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RELATED CORRESPONDENCE

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January 11, 2000

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

APPLICANT'S OBJECTIONS AND RESPONSES TO STATE OF UTAH'S EIGHTH SET OF DISCOVERY REQUESTS
[*Nonproprietary Version*]

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") files this non-proprietary response to the December 29, 1999 "State of Utah's Eighth Set of Discovery Requests Directed to the Applicant (Utah Contentions E & S)" ("State's Eighth Discovery Requests").[1] The general objections made by Applicant with respect to the State's discovery requests in this Nonproprietary Version of Applicant's discovery response are hereby incorporated into the concurrent Proprietary Version of this response.

I. GENERAL OBJECTIONS

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

[1] The responses to the discovery requests Request for Admissions Nos. 1-2 and Document Requests Nos. 1 and 12, pertaining to Contention Utah E, are considered to contain proprietary information and are being filed in the concurrent proprietary response.

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1. The Applicant objects to 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]

2. The Applicant objects to State's discovery requests to the extent that they request 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. With respect to document production requests, the Applicant has provided the State with a Privilege Log which identifies documents subject to these privileges and protections, which the Applicant reserves the right to supplement.

3. The Applicant objects to the State's discovery requests to the extent they seek discovery beyond the scope of the Utah contentions, as admitted by the Board in this proceeding. The State is only permitted to obtain discovery on matters that pertain to the subject matter with which the State is involved in this proceeding. 10 C.F.R. § 2.740(b).

4. The Applicant objects to the State's discovery requests to the extent they seek discovery from entities that are not parties to this proceeding. The State is only permitted to directly propound requests for admission, interrogatories, and document

[2] In its Eighth Discovery Requests the State incorporated by reference the instructions and definitions it had included with its prior discovery requests. See Eighth Discovery Requests at 1-2.

production requests on entities that are parties to this proceeding. 10 C.F.R. §§ 2.740b, 2.741, 2.742.

II. UTAH CONTENTION E (Financial Assurance)

A. REQUESTS FOR ADMISSION – Utah Contention E

REQUEST FOR ADMISSION NO. 3. Do you admit that PFS's customers will be responsible for damages in excess of any liability carried by PFS for the off-site consequences from on-site accidents or natural occurrence?

APPLICANT'S RESPONSE: PFS objects to this request as calling for a conclusion of law as to whether PFS's customers would be held liable in the event of an accident at the PFSF with off-site consequences. 10 C.F.R. § 2.742(a) ("a party may file a written request for the admission of . . . the truth of any specified relevant matter of fact") (emphasis added).

REQUEST FOR ADMISSION NO. 4. Do you admit that PFS will not commence construction of the PFS facility by September 2000? *See* LA, Rev. 1 at 1-8.

APPLICANT'S RESPONSE: PFS objects to this request as not pertaining to a matter of fact relevant to Contention Utah E. See 10 C.F.R. § 2.742(a). When PFS will commence construction of the PFSF has no bearing on whether PFS will be financially qualified to do so. Nevertheless, without waiving its objection, PFS has insufficient information to admit or deny this request, in that the PFSF construction schedule is affected by the schedule for the completion of the NRC Staff's Final Environmental Statement and the hearing schedule.

REQUEST FOR ADMISSION NO. 5. Do you admit that, to date, PFS has not raised sufficient capital, such as from contributions, donations, or debt financing, to commence construction of the PFS facility in September 2000?

APPLICANT'S RESPONSE: PFS objects to this request as not pertaining to a matter of fact relevant to Contention Utah E. See 10 C.F.R. § 2.742(a). Whether PFS has raised sufficient capital to commence construction of the PFSF as of this date has no bearing on whether PFS is financially qualified to obtain its license. As indicated above, PFS will demonstrate its financial qualifications through its funding commitments, not the amount of capital it has raised as of this date.

REQUEST FOR ADMISSION NO. 6. Do you admit that PFS will not complete construction of the PFS facility by December 31, 2001? *See* LA, Rev. 1 at 1-8.

APPLICANT'S RESPONSE: PFS objects to this request as not pertaining to a matter of fact relevant to Contention Utah E. See 10 C.F.R. § 2.742(a). When PFS will complete the construction of the PFSF has no bearing on whether PFS will be financially qualified to build and operate the facility. Nevertheless, without waiving its objection, PFS has insufficient information to admit or deny this request, in that the PFSF construction schedule is affected by the schedule for the completion of the NRC Staff's Final Environmental Statement and the hearing schedule.

