

June 24, 1999

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-ISFSI  
 )  
(Independent Spent Fuel )  
Storage Installation) )

**NRC STAFF'S INITIAL OBJECTIONS AND RESPONSES  
TO "THE STATE OF UTAH'S FIRST SET OF  
DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF"**

INTRODUCTION

On June 10, 1999, the State of Utah ("State") filed the "State of Utah's First Set of Discovery Requests Directed to the NRC Staff" ("Request"), concerning the application for an Independent Spent Fuel Storage Installation ("ISFSI") filed by Private Fuel Storage, L.L.C. ("PFS" or "Applicant"). In its Request, the State filed (a) five general interrogatories and three document requests concerning all contentions that have been admitted for litigation in this proceeding; and (b) various specific requests for admission, interrogatories, and document requests concerning five particular contentions herein -- Utah Contentions B, C, H, R, and Security C. The Staff hereby files its initial response to the State's Request, as follows.<sup>1</sup>

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<sup>1</sup> Inasmuch as the Staff has not yet filed its position concerning Groups II and III contentions, and is not required to do so at this time, the Staff reserves its right to object to the State's discovery requests on those contentions, and will provide those objections at such time as the Staff is required to respond to those requests. Further, the Staff notes that the required time for the Staff's responses to the instant set of discovery requests has been modified by agreement of the State and Staff, as set forth in a letter from Sherwin E. Turk, Esq., to Denise Chancellor, Esq., dated June 21, 1999.

GENERAL OBJECTIONS

**Objection 1.** The Staff objects to each of the State's discovery requests, in that the State has not complied with the Commission's regulations that govern discovery from the Staff. In this regard, it is well established that discovery against the Staff rests on a different footing than discovery in general. *Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-634, 13 NRC 96, 97-98 (1981)*. While discovery from parties in an NRC adjudicatory proceeding is generally governed by the provisions of 10 C.F.R. § 2.740 *et seq.*, interrogatory and document discovery against the Staff is governed by the provisions of 10 C.F.R. §§ 2.720(h)(ii)-(iii), 2.744 and 2.790.<sup>2</sup> These regulations establish certain limits to the Staff's obligation to respond to requests for discovery.

In particular, with regard to interrogatories, the Commission's rules provide:

[A] party may file with the presiding officer written interrogatories to be answered by NRC personnel with knowledge of the facts designated by the Executive Director for Operations. Upon a finding by the presiding officer that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require that the staff answer the interrogatories.

10 C.F.R. § 2.720 (h)(2)(ii). With regard to requests for the production of documents, the Commission's rules similarly provide:

(a) A request for the production of an NRC record or document not available pursuant to 10 C.F.R. § 2.790 . . . shall set forth the records or documents requested, either by individual item or by category, and shall describe each item or category with reasonable

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<sup>2</sup> See also 10 C.F.R. §§ 2.740(f)(3), 2.740a(j), 2.740b(a), and 2.741(e) (excluding discovery from the Staff from the general provisions of those regulations).

particularity and shall state why that record or document is relevant to the proceeding.

(b) If the Executive Director for Operations objects to producing a requested record or document on the ground that (1) it is not relevant or (2) it is exempted from disclosure under § 2.790 and the disclosure is not necessary to a proper decision in the proceeding or the document or the information therein is reasonably obtainable from another source, he shall so advise the requesting party.

10 C.F.R. § 2.744(b). The rule further provides for application by the requesting party to the presiding officer to compel production of the documents, where the movant shows that the document is relevant to the issues in the proceeding; and the document is not exempt from disclosure under 10 C.F.R. § 2.790 -- or, if exempt, that the document or information is necessary to a proper decision in the proceeding and is not reasonably obtainable from another source. 10 C.F.R. §§ 2.744(c)-(d).<sup>3</sup>

Moreover, it is an adequate response to *any* discovery request for a party to state that the information or document requested is available in the public domain and to provide information to locate the material requested. 10 C.F.R. § 2.740(b)(1); *accord*, *Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit No. 1), CLI-79-8, 10 NRC 141, 147-148 (1979).

