

From: Denise Chancellor
To: INET.MAIL."SET@nrc.gov", EQDOMAIN.EQRAD.BSINCLAI
Date: 10/15/97 10:32am
Subject: Security plan -Reply

Sherwin: Thank you for the email. Mr. Sinclair has the plan and any comments in a locked safe. After our telephone conversation yesterday, I informed Mr. Sinclair not to divulge the plan or comments to anyone until I heard back from you. To date, he has shared the information with no one. I am sending Mr. Sinclair a copy of this email.

Under the circumstances, it will be impossible to meet the October 24 contention deadline because starting tomorrow Mr. Sinclair will be out of state on business until after Oct. 24. It is important for us to be in a position to file contentions on the security plan. I am willing to wait NRC's formulation of proper procedures and controls on disclosure provided it does not prejudice the State's ability to raise contentions before the ASLB.

Denise..

>>> Sherwin Turk <SET@nrc.gov> 10/15/97 09:11am >>>

Denise: I am waiting for a reply from NRC security/sc.feguards staff as to whether the security plan or comments based on the security plan may be divulged by Mr. Sinclair to the AG's office or other persons. For now, please instruct Mr. Sinclair that he should continue to refrain from disclosing the plan or his related comments to any other persons, unless they have a "need to know" the information, as indicated in 10 CFR 73.21(c). Given that there is no impending shipment of spent fuel to the State, I can not imagine who has a "need to know" this information as yet, prior to establishing a proper procedure and controls for disclosure. For now, a "need to know" should be interpreted as not including persons who seek to prepare contentions to meet the Licensing Board's deadline; and for now, both the plan and Mr. Sinclair's comments should be protected from disclosure by appropriate means, including locked storage, as set forth in 10 CFR 73.21(d).

I hope to get back to you within the next week or so, to discuss the procedures to be followed for disclosure of the plan and drafting and filing contentions.

9712010142 971114
PDR AUGCK 07200022
C PDR

CERTIFICATE OF SERVICE

I hereby certify that copies of "STATE OF UTAH'S MOTION FOR A PROTECTIVE ORDER TO REVIEW AND FILE CONTENTIONS ON THE APPLICANT'S PHYSICAL SECURITY PLAN," dated November 14, 1997, were served on the persons listed below by electronic mail and also by United States Postage

First Class (unless otherwise noted):

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Adjudication
Mail Stop: 16-G-15 OWFN
U. S. Nuclear Regulatory Commission
Washington, DC 20555
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Dated this 14th day of November, 1997.

A handwritten signature in cursive script, appearing to read "Denise Chancellor", written over a horizontal line.

Denise Chancellor
Assistant Attorney General
State of Utah