

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel)	
Storage Installation))	August 9, 1999

STATE OF UTAH'S STATEMENT OF MATERIAL FACTS
IN DISPUTE REGARDING UTAH CONTENTION R

The State of Utah submits, in support of its opposition to the Applicant's Motion for Partial Summary Disposition on Utah Contention R, this statement of material facts in dispute.

1. The State disputes the Applicant's material fact No. 1 because the Applicant, inappropriately, attempts to summarize the State's argument for the underlying bases for Contention R in the Material Facts, as opposed to in the Motion, and quotes language without attribution.
2. The State disputes material fact No. 2 that the Applicant has adequately analyzed the potential impact of fire on the facility or the spent fuel casks. Resnikoff Dec. at ¶ 5.
3. The State disputes material fact No. 3 that the only fires the Applicant need be concerned with are the four types of fires listed in material fact No. 3. Id.
4. The State disputes material fact No. 10 because, as described in the following paragraphs, there is a threat from a fire to other systems, structures, or components ("SSCs") important to safety at the facility that the Applicant must mitigate or that may cause a radioactive release.
5. Fuel will be transported to PFS in either a HI-STAR or TransStor transportation cask. SAR at 4.5-1.

6. The transportation casks will enter the Canister Transfer Building on either a heavy haul truck or on a rail car. SAR Fig. 4.7-1
7. Fuel will be stored at PFS in either a HI-STORM or TranStor storage cask. SAR at 3.1-1.
8. The canister containing the fuel will be transferred from a transportation cask to a storage cask in the Canister Transfer Building. SAR at 5.1-4 (Rev. 2).
9. The fuel transfer from a transportation cask to a storage cask will be accomplished via the HI-TRAC or TranStor metal transfer cask. SAR at 4.7-14 and 4.7-23.
10. There are no facts to support the assertion in the SAR that "building design measures assure that any diesel fuel spilled in the cask load/unload bay will remain in the bay and cannot enter a transfer cell" (SAR at 8.2-28) and "[b]uilding design measures assure that any diesel fuel spilled in the Canister Transfer Building main bay outside the transfer cell will not run into a transfer cell" (SAR at 8.2-27). The John's Declaration attached to Applicant's Motion for Partial Summary Disposition ("Johns Dec.") offers no factual support for the assertions in the SAR. John's Dec. at ¶ 11. Resnikoff Dec. at ¶ 6.
11. The HI-STORM Topical Safety Analysis Report ("TSAR") has considered a fire analysis from a 50 gallon spill but the TranStor TSAR has not analyzed the short-term accident design temperatures for a fire involving 50 gallons of diesel fuel. Resnikoff Dec. at ¶¶ 7 & 8.
12. There is no accident analysis of a HI-TRAC or TranStor transfer cask involving 300 gallons of fuel, such as that from a heavy haul vehicle tractor. Id.
13. The Applicant states that the likely temperature reached inside the Canister Transfer building from a fire involving 300 gallons of diesel fuel will be 1,200°F. Johns Dec. at ¶ 10.
14. The HI-TRAC cask is not designed to withstand temperatures as high as 1,200°F. Taking into account the short-term accident design temperatures for the HI-TRAC cask that Holtec has analyzed, it is likely that a fire from a 300 gallon fuel spill would cause gross cladding defects. Resnikoff Dec. at ¶ 7.