Here, the State has not complied with any of the Commission's requirements governing discovery against the Staff. First, the State has not indicated that the requested documents and information are not available in the public domain. In this regard, the Staff notes that much of the requested information and documents are, in fact, readily available to the State through its

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<sup>3</sup> Additionally, 10 C.F.R. § 2.744(e) provides a framework for limited disclosure (under a protective order) of documents exempt from disclosure under 10 C.F.R. § 2.790, upon a finding by the presiding officer that such disclosure is necessary to a proper decision in the proceeding. Cf. 10 C.F.R. § 2.740(c).

access to publicly available documents. The State, moreover, is well aware of the fact that many of the requested documents are available in the public domain, having been informed long ago that documents are available in the Public Document Room (PDR) or the Local PDR (LPDR) that was established in Salt Lake City. Second, the State has not indicated, as is required under Commission regulations, that the requested information and documents are exempt from disclosure under 10 C.F.R. § 2.790 and that it can not obtain the documents from public sources. Similarly, to the extent that the documents may be exempt from disclosure, the State has not indicated that each of the exempt items is necessary to a proper decision in the proceeding. Further, as set forth in Objection 2 below, the State has not shown that the requested documents are relevant to the issues in this proceeding. For all of these reasons, the Staff objects to the State's discovery requests.

**Objection 2.** The Staff objects to each of the State's discovery requests, insofar as they request information that is not relevant to the issues in this proceeding and/or that exceeds the scope of admitted contentions in this proceeding.<sup>4</sup>

**Objection 3.** The Staff objects to the State's discovery requests insofar as they relate to matters which are outside the jurisdiction of the NRC and/or are beyond the proper scope of this proceeding.

**Objection 4.** The Staff objects to each of the State's discovery requests, insofar as they request information or documents from the "Nuclear Regulatory Commission" or the "NRC," or

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<sup>4</sup> For example, the Licensing Board has granted summary disposition in favor of the Applicant on Utah Contention C, and that contention is therefore excluded from further litigation in this proceeding. See "Memorandum and Order (Granting Motion for Summary Disposition Regarding Contention Utah C," LBP-99-23, 49 NRC \_\_\_ (June 17, 1999).

other persons or entities who are not members of the NRC Staff or consultants to the Staff in this proceeding. *See, e.g.*, Instruction A, "Scope of Discovery"; and Definition 1 (Request at 1-2, 4). The NRC and persons other than NRC Staff members (*e.g.*, the Commissioners, Commissioners' Assistants, Licensing Board members, ACRS members, etc.) are not parties to this proceeding and are not properly subject to the State's requests for discovery in this proceeding.

**Objection 5.** The Staff objects to each of the State's discovery requests, insofar as they seek to impose an obligation to respond that is different from or greater than the obligations imposed by Commission regulations, as set forth in 10 C.F.R. Part 2. *See, e.g.*, Instruction B, "Lack of Information" (Request at 2).

**Objection 6.** The Staff objects to each of the State's discovery requests, insofar as they may request information or documents protected under the attorney-client privilege, the doctrines governing the disclosure of attorney work product and trial preparation materials, and/or any other privilege or exemption that warrants or permits the non-disclosure of documents under the Freedom of Information Act, as set forth in 10 C.F.R. § 2.790(a). Notwithstanding this objection, the Staff is preparing a privilege log to identify documents that are sought to be withheld from discovery as privileged, and will produce that log to the State.

**Objection 7.** The Staff objects to each of the State's discovery requests, insofar as they seek information or documents at this time pertaining to Group II or Group III contentions in this proceeding. In accordance with the Licensing Board's scheduling Orders, the Staff is not required to respond to such discovery requests until it has completed its review of the contentions and is able to state a position thereon. Further, in a telephone conversation on June 21, 1999, Counsel for the State agreed that the Staff need not provide responses to its discovery requests, insofar as

they may concern Group II and III contentions, at this time. Notwithstanding this objection, however, the Staff views the State's interrogatories as continuing and will timely supplement its responses with respect to Group II and III contentions.

### RESPONSE TO THE STATE'S DISCOVERY REQUESTS

Notwithstanding the above objections to the State's Request, and without waiving these objections or its right to interpose these or other objections in the future, the Staff hereby voluntarily provides the following responses to the State's Request.

#### **I. GENERAL DISCOVERY**

##### **A. GENERAL INTERROGATORIES**

These general interrogatories apply to all Utah admitted contentions, are in addition to the ten interrogatories per contention allowed by the Board's Order dated April 22, 1998 (LBP-98-7), and are continuing in accordance with 10 CFR § 2.740(e).

**GENERAL INTERROGATORY NO. 1** State the name, business address, and job title of each person who was consulted and/or who supplied information for responding to interrogatories, requests for admissions and requests for the production of documents. Specifically note for which interrogatories, requests for admissions and requests for production each such person was consulted and/or supplied information.

If the information or opinions of anyone who was consulted in connection with your response to an interrogatory or request for admission differs from your written answer to the discovery request, please describe in detail the differing information or opinions, and indicate why such differing information or opinions are not your official position as expressed in your written answer to the request.

