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OFFICE OF THE
GENERAL COUNSEL

DEPARTMENT OF ENERGY
DOCKETED CORRESPONDENCE
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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USNRC

February 4, 2000

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Washington, D.C. 20036

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Docket No. 72-22-ISFSI

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

Diane

Dear Ms. Curran:

This is in reply to your E-mail message of yesterday, concerning the State of Utah's ("State") interest in conducting depositions of the NRC Staff ("Staff") concerning Contention Utah H (thermal analysis). Our position with regard to the matters identified in your message is as follows.

- (1) As I indicated in our conversation yesterday, the Staff will present Jack Guttmann as its witness on Contention Utah H. We will update our responses to the State's discovery to make this clear, although I believe this is already apparent.
- (2) The Staff will agree to your request that Mr. Guttmann be made available for a deposition on Contention Utah H on March 10, 2000, notwithstanding the fact that this represents an extension of the February 15 cutoff date for discovery against the Staff. Mr. Guttmann will not be available on March 9, as we will need some time to prepare for his deposition following the depositions of PFS and State witnesses.
- (3) The Staff does not plan to make a witness available for depositions on the HI-STAR transportation cask. The issue of transportation cask safety is beyond the permissible scope of this proceeding. In addition, Utah Contention H addresses only the HI-STORM storage cask, not the HI-STAR transportation cask; and the Staff's statement of position, filed on December 15, 1999, addresses only the HI-STORM cask, not the HI-STAR cask. I see no apparent basis for your assertion that "the Staff is relying on its SERs for both the HI-STORM and HI-STAR cask systems for its evaluation of the thermal analysis for the PFS facility."
- (4) As indicated in our interrogatory responses, Mr. Guttmann is familiar with both the PFS and HI-STORM thermal analyses; he should be able to respond adequately to your questions on the HI-STORM cask. Although other persons may well be familiar with the thermal analyses for the HI-STORM cask system, you have provided no

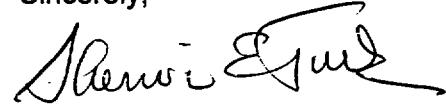
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reason to believe that any "exceptional circumstances" exist such that other Staff witnesses need to be made available for deposition. See 10 CFR 2.720(h)(2)(i). Accordingly, we would not agree to depositions of persons other than Mr. Guttmann, and our agreement to extend the discovery period, set forth in paragraph (2) above, applies only to his deposition.

I believe the above represents a reasonable and proper accommodation of the State's request. I look forward to seeing you at the depositions in March.

Sincerely,



Sherwin E. Turk
Counsel for NRC Staff

cc: Service List