REQUEST FOR ADMISSION NO. 7. Do you admit that when PFS refers to "construction of the PFSF," PFS does not include in that term construction of the Low rail spur or construction of the intermodal transfer facility? *See, e.g..*, LA, Rev. 1 at 1-8.

APPLICANT'S RESPONSE: PFS objects to this request as not pertaining to a matter of fact relevant to Contention Utah E. See 10 C.F.R. § 2.742(a). Nevertheless, without waiving its objection, the request is denied.

B. INTERROGATORIES – Utah Contention E

INTERROGATORY NO. 5.[3] Please describe the name and type of facility or operation of each and every competitor (current and future) referred to [in] ¶ 6 of the above-referred Parkyn affidavit, and the name, title and affiliation with PFS of the individual responsible for determining who are PFS's competitors.

APPLICANT'S RESPONSE: PFS objects to this request as not reasonably calculated to lead to the discovery of material relevant to Contention Utah E. See 10 C.F.R. § 2.740(b)(1). The identity of or any other information pertaining to PFS's potential competitors is irrelevant to the determination of PFS's financial qualifications. As indicated above, PFS will demonstrate its financial qualifications through its funding commitments, not by any assessment of its competitors or by any comparison of the attractiveness of the PFSF vis a vis any facility maintained by a PFS competitor now or in the future.

INTERROGATORY NO. 6. Please describe in detail the fiscal resources PFS plans to have available to cover the costs and liability for a release of radioactivity off-site from a major on-site accident or natural occurrence, the name title and affiliation with PFS of the individual responsible for planning whether such costs and liability will be covered, and the name, title and affiliation with PFS of the individual responsible for determining the amount of liability coverage.

[3] Numbering for these interrogatories is continued from the last interrogatory previously submitted to PFS. Eighth Discovery Requests at 3 n.2.

APPLICANT'S RESPONSE: PFS has already answered the part of this interrogatory concerning "the fiscal resources PFS plans to have available to cover the costs and liability for a release of radioactivity off-site from a major on-site accident or natural occurrence." See PFS Response Fourth Set, Utah E, Interrogatory No. 3.

PFS objects to the second part of the request on the grounds that the term "covered" by PFS fiscal resources is undefined and is vague and ambiguous. Nevertheless, without waiving its objection, John Parkyn, PFS Chairman, is the individual responsible for planning whether and how the potential costs and liability for an off-site release of radioactivity from the PFSF will be covered by PFS's fiscal resources. The PFS Board is the organization responsible for determining the amount of liability coverage PFS will have.

INTERROGATORY NO. 7. In response to State's document request for copies of reports or studies by utilities or others in PFS's possession or control dealing with the economics of the SNF *storage* market, PFS responded that it has already produced "all such reports or studies relevant to the costs of spent nuclear fuel storage that it has." *See* Applicant's December 6, 1999 Objections and Responses to State of Utah's Fourth Set of Discovery Requests (hereinafter PFS Response Fourth Set) at 13, Response to Document Request No. 7. Please describe in detail (e.g., date, title, author, bates number, etc.) each and every such responsive report or study that PFS has already produced to the State.

APPLICANT'S RESPONSE: PFS objects to this request as seeking information PFS has already provided to the State. "Commission case law has long established that while in response to a discovery request a party must reveal information within its possession and control, . . . the party is not required to engage in independent research." Rules of Practice for Domestic Licensing Proceedings—Procedural Changes in the

Hearing Process, 54 Fed. Reg. 33,168, 33,174 (1989) (citing Pennsylvania Power and Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 NRC 317, 334 (1980)). "So long as prior to the trial, parties have an opportunity to learn what another party has done or what information that other party has to provide the basis for its position, the party seeking discovery will be able to show in the hearing what, in its view, the other party should have done or why its position is incorrect." Id.

PFS has provided the State all the information it has requested, and all the information within PFS's possession and control, in that the State's request seeks information about documents previously provided to the State by PFS. Moreover, the documents PFS provides to the State at its repository of documents maintained at Parsons Behle & Latimer in Salt Lake City are sorted by contention by PFS prior to production. The State can read those documents just as well as PFS. The Commission's discovery rules do not require PFS to read and sort them further on the State's behalf.