15. The fire inside the Canister Transfer Building could cause a loss of electrical power to SSCs, including power for equipment needed to undertake the transfer of a canister from a transportation cask to a storage cask. Johns Dec. ¶ 10. Such a fire would also cause electrical wiring in the Canister Building to burn. Resnikoff Dec.at ¶ 9.
16. The Applicant has not described the recovery sequence if an electrical wire is burned and the transfer cask is left hanging in the middle of a canister transfer operation. Id. Nor has the Applicant analyzed the occupational exposure to workers needed to replace electrical wiring in the transfer bay or other areas of the Canister Transfer Building. Id.
17. The State disputes material fact No. 11 that the Applicant has analyzed "the impact of a fire involving the diesel fuel from the postulated rupture of the fuel tanks of the locomotive outside the Canister Transfer Building" because, among other things, there are no facts to support what the fuel capacity will be of a locomotive used to transport casks to the PFS site. Resnikoff Dec. at ¶¶ 10 & 11. Locomotives may have a capacity of as much as 6,000 gallons of diesel fuel. Resnikoff Dec. at ¶ 11 and Exhibit 1 thereto.
18. The State disputes material facts Nos. 14 and 15 because the Applicant has analogized the effects of "a fire involving the diesel fuel from the locomotive at the PFS [facility]" (material fact No. 15) to that from "diesel fuel fire that engulfed the casks, such as the 50-gallon fire for which the storage casks to be used at the PFS [facility] have been analyzed" (material fact No. 14) without showing the fuel capacity of the locomotive. Resnikoff Dec. at ¶ 10.
19. The State disputes material fact No. 12 that administrative procedures will prevent the locomotive at PFS from entering the Canister Transfer Building because there are no facts to support how a cask on a railcar may enter the Canister Transfer Building without the use of a locomotive. Resnikoff Dec.at ¶ 12.
20. Figures 8 and 14 attached in support of Applicant's RAI response 14-1 dated February 8, 1999, show that railroad tracks enter and exit the Canister Transfer Building. See Attachment A to this Statement of Facts; see also, SAR Fig. 4.7-1
21. SAR Fig. 4.7-1 (sheet 1) shows a cask loaded rail car on railroad tracks located in the middle of cask load/unload bay inside the Canister Transfer Building. The load/unload bay is 198 feet long and 48 feet wide. SAR Fig. 4.7-1; Johns

Dec. ¶ 9. The distance from the edge of a rail car inside the building to either the east or west openings along the rail track to the outside of the Canister Transfer Building is more than 70 feet. SAR Fig. 4.7-1 (Sheet 1).

22. The logical inference from the facts at hand is that a locomotive must be used to move a more than 200 ton loaded railcar into the Canister Transfer Building and an unloaded railcar out of the building. Resnikoff Dec. at ¶ 12.
23. The cask load/unload bay inside the Canister Transfer Building is capable of accommodating both a heavy haul truck and rail car. SAR Fig. 4.7-1 (sheet 1); Resnikoff Dec. at ¶ 13.
24. There are no facts to support the possibility that a heavy haul truck and a locomotive will not be in the Canister Transfer Building at the same time. Id.
25. There is no analysis of a fire involving fuel from a locomotive located inside the Canister Transfer Building. Id.
26. There is no analysis of a fire involving fuel from both a locomotive and a heavy haul truck located inside the Canister Transfer Building at the same time. Id.
27. The State disputes the factual underpinnings of the Staff's reliance on the "operability of the Applicant's fire protection system (including fire truck, fire pumps, and sprinkler systems)." Staff Response at 10. The Applicant has no facts to support its assertion that a sufficient quantity of water will be available to it to sustain its water needs for the facility, including two water tanks of 200,000 gallons each. State of Utah's Objections and Response to Applicant's Second Set of Discovery Requests with Respect to Group II and Group III Contentions, Response to Admissions Nos. 1 and 2 and Interrogatory No. 7, Utah Contention O at 78-79 and 85 and Exhibit 1 thereof (Declaration of Jerry D. Olds, P.E. Assistant State Engineer Division of Water Rights supporting the foregoing discovery answer).



Private Fuel Storage, LLC

P.O. Box C4010, La Crosse, WI 54602-4010

John D. Parkyn, Chairman of the Board

February 18, 1999

Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

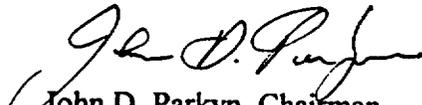
**SUBMITTAL OF EIS RAI RESPONSE ATTACHMENTS
PRIVATE FUEL STORAGE FACILITY
DOCKET NO. 72-22 / TAC NO. L22462
PRIVATE FUEL STORAGE L.L.C.**

Reference: 1) PFSLLC Letter, Parkyn to Director, Office of Material Safety and Safeguards,
Responses to EIS Request for Additional Information, dated February 18, 1999

Please find enclosed Private Fuel Storage certain attachments referenced in the EIS RAI
responses (Reference 1).

If you have any questions regarding this response, please contact me at 608-787-1236 or
our Project Director, John Donnell, at 303-741-7009.

Sincerely,


John D. Parkyn, Chairman
Private Fuel Storage L.L.C.