##### **STAFF RESPONSE.**

To the extent that this interrogatory seeks information that is exempt from disclosure under 10 C.F.R. § 2.790, including without limitation pre-decisional information, the Staff hereby objects thereto. Notwithstanding the above objections, information will be provided in response to this interrogatory with respect to specific contentions, as appropriate.

The following information is provided with respect to the specific contentions that are the subject of discovery in the State's Request. In addition to Counsel for the Staff, the following persons were consulted and/or provided information in responding to the State's Request:

**Utah Contention B:** Earl P. Easton  
Section Chief, Technical Review Section A  
Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Utah Contention H:** Jack Guttman  
Senior Nuclear Engineer  
Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Utah Contention R:** Randolph L. Sullivan  
Emergency Preparedness Specialist  
Operator Licensing, Human Performance, and Plant Support  
Branch  
Division of Inspection Program Management  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Contention Security C:** Charles E. Gaskin  
Senior Safeguards Project Manager  
Fuel Cycle Licensing Branch  
Division of Fuel Cycle Safety and Safeguards  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**GENERAL INTERROGATORY NO. 2.** Identify all documents relevant to any Utah admitted contention that NRC intends to rely upon in litigating each Utah contention.

**STAFF RESPONSE.** Information in response to this interrogatory will be provided with respect to specific contentions, as appropriate.

**GENERAL INTERROGATORY NO. 3.** For each admitted Utah contention, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom NRC expects to call as a witness at the hearing. For purposes of answering this interrogatory, the educational and scientific experience of expected witnesses may be provided by a resume of the person attached to the response.

**STAFF RESPONSE.** Information in response to this interrogatory will be provided with respect to specific contentions, as appropriate.

**GENERAL INTERROGATORY NO. 4.** For each admitted Utah contention, identify the qualifications of each expert witness whom NRC expects to call at the hearing, including but not limited to a list of all publications authored by the witness within the preceding ten years and a listing of any other cases in which the witness has testified as an expert at a trial, hearing or by deposition within the preceding four years.

**STAFF RESPONSE.** Information in response to this interrogatory will be provided with respect to specific contentions, as appropriate.

**GENERAL INTERROGATORY NO. 5.** For each admitted Utah contention, describe the subject matter on which each of the witnesses is expected to testify at the hearing, describe the facts and opinions to which each witness is expected to testify, including a summary of the grounds for each opinion, and identify the documents (including all pertinent pages or parts thereof), data or other information which each witness has reviewed and considered, or is expected to consider or to rely on for his or her testimony.

**STAFF RESPONSE.** Information in response to this interrogatory will be provided with respect to specific contentions, as appropriate.

## **B. GENERAL DOCUMENT REQUESTS**

The State requests the NRC to produce the following documents that are directly or indirectly within its possession, custody or control.

**REQUEST NO 1.** All documents in your possession, custody or control that are identified, referred to or used in any way in responding to all of the above general interrogatories and the following interrogatories and requests for admissions relating to specific contentions.

**STAFF RESPONSE.** Documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

**REQUEST NO. 2.** All documents in your possession, custody or control relevant to each Utah admitted contention.

**STAFF RESPONSE.** Documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

**REQUEST NO. 3.** All documents (including experts' opinions, work papers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that NRC intends to use at the hearings on each Utah admitted contention.

**STAFF RESPONSE.** Documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

## II. SPECIFIC DISCOVERY

### A. UTAH CONTENTION B (License Needed for Intermodal Transfer Facility)

#### 1. REQUEST FOR ADMISSIONS - Utah Contention B

**REQUEST FOR ADMISSION NO. 1.** Do you admit that NRC has no detailed design plans, blueprints or drawings of: the gantry crane, the building that will house the gantry crane, a security system, and other functional aspects (such as the septic tank system) associated with the Intermodal Transfer Facility ("ITF").

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of

relevant information. Notwithstanding this objection, however, the following response is provided: Yes, except as provided in the Applicant's revised Safety Analysis Report.

**REQUEST FOR ADMISSION NO. 2.** Do you admit that the design of the ITF requires PFS to use the Union Pacific Rail Line right-of-way for the construction and operation of rail sidings at the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 3.** Do you admit that NRC has no details of agreements or arrangements, if any, between PFS and the Union Pacific Rail Line ("UP") for the Applicant to use UP's right-of-way on the south side of the main line at the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: Yes.