Nevertheless, without waiving its objection, the documents PFS has produced to the State include the following documents or relevant excerpts therefrom "dealing with the economics of the SNF storage market:" "*Utility At-Reactor Spent Fuel Storage Costs for the Private Fuel Storage Facility Cost-Benefit Analysis, Revision 1*", Energy Resources International, Inc., ERI-2025-9901, November 1999; "*At Reactor Dry Storage Issues,*" TRW Environmental Safety Systems, Inc., prepared for U.S. DOE OCRWM, December 10, 1993, Revision 1; "*A Preliminary Evaluation of Using Multi-Purpose Canisters Within the Civilian Radioactive Waste Management System,*" TRW

Environmental Safety Systems. Inc., prepared for U.S. DOE OCRWM, January 13, 1993; "*Utility On-Site Spent Fuel Storage Issues*", Kenneth Miler, Sacramento Municipal Utility District, presented at NEI's Fuel Cycle '96; and "*Acquisition of Waste Acceptance and Transportation Services for the Office of Civilian Radioactive Waste Management*," U.S. DOE OCRWM, Draft RFP Number DE-RP01-98RW00320, November 24, 1997.

INTERROGATORY NO. 8. In response to State's document request for documents describing or analyzing the cost of operating proposed or existing ISFSIs at locations other than PFS, PFS responded that it has already produced any such documents relating to the costs of operating ISFSIs (including those at locations different from that of the PFSF.. *See* PFS Response Fourth Set at 19, Applicant's Response to State's Document Request No. 20. Please describe in detail (e.g., date, title, author, bates number, etc.) each and every such responsive document that PFS has already produced to the State.

APPLICANT'S RESPONSE: PFS objects to this request as seeking information PFS has already provided to the State. See Response to Interrogatory No. 7. PFS has provided the State all the information it has requested, and all the information within PFS's possession and control, in that the State's request seeks information about documents previously provided to the State by PFS. The documents about which the State seeks information have already been sorted by contention by PFS; the Commission's discovery rules do not require PFS to do anything further than what it has done.

Nevertheless, without waiving its objection, the documents PFS has produced to the State include the following documents or relevant excerpts therefrom "describing or analyzing the cost of operating proposed or existing ISFSIs at locations other than PFS:"

"*At Reactor Dry Storage Issues,*" TRW Environmental Safety Systems, Inc., prepared for U.S. DOE OCRWM, December 10, 1993, Revision 1; and "*Utility On-Site Spent Fuel Storage Issues*", Kenneth Miler, Sacramento Municipal Utility District, presented at NEI's Fuel Cycle '96.

INTERROGATORY NO. 9. Please provide the name, title and affiliation with PFS of the individual(s) responsible for developing the PFS Business Plans; approving the PFS Business Plans; preparing the PFS budget(s); developing a PFS marketing plan or strategy; implementing a PFS marketing plan or strategy; and developing and deciding upon the PFS facility construction schedule.

APPLICANT'S RESPONSE: PFS objects to this interrogatory to the extent that it seeks information concerning individuals "responsible for . . . developing a PFS marketing plan or strategy [or] implementing a PFS marketing plan or strategy," in that the information is not reasonably calculated to lead to the discovery of evidence relevant to Contention Utah E. 10 C.F.R. § 2.740(b)(1). PFS's marketing plan or strategy is irrelevant to PFS's showing of its financial qualifications. As indicated above, PFS will demonstrate its financial qualifications through its funding commitments. PFS's marketing is simply irrelevant to that demonstration. See 10 C.F.R. § 72.22(e); Louisiana Energy Services, L.P. (Claiborne Enrichment Center), CLI-97-15, 46 NRC 294, 303-09 (1997) (rejecting arguments that the applicant was not financially qualified because it would "not be able to market its enriched uranium" where the applicant had made "commitments not to proceed [with the project] absent adequate funds") [hereinafter LES]; Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-98-13, 48 NRC 26, 36-37 (1998) (citing LES); see also "Applicant's Motion for Partial

Summary Disposition of Utah Contention E and Confederated Tribes Contention F," (Dec. 3, 1999).