JDP:cls

Enclosures

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Attachment 14-1

EIS RAI 14-1

**Artist's Concepts of the PFSF in Skull
Valley, the Low Corridor Rail Line, and
the Intermodal Transfer Facility at
Full Development**

**15 Pages
(Excluding this page)**

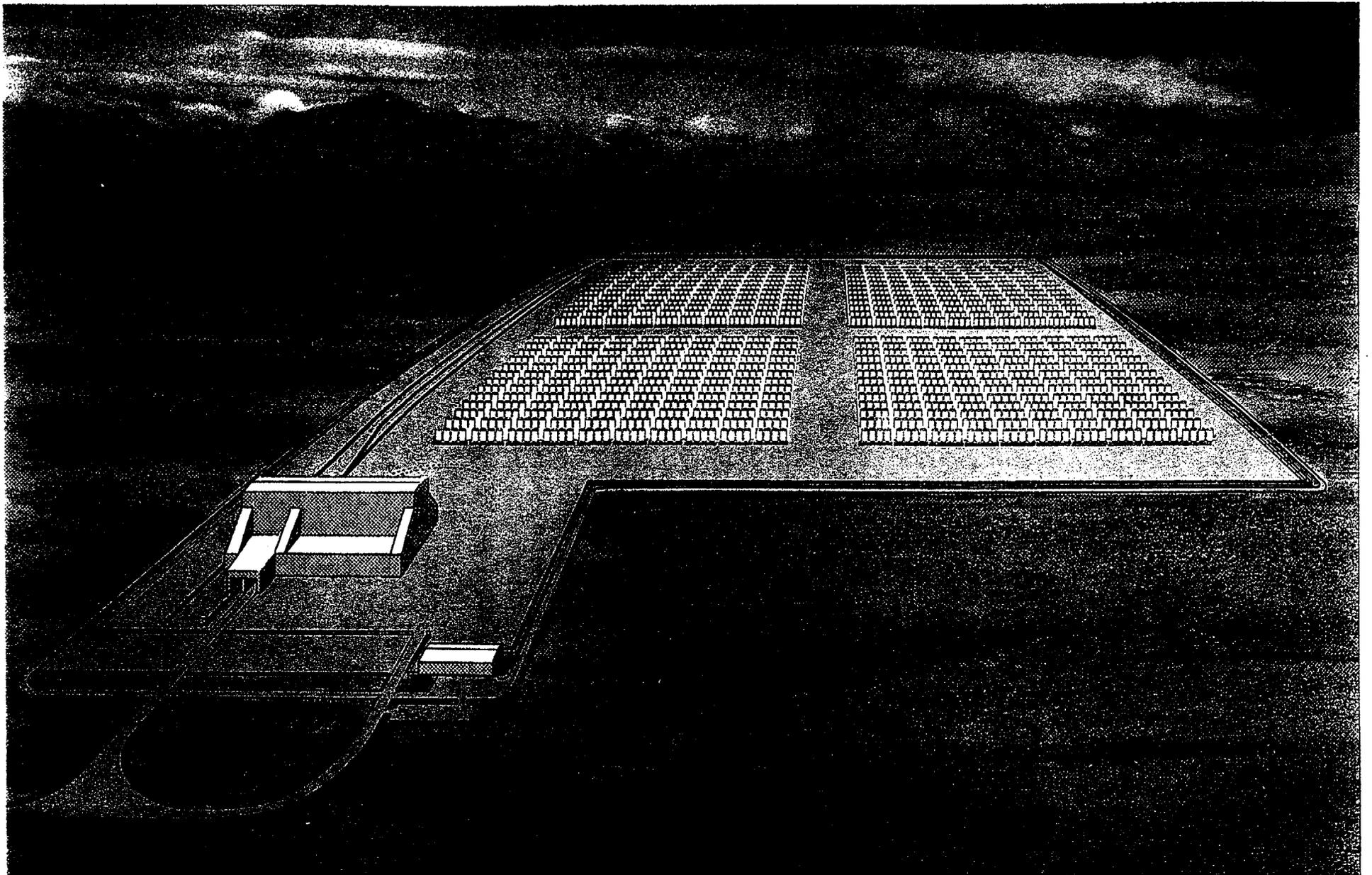


Figure 14

Artist's concept of how the PFSF facility for temporary storage of spent nuclear fuel rods might appear when constructed on the Skull Valley Band of Goshute Reservation in Tooele County, Utah.