Coors Road N.W.
Suite 302
Albuquerque, NM 87120
E-mail: tvollmann@hotmail.com

Leon Bear, Chairman
Skull Valley Band of Goshute Indians
3359 South Main
Box 808
Salt Lake City, Utah 84115

Denise Chancellor, Esq.**
Fred G. Nelson, Esq.
Laura Lockhart, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873
E-mail: dchancellor@utah.gov
fnelson@utah.gov
llockhart@utah.gov
jbraxton@utah.gov
attygen@xmission.com

Connie Nakahara, Esq.**
Utah Dep't of Environmental Quality
168 North 1950 West
P. O. Box 144810
Salt Lake City, UT 84114-4810
E-mail: cnakahara@utah.gov

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

John Paul Kennedy, Sr., Esq.**
David W. Tufts, Esq.
Durham, Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, UT 84105
E-mail: dtufts@djplaw.com

Joro Walker, Esq.**
Western Resource Advocates
1473 South 1100 East, Suite F
Salt Lake City, UT 84105
E-mail: jwalker@westernresources.org

Paul C. EchoHawk, Esq.**
EchoHawk Law Offices
151 North 4th Avenue, Suite A
P.O. Box 6119
Pocatello, Idaho 83205-6119
E-Mail: paul@echohawk.com
larry@echohawk.com
mark@echohawk.com

/RA/

Catherine L. Marco
Counsel for NRC Staff