

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

**APPLICANT'S OBJECTIONS AND RESPONSES
TO THE STATE OF UTAH'S TWELFTH SET OF
DISCOVERY REQUESTS DIRECTED TO THE APPLICANT**

Applicant Private Fuel Storage, L.L.C. ("Applicant" or "PFS") files the following objections and responses to "State of Utah's Twelfth Set of Discovery Requests Directed to the Applicant" ("State's Twelfth Discovery Request").

I. GENERAL OBJECTIONS

These objections apply to the Applicant's responses to all of the State's Twelfth Discovery Requests.

1. The Applicant objects to the State's instructions and definitions on the grounds and to the extent that they request or purport to impose upon the Applicant any obligation to respond in manner or scope beyond the requirements set forth in 10 C.F.R. §§ 2.740, 2.741 and 2.742.

2. The Applicant objects to the State's Request for Production of Documents to the extent that it requests discovery of information or documents protected under the attorney-client privilege, the attorney work product doctrine, and limitations on discovery of trial preparation

materials and experts' knowledge or opinions set forth in 10 C.F.R. § 2.740 or other protection provided by law.

II. GENERAL DOCUMENT REQUESTS

The State requests the Applicant to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant during discovery:

REQUEST NO 1. All documents in your possession, custody or control identified, referred to, relied on, or used in any way in (a) responding to the interrogatories and requests for admissions set forth in the State's previous sets of Formal Discovery Requests to Applicant, PFS, or (b) responding to any subsequent interrogatories and requests for admissions filed with respect to the State's Contentions as admitted by the Board.

APPLICANT'S RESPONSE:

To the extent PFS has not previously produced documents responsive to previous discovery requests, Applicant will forward them to its repository of documents maintained at Parsons, Behle and Latimer in Salt Lake City, Utah. Applicant has previously provided documents relevant to Part B of Utah L at its document repository.

REQUEST NO. 2. All documents (including experts' opinions, workpapers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that you intend to use at the hearings on each Utah admitted contention, including without limitation Part B of Utah L.

APPLICANT'S RESPONSE:

Applicant objects to this Request as being overly broad, vague, unduly burdensome and seeking privileged material. Applicant will provide such documents, with respect to its witnesses/experts, as agreed to by the State and PFS. See Applicant's Objections and Non-Proprietary Responses to State of Utah's Fourth Set of Discovery Requests and Supplemental Responses to State of Utah's Third Set of Discovery Requests [*Non-Proprietary Version*], Response to General Interrogatory No. 5 (Dec. 6, 1999).

III. DOCUMENT REQUESTS – CONTENTION UTAH L, PART B

The State of Utah requests that the Applicant produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant:

DOCUMENT REQUEST NO. 1. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those made by any of its consultants), or by any other person, relating to either draft versions or the final version of the SECY-98-126 Rulemaking Plan: Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations, 10 CFR Part 72 (“SECY-98-126 Rulemaking Plan”).

APPLICANT'S RESPONSE:

All PFS non-privileged documents, if any, responsive to this Request have been previously provided to the State, either at the time the request for PFS's request for an exemption was filed or subsequently as part of the materials produced in response to State discovery requests.

DOCUMENT REQUEST NO. 2. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those made by any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of SECY-98-126 Rulemaking Plan.

APPLICANT'S RESPONSE:

All PFS non-privileged documents, if any, responsive to this Request have been previously provided to the State, either at the time the request for an exemption was filed or subsequently as part of the materials produced in response to State discovery requests..

DOCUMENT REQUEST NO. 3. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those by any of its consultants), or by any other person, relating to either draft versions or the final version of the SECY-01-0178, Modified Rulemaking Plan: 10 CFR Part 72 - "Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations" (September 26, 2001) ("SECY-01-0178, Modified Rulemaking Plan").

APPLICANT'S RESPONSE:

All PFS non-privileged documents, if any, responsive to this Request have been, or will be, provided to the State.

DOCUMENT REQUEST NO. 4. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those by any of its consultants), or by any other person, relating to ICF's technical support to the NRC staff's development of a regulatory guide on the preparation of a probabilistic hazard analysis for ISFSIs.

APPLICANT'S RESPONSE:

All PFS non-privileged documents, if any, responsive to this Request have been provided to the State.

DOCUMENT REQUEST NO. 5. All documents, drafts, notes, outlines, reviews and comments made by PFS (including any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of SECY-01-0178, Modified Rulemaking Plan.

APPLICANT'S RESPONSE:

All PFS non-privileged documents, if any, responsive to this Request have been, or will be, provided to the State.

DOCUMENT REQUEST NO. 6. All documents, drafts, notes, outlines, reviews and comments made by PFS (including any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of ICF's technical support to the NRC staff's development of a regulatory guide on the preparation of a probabilistic hazard analysis for ISFSIs.

APPLICANT'S RESPONSE:

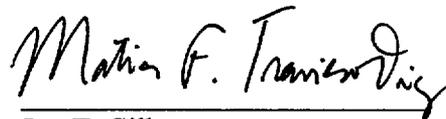
All PFS non-privileged documents, if any, responsive to this Request have been previously provided to the State.

DOCUMENT REQUEST NO. 7. All documents, drafts, relating to fragility curves for PFS structures, systems, and components ("SSC") for seismic loadings, including cask tip.

APPLICANT'S RESPONSE:

All non-privileged documents, if any, responsive to this Request have been previously provided to the State.

Respectfully submitted,



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November 16, 2001

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NUCLEAR REGULATORY COMMISSION

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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 Objections and Responses to the State of Utah's Twelfth set of Discovery Requests Directed to the Applicant 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 16th day of November, 2001.

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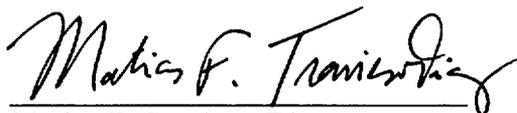
* Adjudicatory File
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