**REQUEST FOR ADMISSION NO. 4.** Do you admit that NRC will require, as a license condition, that all casks shipped to the ITF be sent by dedicated or single use train.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 5.** Do you admit that sending casks to the ITF via mixed freight versus single use or dedicated train will affect the routine operation of the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 6.** Do you admit that sending casks by mixed freight shipment to the ITF will create uncertainty as to the timing of shipments terminating at the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 7.** Do you admit that a shipment of casks sent by mixed freight to the ITF will require the cars containing the casks to be segregated from the non-cask freight cars (*i.e.* the shipment will need to be reconfigured), either at the ITF or at a rail yard in Salt Lake City.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 8.** Do you admit that the design of the ITF will only accommodate a maximum shipment of two locomotives, four spacer cars, three cask cars and a security car.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 9.** Do you admit the following are some of the facts required to determine whether the ITF is a de facto interim storage facility: (a) the number of casks per shipment that will come into the ITF; (b) the frequency and timing of shipments that will come into the ITF; (c) the sequencing of casks that will come into the ITF; (c) the ability to move a cask from the ITF to the ISFSI; and (d) the timing of the movement of a cask from the ITF to the ISFSI.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 10.** Do you admit that there is no analysis of the number of casks that will come into Rowley Junction for intermodal transfer to the proposed PFS facility other than the arithmetic of a 20 year license initial term or 40 year initial and renewal terms divided by the maximum number of casks allowed under the proposed NRC Part 72 license (i.e., 4,000 casks divided by 20 years would yield 200 casks per year; or if divided by 40 years, then 100 casks per year).

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 11.** Do you admit that, with respect to cask shipments to the ITF, NRC has made no analysis of the number of casks per shipment, the frequency and timing of shipments or the Applicant's ability to move the casks from the ITF to the ISFSI.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: Yes.

**REQUEST FOR ADMISSION NO. 12.** Do you admit that the Applicant will own the buildings, sidings, gantry crane and any other fixtures at the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 13.** Do you admit operation of the ITF will (a) be under the Applicant's supervision and control, or (b) if under contract, be operated according to procedures and training requirements established by the Applicant.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 14.** Do you admit that the Applicant will be in possession of casks once a cask shipment has reached the terminus at the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of

relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 15.** Do you admit that the Applicant will (a) provide security for all casks at the ITF; (b) security for each cask en route to the ISFSI; and (c) security for each cask once it arrives at the ISFSI.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 16.** Do you admit that the Applicant will rely on ISFSI personnel to respond to emergencies (e.g., breach of security, unexpected release of radiation, fires, etc.) at the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 17.** Do you admit that NRC has no information, from the Applicant or otherwise, that accurately estimates the response time from the ISFSI to the ITF (in both fair and adverse weather conditions).

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: Yes.

**REQUEST FOR ADMISSION NO. 18.** Do you admit that the ITF will not be adequately protected by the Applicant's reliance on ISFSI staffing to respond to emergencies (e.g., breach of security, unexpected release of radiation, fires, etc.) at the ITF.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 19.** Do you admit that the Applicant will have a maximum of two heavy haul tractor trailers for the movement of casks from the ITF to the ISFSI.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 20.** Do you admit that the Applicant will own the two heavy haul tractor trailers.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 21.** Do you admit that a heavy haul tractor trailer loaded with a cask, tie downs, stabilizers, etc. will clear the I-80 underpass at Rowley Junction by (a) less than twelve inches; (b) less than six inches; or (c) less than two inches.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 22.** Do you admit that the a loaded cask may not clear the I-80 underpass at Rowley Junction during snow conditions or if some of the 100 tires on the heavy haul tractor/trailer are over inflated.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

## **2. INTERROGATORIES - Utah Contention B**

**INTERROGATORY NO. 1.** To the extent that NRC does not admit any or all request for admissions No. 1 through No. 22 above, please provide the basis for any and all denials.

**STAFF RESPONSE.** To the extent that the Staff denies or does not admit any of Requests for Admission 1-22 above, the Staff is not aware of information that would support the requested admission and/or denies that the requested admission is correct.

**INTERROGATORY NO. 2.** If NRC admits Request for Admission No. 15, please describe the nature of the security that the Applicant will provide for the casks at the ITF, en route from the ITF to the ISFSI, and the arrival of a cask at the ISFSI, and describe whether any of these security measures differ from the security measures required by 10 CFR Part 72.

**STAFF RESPONSE.** See Staff Response to Request for Admission No. 15, above.

### 3. DOCUMENT REQUESTS - Utah Contention B

DOCUMENT REQUEST NO. 1. All documents relied on by the NRC to show that the ITF is not a de facto interim storage facility

#### STAFF RESPONSE.

Documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

DOCUMENT REQUEST NO. [2]. All documents relied on by NRC to show that the Applicant will not be in possession of spent nuclear fuel cask at the ITF.