PFS further objects to this interrogatory to the extent it seeks information unrelated to the costs of constructing and operating the PFSF. Nevertheless, without waiving its objections, John Parkyn, Chairman, PFS, is responsible for developing the PFS Business Plan. The PFS Board is responsible for approving the PFS Business Plan. John Parkyn, with assistance from Scott Northard, Northern States Power; John Donnell, PFS Project Director; and the PFS Board Legal Committee, is responsible for preparing the PFS budget. John Donnell is responsible for developing the PFS facility construction schedule and the PFS Board is responsible for scheduling the startup date

C. DOCUMENTS REQUESTS – Utah Contention E

DOCUMENT REQUEST NO. 2. Please provide an unredacted copy of PFS current business plan. If PFS claims that any of the material in the business plan is privileged, please clearly show on the document the privilege claimed for any redactions.

APPLICANT'S RESPONSE: PFS has provided the State with a copy of the current PFS business plan. PFS has not redacted the material on the basis of a claim of privilege but rather because the redacted material is irrelevant to the contentions admitted in this proceeding. PFS has redacted material from the business plan in two places, on pages Bates Nos. 12014-15 and 12023-25. The material redacted from pages Bates Nos. 12014-15 concerns the potential licensing schedule for the PFSF. The material redacted from pages Bates Nos. 12023-25 concerns transportation issues but contains no cost or

design information. Thus, this information is not reasonably calculated to lead to the discovery of admissible evidence and PFS need produce it to the State.

DOCUMENT REQUEST NO. 3. Refer to your response to Interrogatory No. 3 (Utah E), PFS Response Fourth Set at 10. Please provide all documentary support for your assertion that nuclear energy liability insurance coverage in the amount of $200 million . . . would be sufficient to cover off-site losses to the public in the event of an accident at the PFSF site.. *See also* NRC Staff's Statement of Its Position Concerning Group I-II Contentions, dated Dec. 15, 1999, at 6.

APPLICANT'S RESPONSE: PFS has produced and made available any documents in its possession, custody, or control relating to how much insurance would be necessary to cover off-site losses in the event of an accident at the PFSF at its document repository at Parsons Behle & Latimer, in Salt Lake City. PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to contention Utah E maintained at Parsons Behle & Latimer.

If the State seeks documents publicly available from, e.g., the NRC, the State can simply obtain them directly from the source. See Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit 1), CLI-79-8, 10 NRC 141, 147-48 (1979) (codified as 10 C.F.R. § 2.740(b)(1), Rules of Practice for Domestic Licensing Proceedings – Procedural Changes in the Hearing Process, 54 Fed. Reg. 33,168, 33,181 (1989)).

DOCUMENT REQUEST NO. 4. Please provide all cost studies, or other documents showing or discussing the cost of constructing NSP.s dry cask storage facilities.

APPLICANT'S RESPONSE: PFS does not have in its possession, custody, or control any documents showing or discussing the costs of constructing Northern States

Power's (NSP's) dry cask storage facilities. PFS objects to this request to the extent it requests PFS to obtain documents from entities that are not parties to this proceeding. See General Objection No. 4. Moreover, PFS did not rely on NSP documents showing or discussing the cost of constructing NSP's dry cask storage operations when PFS derived its construction cost estimates. To the extent that PFS relies on such documents in the future to support the cost estimates developed for the PFSF, PFS will produce the documents relied upon at its repository of documents relevant to contention Utah E maintained at Parsons Behle & Latimer. PFS will notify the State upon updating its repository of documents relevant to contention Utah E.

DOCUMENT REQUEST NO. 5. Please provide all documents demonstrating that nuclear liability insurance will be available to PFS.

APPLICANT'S RESPONSE: PFS has produced and made available any documents in its possession, custody, or control concerning the availability of nuclear liability insurance to PFS at its document repository at Parsons Behle & Latimer, in Salt Lake City. PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to contention Utah E maintained at Parsons Behle & Latimer.

DOCUMENT REQUEST NO. 6. Please provide a copy of the form of policy from insurance providers PFS has consulted for the nuclear liability insurance PFS is planning to procure.

APPLICANT'S RESPONSE: PFS does not have a copy of a form of policy from the insurance providers PFS has consulted on nuclear liability insurance. If PFS

comes into the possession, custody, or control of such documents, PFS will notify the State upon updating its repository of documents maintained at Parsons Behle & Latimer. See PFS Response Fourth Set, Utah S, Document Request No. 4.

DOCUMENT REQUEST NO. 7. Please provide correspondence, contracts or other documents from insurance providers showing the cost of the nuclear liability insurance PFS is planning to procure.

