

January 29, 2004

Michael C. Farrar, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Jerry Kline  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
Private Fuel Storage L.L.C.  
(Independent Spent Fuel Storage Installation)  
Docket No. 72-22-ISFSI

Dear Administrative Judges:

On January 9, 2004, the State of Utah filed the "State of Utah's Request for Admission of Late-Filed Contention Utah TT (HI-STORM 100 Steel Shims - Feasibility and Safety)." The Office of Nuclear Security and Incident Response ("NSIR") has reviewed that document and has concluded that the following portions of the document should be treated as Safeguards Information ("SGI"):

1. Page 1, Paragraph 1, the full sentence on lines 8-11.
2. Page 9, Paragraph 2, the full sentence on lines 13-15.
3. Attachment 1 (PFS Response to Staff Request for Additional Information, dated December 9, 2003).
4. Attachment 2 (Declaration of Dr. Sami Kilic), Page 2, Paragraph 7, the last sentence on lines 22-25.
5. Exhibit B to Attachment 2 (consisting of a DVD disk) was not provided for NSIR's review, but is believed likely to contain SGI.

Sincerely,

**/RA/**  
Sherwin E. Turk  
Counsel for NRC Staff

cc: Service List