#### STAFF RESPONSE.

Documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

### B. UTAH CONTENTION C (Dose Limits)

#### 1. REQUEST FOR ADMISSIONS - Utah Contention C

The following requests for admissions are based on revised accident dose calculations, included as an attachment, and submitted to NRC on February 11, 1999 under separate cover, to the Second Round Safety RAI Response. The accident dose calculations were prepared by Dade Moeller and Associates for Stone and Webster, and are presented in two reports: UR-010, RESRAD Pathway Analysis Following Deposition of Radioactive Material From the Accident Plumes (February 9, 1999); and UR-009, Accident Dose Calculations at 500m and 3219m Downwind for Canister Leakage Under Hypothetical Accident Conditions for the Holtec MPC-68 and SNC TranStor Canisters (February 9, 1999). The revised calculations make a number of assumptions whose bases are unexplained.

REQUEST FOR ADMISSION NO. 1. Do you admit that PFS assumes a person stands 500 meters away from a canister for 2,000 hours/year?

**REQUEST FOR ADMISSION NO. 2.** Do you admit that PFS assumes that the person standing 500 meters away from a canister for 2,000 hours is a worker?

**REQUEST FOR ADMISSION NO. 3.** Do you admit that PFS assumes that there will not be any full time residents at or near the fence post of the controlled area?

**REQUEST FOR ADMISSION NO. 4.** Do you admit that PFS assumes that it has control over the area beyond the fence post of the controlled area?

**REQUEST FOR ADMISSION NO. 5.** Do you admit that PFS assumes the leak rate for the Holtec Hi-Storm storage cask is derived from NUREG-1617?

**REQUEST FOR ADMISSION NO. 6.** Do you admit that PFS assumes that the leak rate for the Holtec Hi-Storm storage cask used at the PFS facility will be the same as is permitted by NRC regulations in 10 CFR 71.51 and Appendix A.

**REQUEST FOR ADMISSION NO. 7.** Do you admit that PFS has done no independent analysis to justify the assumptions described in Admissions 1 and 2 above?

**REQUEST FOR ADMISSION NO. 8.** Do you admit that a TOW-2 anti-tank missile can penetrate one meter of steel, and therefore could penetrate a HI-STAR 100 metal cask?

**REQUEST FOR ADMISSION NO. 9.** Do you admit that a MILAN anti-tank missile can penetrate one meter of steel, and therefore could penetrate a HI-STAR 100 metal cask?

**REQUEST FOR ADMISSION NO. 10.** Do you admit that the leak rate A2, specified in 10 CFR Part 71, Appendix A for a type B transportation cask, could be exceeded by a direct strike of a TOW-2 or MILAN anti-tank missile?

**REQUEST FOR ADMISSION NO. 11.** Do you admit that the hole diameter calculated in NUREG/CR-6487 could be exceeded by a direct strike of a TOW-2 or MILAN anti-tank missile?

**STAFF RESPONSE TO REQUESTS FOR ADMISSION 1-11.**

The Staff objects to each of these requests for admission on the grounds that (a) the Licensing Board has granted summary disposition of Utah Contention C, and/or (b) the requests seek information that is beyond the proper scope of Utah Contention C, as admitted.

## 2. INTERROGATORIES - Utah Contention C

**INTERROGATORY NO. 1.** In October 1998, the NRC issued Interim Staff Guidance (ISG) 5. ISG-5 assumes a 30-day release for an accident involving a spent fuel storage cask. Please provide the basis for this assumption, including all available quantitative and qualitative information. Your answer should include a description of: whether people at the fence post (*i.e.*, 500 meters from a canister) are assumed to remain in the area or be notified and evacuated and given an explanation for the notification and evacuation; what is expected to occur during the 30-day period and why; and what occurs at the expiration of the 30-day period and why.

**INTERROGATORY NO. 2.** Justify a 30-day exposure period for each of the different exposure pathways: direct gamma from deposited radionuclides; direct gamma from the passing cloud; inhalation of gases, particulates and volatiles; and ingestion of food (*e.g.*, milk, vegetation, meat).