APPLICANT'S RESPONSE: PFS will produce the documents at its repository of documents maintained at Parsons Behle & Latimer in Salt Lake City.

DOCUMENT REQUEST NO. 8. Please provide any documents relied upon by PFS that record or discuss any unplanned or unexpected costs incurred during the construction, modification, or operation of any nuclear fuel storage facility in the United States during the last 30 years.

APPLICANT'S RESPONSE: PFS does not have any documents that record or discuss any unplanned or unexpected costs incurred during the construction, modification, or operation of any nuclear fuel storage facility in the United States. If PFS comes into the possession, custody, or control of such documents, PFS will notify the State upon updating its repository of documents relevant to contention Utah E.

DOCUMENT REQUEST NO. 9. Please refer to your supplemental response to Document Request No. 8 (Utah S), Applicant's December 6, 1999 Objections and Responses to State of Utah's Fourth Set of Discovery Requests and Supplemental Responses to State of Utah's Third Set of Discovery Requests (hereinafter "PFS Supplemental Response Third Set (Utah S)"), at 40. Please provide the documents you rely on for your assertion that, "'serious' accidents are not credible . . . ."

APPLICANT'S RESPONSE: PFS objects to this request to the extent that it seeks documents concerning any matter outside the scope of the contentions as admitted

by the Licensing Board. The documents PFS has relied on to support its assertion that serious accidents at the PFSF are not credible are those related to the safety of the PFSF, such as the PFS SAR and the spent fuel storage cask TSARs (which the State has) and the documents referenced therein. PFS has produced documents related to the safety of the PFSF relevant to the admitted contentions and will notify the State upon updating its repository of such documents maintained at Parsons, Behle, and Latimer, in Salt Lake City.

DOCUMENT REQUEST NO. 10. Please provide any additional documents responsive to Interrogatory No. 7 (reports or studies dealing with the economics of the SNF storage market) that have not already been produced and identified in your response to Interrogatory No. 7.

APPLICANT'S RESPONSE: PFS will produce such documents that may come into its possession, custody or control in the future and will notify the State upon updating its repository of documents maintained at Parsons, Behle, and Latimer, in Salt Lake City.

DOCUMENT REQUEST NO. 11. Please provide any additional documents responsive to Interrogatory No. 8 (describing or analyzing the cost of operating proposed or existing ISFSIs at locations other than PFS) that have not already been produced and identified in your response to Interrogatory No. 8.

APPLICANT'S RESPONSE: PFS will produce such documents that may come into its possession, custody or control in the future and will notify the State upon updating its repository of documents maintained at Parsons, Behle, and Latimer, in Salt Lake City.

DOCUMENT REQUEST NO. 13. Please refer to the PFS LLC Business Plan dated June 1998, at PFS bates number 12010. Please provide documentary support for the comparison of costs between an on-site ISFSI, a federal MRS, and the PFSF.

APPLICANT'S RESPONSE: PFS has previously produced the documents in its possession, custody, or control concerning the costs of storing fuel at the PFSF and the costs of storing fuel at on-site ISFSIs and a federal MRS. PFS will notify the State upon updating its repository of documents maintained at Parsons, Behle, and Latimer, in Salt Lake City.

DOCUMENT REQUEST NO. 14. In PFS's Business Plan dated June 1998 at 104 or 117, PFS refers to partner investments and donations to date for Step 2 and Step 4.

(a) Please provide documentation showing the partners investments and to date for Step 3 and Step 4.

(b) Please provide documentation showing the partners investments and to date for Step 3 and Step 4.

APPLICANT'S RESPONSE: PFS will produce responsive documents showing partner investments to date for Step 3 and Step 4 and will notify the State upon updating its repository of documents maintained at Parsons, Behle, and Latimer, in Salt Lake City.

DOCUMENT REQUEST NO. 15. As part of PFS's Mission Statement in its June 1998 Business Plan, PFS refers to training members of the Skull Valley Band of Goshutes to be able to safely undertake "high technology jobs" at PFS.

(a) Please provide documents that describe the cost to train members of the Band to be able to safely undertake high technology jobs at the PFS facility.

(b) Please provide documents that describe the type of training PFS will provide for high technology jobs.

APPLICANT'S RESPONSE: PFS has produced documents concerning the costs of training staff for the PFSF whether members of the Skull Valley Band or otherwise. PFS will notify the State upon updating its repository of documents at Parsons, Behle, and Latimer.

