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November 24, 1998

Administrative Judge G. Paul Bollwerk, Chairman
Administrative Judge Jerry R. Kline
Administrative Judge Peter S. Lam
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of Private Fuel Storage L.L.C.(Private Fuel Storage Facility), Docket No. 72-22, ASLBP No. 97-732-02-ISFSI, Joint Status Report on Informal Discovery

Dear Chairman Bollwerk and Judges Kline and Lam:

In accordance with the Board's Order of October 29, 1998, the parties hereby file this joint report on the status of informal discovery.

The parties have initiated the informal interview process. During the latter part of the second week of November, the Applicant conducted informal interviews of approximately one-third of those individuals that the State identified as knowledgeable persons or potential witnesses with respect to the admitted contentions. Through the interview process, the Applicant identified additional relevant documents which it has requested the State to produce as well as additional knowledgeable persons for subsequent interviews. The State and the Applicant are currently in the process of scheduling additional informal interviews of a significant number of each other's knowledgeable persons for the weeks of December 7, December 14, and December 28, if necessary. The Applicant has also discussed with OGD and Castle Rock the scheduling of informal interviews in the latter part of December.

The parties are continuing with the informal document discovery process as well. During its trip to Utah for informal interviews, the Applicant reviewed additional State documents that it had not reviewed in late September and requested copies of certain documents. The State is in the process of copying these documents as well as responding to the document requests made by the Applicant in conjunction with the informal interviews. In addition, the Applicant has just sent the State a request for additional documents based on its review so far of State documents received through the informal discovery process. The

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Applicant is also in the process of responding to the State's follow-up request for documents and expects to complete its response by December first. Further, the Applicant has responded to OGD's informal discovery requests made to it and the Skull Valley Band. The State and the NRC Staff have likewise responded to informal discovery requests from OGD.

The Board in its October 29, 1998 Order requested the parties to provide a good faith estimate of the number of formal discovery interrogatories and deposition notices that they intend to submit based on their discovery efforts to date. It is difficult for the parties to provide such an estimate at this time. For example, for some of the contentions, such as Contention K with its many facilities and activities at issue, the Applicant would definitely foresee, based on its discovery to date, that it would use the maximum number of interrogatories and depositions provided for by the Board's April 22, 1998 Memorandum and Order, LBP-98-7, and that it may need to request additional interrogatories and depositions by virtue of the many issues involved in the contention. For other contentions, the Applicant would expect to use less than the maximum number of interrogatories and depositions, but Applicant does not have, based on discovery to date, a firm estimate of the number of interrogatories and deposition notices that it would submit. Thus, at this time, the Applicant would estimate and reserve as a general matter the maximum number of interrogatories and depositions provided for by LBP-98-7. Similarly, the other parties would estimate and reserve, as a general matter at this time, the maximum number of interrogatories and depositions provided for by LBP-98-7.

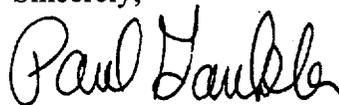
Also, in its October 29, 1998 Order, the Board requested the parties to estimate how many privileged documents each party anticipates may be the subject of a motion to compel and the number protected documents that may be the subject of a motion for a protective order. The Applicant and the State will exchange privilege logs by the end of this week and simultaneously will make these logs available to the NRC Staff and the other lead parties as well. Because the parties have not yet had a chance to review each other's privilege logs, they are not in a position to estimate the number of documents that would be the subject of a motion to compel. With respect to protected documents, the Applicant has provided approximately three boxes of proprietary documents to the State for its review under a confidentiality agreement. Further, the cask vendors, Holtec and Sierra Nuclear, have provided the State proprietary documents (Safety Analysis Reports and formal calculations) subject to similar confidentiality agreements. The State is likewise in the process of preparing a confidentiality agreement under which it would make available several protected documents to the Applicant. Since the parties have been able to agree to date on maintaining the confidentiality of proprietary or protected documents, they do not currently foresee the need for formal protective orders.

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In its November 19, 1998 Order, the Board requested the parties to advise the Board of any conflicts that would make counsel unavailable for a prehearing conference on Tuesday, December 8, 1998; Thursday, December 10, 1998; or Friday, December 11, 1998 and whether counsel wished to participate relative to Southern Utah Wilderness Alliance's hearing request/intervention petition and contentions in addition to being involved in the discovery status portion of the conference. Counsel for Applicant, the NRC Staff, and OGD (and SUWA) can attend the prehearing conference on any of the three days identified by the Board. Counsel for the State are available on the morning of December 8 and all day December 11 and would prefer the conference on the 11th. Counsel for the Skull Valley Band is available on the afternoon of December 10 and the morning of December 11. With respect to Counsel for the Confederated Tribes, the dates conflict with prior legal commitments scheduled long in advance. Counsel for Confederated Tribes in these circumstances, for this occasion, will waive its right to appear. Counsel for the Applicant and the NRC Staff desire to participate, and counsel for the State would like to be present for or participate, in the discussion of SUWA's hearing request/intervention petition and contentions in addition to being involved in the discovery status portion of the conference.

Finally, the NRC Staff wishes to note that it is preparing to file a separate letter to advise the Board and parties of the progress of its licensing review and potential impacts on the hearing schedule. Also, on a separate matter, the Applicant currently expects to complete its response to the seismic RAIs by mid-January instead of December 15, 1998, as originally scheduled.

Sincerely,



Paul A. Gaukler
Counsel for Applicant

**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 Status Report on Informal Discovery," dated November 24, 1998, 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 24th day of November 1998.

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