**INTERROGATORY NO. 3.** By letter dated February 11, 1999, in response to a Request for Additional Information ("RAI"), PFS submitted revised accident dose calculations. The calculations were prepared by Dade Moeller and Associates for Stone and Webster, and are presented in two reports: UR-010, "RESRAD Pathway Analysis Following Deposition of Radioactive Material From the Accident Plumes" (February 9, 1999); and UR-0009, "Accident Dose Calculations at 500 M and 3219m Downwind for Canister Leakage Under Hypothetical Accident Conditions for the Holtec MPC-68 and SNC TranStor Canisters" (February 9, 1999). Please respond regarding the adequacy of the following aspects of PFS's analysis:

a. PFS assumes a person stands 500 meters away from a leaking canister for 2,000 hours/year. This appears to be based on the assumption that the person is a worker rather than a nearby resident. Do you agree or disagree with this assumption? Please explain your answer. If you agree with PFS, your answer should include an explanation of why PFS should not be required to consider a full-time resident who is exposed for 8,760 hours/year. For instance, is the unrestricted area assumed in some way to be restricted? If you disagree with PFS, please explain what assumption(s) PFS should have used.

b. For a thyroid dose, PFS considers iodine-129, but ignores chlorine-36, which will also be present in irradiated fuel. Please explain whether you agree or disagree with PFS, and why.

c. In UR-010, the RESRAD pathway analysis, particulates are assumed to be deposited downwind. This deposited radioactive material is then assumed to be mixed within the top 1 centimeter of soil. The standard code RESRAD is then employed to calculate direct gamma, food ingestion and inhalation of resuspended particulates. Rather than artificially mix radioactive material with soil, Moeller & Associates could have directly calculated a direct gamma dose from the surface density of deposited radionuclides ( $\text{pCi/m}^2$ ) using FGR #12 (EPA, "External Exposure To Radionuclides In Air, Water, And Soil," EPA 402-R-93-081,

September 1993), an EPA report Moeller & Associates used in calculating an immersion dose. Do you agree or disagree with PFS's failure to use FGR # 12 to calculate the direct gamma dose from the surface concentrations? Please explain your answer.

**INTERROGATORY NO. 4.** In UR-009, Dade Moeller & Associates changes the methodology used in PFS's SAR for estimating the release of particulates, gases, and volatiles from a storage cask. The methodology is now based on NUREG-1617, "Standard Review Plan Transportation Packages for Spent Nuclear Fuel" (March 1998). NUREG-1617 is in turn based on NUREG/CR-6487, a report by Lawrence Livermore National Laboratories ("LLNL") entitled "Containment Analysis for Type B Packages Use to Transport Various Contents" (November 1996). Do you agree with PFS's reliance on NUREG-1617 and NUREG/CR-6487? If so, please explain why it is appropriate to rely on a transportation analysis for an evaluation of doses yielded by a storage cask. Your answer should include a discussion of the applicability of ANSI standard N14.5 to storage casks. ANSI standard N14.5 assumes annual leak testing, a condition not satisfied with the Holtec or Transtor dry storage cask. Provide any analyses or calculations that support your answer.

**INTERROGATORY NO. 5.** How will vibrations and heat during transport affect the leak rate during storage? Your answer should include consideration of the effects of spalling of crud and degradation of fuel assemblies and the effect of transportation vibrations on weld integrity.

**INTERROGATORY NO. 6.** To the extent that NRC does not admit any or all Request for Admissions No. 1 through No. 22 [sic] above, please provide the basis for any and all denials.

### **STAFF RESPONSE TO INTERROGATORIES 1-6.**

The Staff objects to each of these interrogatories on the grounds that (a) the Licensing Board has granted summary disposition of Utah Contention C, and/or (b) the interrogatories seek information that is beyond the proper scope of Utah Contention C, as admitted.

### **3. DOCUMENT REQUESTS - Utah Contention C**

The State requests the NRC Staff to produce the following documents directly or indirectly within its possession, custody or control:

**DOCUMENT REQUEST NO. 1.** Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies for the NRC Staff's accident dose limits analyses, exposure duration, exposure pathways, and leak rate for the Holtec casks.

DOCUMENT REQUEST NO. 2. Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies used to prepare ISG-5.

DOCUMENT REQUEST NO. 3. Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies used to prepare NUREG-1617.

DOCUMENT REQUEST NO. 4. Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies used to prepare NUREG/CR 6487 .

STAFF RESPONSE TO DOCUMENT REQUESTS 1-4.

The Staff objects to each of these document requests on the grounds that (a) the Licensing Board has granted summary disposition of Utah Contention C, and/or (b) the requests seek information that is beyond the proper scope of the contention, as admitted.

C. UTAH CONTENTION H- Thermal Design

1. REQUEST FOR ADMISSIONS - Utah Contention H

REQUEST FOR ADMISSION NO. 1. Do you admit that the NRC staff has not conducted an independent thermal analysis of casks at the PFS facility taking into account the thermal interaction of the casks and the concrete pad.