III. UTAH CONTENTION S (Decommissioning)

A. INTERROGATORIES – Utah Contention S

INTERROGATORY NO. 5.[4] In response to State's request for documents discussing the methodologies, plans or procedures for decontaminating and/or decommissioning an ISFSI within the U.S., PFS responded that it has already produced all such documents. *See* PFS Response Fourth Set at 38, Response to Document Request No. 13. Please describe in detail (e.g., date, title, author, bates number, etc.) each and every such responsive document that PFS has already produced to the State.

APPLICANT'S RESPONSE: PFS objects to this request in that it seeks information PFS has already provided to the State. See Response to Utah E Interrogatory No. 7. PFS has provided the State all the information it has requested, and all the information within PFS's possession and control, in that the State's request seeks information about documents previously provided to the State by PFS. The documents about which the State seeks information have already been sorted by contention by PFS; the Commission's discovery rules do not require PFS to do anything further than what it has done.

[4] Numbering for these interrogatories is continued from the last interrogatory previously submitted to PFS. Eighth Discovery Requests at 7 n.3.

Nevertheless, without waiving its objection, the documents produced to the State by PFS discussing or relating to the methodologies, plans or procedures for decontaminating and/or decommissioning an ISFSI within the U.S. (in addition to the License Application and Responses to Requests for Additional Information) include the following: "Preliminary Cost Estimate for an ISFSI," Bates No. 9669-9670; "Notes of Telephone Conversation from Gene Gleason to William P. Hennessy re: Rad Waste Burial Cost," Bates No. SWEC-895; "Fax Transmission from Paul J. Horn to Robert Brimer re: Palo Verde Decommissioning Cost Reduction Plan," Bates No. 10284-10287 and "Fax Transmission from Max M. DeLong to John D. Parkyn re: Cask Decontamination and Decommissioning; Decommissioning Cost Estimate (1997 Dollars); and PFS Decommissioning Plan," Bates No. 11951-11953.

INTERROGATORY NO. 6. In response to State's request for documents which formed the basis for the individual work task man hour estimates and the costs per man hour figures that were used to develop the PFS facility decommissioning cost estimate, PFS responded that it has already produced "all such documents." *See* PFS Response Fourth Set at 38, Response to Document Request No. 14. Please describe in detail (e.g., date, title, author, bates number, etc.) each and every such responsive document that PFS has already produced to the State.

APPLICANT'S RESPONSE: In addition to the License Application and Responses to Requests for Additional Information, PFS will be providing additional documents related to the basis for the individual work task man hour estimates and the costs per man hour figures that were used to develop the PFS facility decommissioning cost estimate.

INTERROGATORY NO. 7. In response to State's request for documents which formed the basis for the waste disposal and transportation costs of the PFS facility decommissioning cost estimate, PFS responded that it has already produced "all such documents." *See* PFS Response Fourth Set at 38, Response to Document Request No. 15. Please describe in detail (e.g., date, title, author, bates number, etc.) each and every such responsive document that PFS has already produced to the State.

APPLICANT'S RESPONSE: In addition to the License Application and Responses to Requests for Additional Information, PFS will be providing additional documents related to the basis for the waste disposal and transportation costs of the PFS facility decommissioning cost estimate.

B. DOCUMENTS REQUESTS – Utah Contention S

DOCUMENT REQUEST NO. 1. Please refer to your response to Admission Request No. 1 (Utah S), PFS Response Fourth Set at 23. Please provide the document or documents that formed the basis for your interpretation of NRC's definition of "credible accident."

APPLICANT'S RESPONSE: The documents that form the basis for PFS's interpretation of the NRC's definition of "credible accident" are NRC documents. They are publicly available from the NRC. See Three Mile Island, CLI-79-8, 10 NRC at 147-48 (codified as 10 C.F.R. § 2.740(b)(1), 54 Fed. Reg. at 33,181).

DOCUMENT REQUEST NO. 2. Please refer to your response to Admission Request No. 3 (Utah S), PFS Response Fourth Set at 25. Please provide the document or documents that support your statement that "even in the event of a large accident, the amount set aside for decommissioning the facility would be sufficient."