STAFF RESPONSE. Yes.

REQUEST FOR ADMISSION NO. 2. Do you admit that the NRC Staff has not confirmed the Applicant's EHT model calculations.

STAFF RESPONSE. No.

REQUEST FOR ADMISSION NO. 3. Do you admit that the NRC Staff has not run the FLUENT code employed by the Applicant.

STAFF RESPONSE. No.

**2. INTERROGATORIES - Utah Contention H**

**INTERROGATORY NO. 1.** To the extent that NRC does not admit any or all Request for Admissions No. 1 through No. 3 above, please provide the basis for any and all denials.

**STAFF RESPONSE.** To the extent that the Staff denies or does not admit any of Requests for Admission 1-11 above, the Staff is not aware of information that would support the requested admission and/or denies that the requested admission is correct.

**D. UTAH CONTENTION R (Emergency Planning)**

**1. REQUEST FOR ADMISSIONS - Utah Contention R**

**REQUEST FOR ADMISSION NO. 1.** Do you admit that PFS has not determined the number of persons per shift it will have on-site at the ISFSI.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, the following response is provided: No.

**REQUEST FOR ADMISSION NO. 2.** Do you admit that PFS will not have a full-time fire brigade stationed on site.

**STAFF RESPONSE.** Yes.

**REQUEST FOR ADMISSION NO. 3.** Do you admit that the duties of the five member PFS fire brigade will be additional to the team members' normal duties.

**STAFF RESPONSE.** Yes.

**REQUEST FOR ADMISSION NO. 4.** Do you admit that PFS has not determined what the "normal" duties of fire brigade members will entail.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 5.** Do you admit that it will take up to 90 minutes for off-duty fire brigade members to be called back to the ISFSI site.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 6.** Do you admit that during a wild land fire that may threaten the ISFSI site, PFS fire brigade staff members may not be able to abandon their "normal" duties for fire duties.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 7.** Do you admit that a wild land fire may require all personnel to evacuate the ISFSI site.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 8.** Do you admit that evacuation of all personnel from the ISFSI site leaves the casks vulnerable to saboteurs.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 9.** Do you admit that wild land fires may cause the power supply to the PFS facility to be interrupted for hours or days.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 10.** Do you admit that during a wild land fire PFS may not be able to use its diesel-powered emergency generating system.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 11.** Do you admit that PFS does not have adequate support capability to fight fires onsite.

**STAFF RESPONSE.** No.

**2. INTERROGATORIES - Utah Contention R**

**INTERROGATORY NO. 1.** To the extent that NRC does not admit any or all Requests for Admissions No. 1 through No. 11 above, please provide the basis for any and all denials.

**STAFF RESPONSE.** To the extent that the Staff denies or does not admit any of Requests for Admission 1-11 above, the Staff is not aware of information that would support the requested admission and/or denies that the requested admission is correct.

**3. DOCUMENT REQUESTS - Utah Contention R**

**DOCUMENT REQUEST NO. 1.** All documents NRC staff intends to rely upon to show that the Applicant has the support capability to fight fires onsite.

**STAFF RESPONSE.** Documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

**DOCUMENT REQUEST NO. 2.** All documents that show the casks will not be at risk of being breached by saboteurs if all ISFSI staff are required to evacuate the site because of wild land fires.

**STAFF RESPONSE.** The Staff objects to this request on the grounds that it is beyond the scope of this contention, is irrelevant to the litigation of the contention, and is not reasonably calculated to lead to the discovery of relevant information.