APPLICANT'S RESPONSE: As indicated previously, that conclusion was drawn from the fact that if an accident were to occur at the PFSF it would be cleaned up immediately and the costs would be paid by insurance. The residual radioactivity left on site, if any, would have at most a minimal impact on decommissioning costs. See PFS

Response Fourth Set, Utah S, Requests for Admission Nos. 2 and 3. As also indicated previously, PFS has produced all documents in its possession, custody, or control pertaining to the development of PFS's decommissioning cost estimates. See id., Utah S, Document Requests Nos. 1 and 2.

DOCUMENT REQUEST NO. 3. Please provide any and all documents upon which the "less than $17,000" costs estimated to decommission a storage cask is predicated. See LA, App. B, Rev. 4, at 4-4.

APPLICANT'S RESPONSE: PFS has already produced responsive documents to the State at its repository of documents at Parsons, Behle, and Latimer, in Salt Lake City. PFS will produce further responsive documents and will notify the State upon updating its repository maintained at Parsons, Behle, and Latimer.

DOCUMENT REQUEST NO. 4. Please provide any additional documents responsive to Interrogatory No. 5 (discussing the methodologies, plans or procedures for decontaminating and/or decommissioning an ISFSI within the U.S.) that have not already been produced and identified in your response to Interrogatory No. 5.

APPLICANT'S RESPONSE: PFS will produce such documents that may come into its possession, custody or control in the future and will notify the State upon updating its repository of documents maintained at Parsons, Behle, and Latimer, in Salt Lake City.

DOCUMENT REQUEST NO. 5. Please provide any additional documents responsive to Interrogatory No. 6 (which formed the basis for the individual work task man hour estimates and the costs per man hour figures that were used to develop the PFS facility decommissioning cost estimate) that have not already been produced and identified in your response to Interrogatory No. 6.

APPLICANT'S RESPONSE: PFS has already produced responsive documents to the State at its repository of documents at Parsons, Behle, and Latimer, in Salt Lake City. PFS will produce further responsive documents and will notify the State upon updating its repository maintained at Parsons, Behle, and Latimer.

DOCUMENT REQUEST NO. 6. Please provide any additional documents responsive to Interrogatory No. 7 (which formed the basis for the waste disposal and transportation costs of the PFS facility decommissioning cost estimate) that have not already been produced and identified in your response to Interrogatory No. 7.

APPLICANT'S RESPONSE: PFS has already produced responsive documents to the State at its repository of documents at Parsons, Behle, and Latimer, in Salt Lake City. PFS will produce further responsive documents and will notify the State upon updating its repository maintained at Parsons, Behle, and Latimer.

Respectfully submitted,

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Dated: January 11, 2000

Counsel for Private Fuel Storage L.L.C.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety And Licensing Board

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PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

DECLARATION OF JOHN PARKYN

John Parkyn states as follows under penalties of perjury:

1. I am the Chairman of Private Fuel Storage, L.L.C. As Chairman of PFS, I am responsible for the operational and managerial matters of PFS.

2. I am duly authorized to verify Applicant's Response to State's Eighth Requests for Discovery; specifically, the response to Requests for Admission Nos. 1-2, 4, and 6-7 and Interrogatories Nos. 6 and 9 with respect to Utah Contention E and Interrogatories Nos. 5-7 with respect to Utah Contention S.

3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 11, 2000.

John Parkyn

UNITED STATES OF AMERICA
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PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
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(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

DECLARATION OF EILEEN SUPKO

Eileen Supko states as follows under penalties of perjury:

1. I am a Senior Consultant with Energy Resources International, Inc., supporting Private Fuel Storage, L.L.C. ("PFS") on the Private Fuel Storage Facility ("PFSF") project. As a consultant to PFS on the PFSF, I am responsible for performing projections of utility at-reactor spent fuel storage requirements and associated analyses to be used as input to the PFS cost benefit analysis.

2. I am duly authorized to verify Applicant's Response to State's Eighth Requests for Discovery; specifically, the response to Interrogatory Nos. 7 and 8 with respect to Utah Contention E.

3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 11, 2000.

Eileen M. Supko

Eileen Supko

RELATED CORRESPONDENCE

DOCKETED
USNRC

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OFFICE OF SECRETARY
ADJUDICATIONS STAFF

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 "Applicant's Objections and Responses to State of Utah's Eighth Set of Discovery Requests [*Non-proprietary Version*]" and the declarations of John Parkyn and Eileen Supko 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 11th day of January, 2000.

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

* Adjudicatory File
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