**E. UTAH CONTENTION SECURITY C (Local Law Enforcement)**

**1. REQUEST FOR ADMISSIONS - Utah Contention Security C**

**REQUEST FOR ADMISSION NO. 1.** Do you admit the proposed PFS ISFSI site is located on a sovereign Indian reservation.

**STAFF RESPONSE.** Yes.

**REQUEST FOR ADMISSION NO. 2.** Do you admit that, absent a written arrangement to the contrary, the State or local law enforcement agencies ("LLEA") are not obligated to provide law enforcement services to a sovereign Indian nation.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 3.** Do you admit that it is the responsibility of the U.S. Bureau of Indian Affairs ("BIA") to provide law enforcement services to sovereign Indian nations.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 4.** Do you admit the BIA Office responsible for managing the Skull Valley Indian reservation is located in Fort Duchesne, Utah.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 5.** Do you admit that the distance, by road, from Fort Duchesne to the Skull Valley Indian reservation is at least 175 miles.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 6.** Do you admit that the Applicant has provided no documentation of any formal or written arrangements or agreements with any local law enforcement agency to provide response or support services for incidents that may require law enforcement assistance at the proposed ISFSI site.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 7.** Do you admit that the Applicant has provided no documentation of any formal or written arrangements or agreements with Tooele County, or its subdivisions, for the Tooele County Sheriff's Office to provide response or support services for incidents that may require law enforcement assistance at the proposed ISFSI site.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 8.** Do you admit that the Applicant is relying entirely on a cooperative agreement between Tooele County, the BIA and the Skull Valley Band of Goshutes, dated June 3, 1997, as satisfying the requirement to document liaison for LLEA assistance at the proposed ISFSI site.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 9.** Do you admit the Tooele County Attorney has stated that under the June 3, 1997 cooperative agreement, referred to in Request for Admission No. 8, Tooele County is not obligated to provide law enforcement protection to the proposed ISFSI site.

**STAFF RESPONSE.** No.

**REQUEST FOR ADMISSION NO. 10.** Do you admit that the Applicant has not determined, documented or provided NRC with information relating to the response time for a local law enforcement agency to respond to an incident at the proposed ISFSI site.

**STAFF RESPONSE.** No.

## **2. INTERROGATORIES - Utah Contention Security C**

**INTERROGATORY NO. 1.** To the extent that NRC does not admit any or all Requests for Admissions No. 1 through No. 10 above, please provide the basis for any and all denials.

**STAFF RESPONSE.** To the extent that the Staff denies or does not admit any of Requests for Admission 1-10 above, the Staff is not aware of information that would support the requested admission and/or denies that the requested admission is correct.

## **3. DOCUMENT REQUESTS - Utah Contention Security C**

**DOCUMENT REQUEST NO. 1.** All documents NRC intends to rely upon to show that the Applicant has a documented arrangement with an LLEA to provide law enforcement response or support services for incidents that occur at the proposed ISFSI site.

**STAFF RESPONSE.**

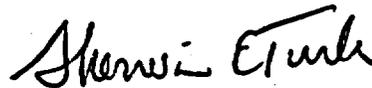
Documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

**DOCUMENT REQUEST NO. 2.** All documents NRC intends to rely upon to show the anticipated response time by an LLEA to the proposed ISFSI site, taking into account such factors as level of LLEA staffing, size of territory patrolled by the LLEA, and the number and availability of patrol cars.

**STAFF RESPONSE.**

The Staff objects to this request on the grounds that it is irrelevant to the litigation of this contention and is not reasonably calculated to lead to the discovery of relevant information. Notwithstanding this objection, however, documents in response to this request will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790.

Respectfully submitted,



Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 24th day of June 1999

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-ISFSI  
 )  
(Independent Spent Fuel )  
Storage Installation) :

AFFIDAVIT OF EARL P. EASTON

COUNTY OF MONTGOMERY )  
 ) SS:  
STATE OF MARYLAND )

Earl P. Easton, having first been duly sworn, does hereby state as follows:

1. I am employed as Section Chief, Technical Review Section A in the Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, in Washington, D.C.
2. I have reviewed the foregoing responses of the NRC Staff to the "State of Utah's First Set of Discovery Requests Directed to the NRC Staff," as they pertain to Utah Contention B (Intermodal Transfer Point), and verify that they are true and correct to the best of my information and belief.

Sworn to before me this  
24th day of June 1999



*Circe E. Martin*  
Notary Public

*Earl P. Easton*  
Earl P. Easton

My commission expires: March 1, 2003

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-ISFSI  
 )  
(Independent Spent Fuel )  
Storage Installation) )

AFFIDAVIT OF CHARLES E. GASKIN

COUNTY OF MONTGOMERY )  
 ) SS:  
STATE OF MARYLAND )

Charles E. Gaskin, having first been duly sworn, does hereby state as follows:

1. I am employed as a Senior Safeguards Project Manager in the Fuel Cycle Safety and Safeguards Division, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, in Washington, D.C.

2. I have reviewed the foregoing responses of the NRC Staff to the "State of Utah's First Set of Discovery Requests Directed to the NRC Staff," as they pertain to Utah Contention Security C (Local Law Enforcement), and verify that they are true and correct to the best of my information and belief.

Charles E. Gaskin  
Charles E. Gaskin

Sworn to before me this  
24th day of June 1999



Circe E. Martin  
Notary Public

My commission expires: March 1 2003

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-ISFSI  
 )  
(Independent Spent Fuel )  
Storage Installation) )

AFFIDAVIT OF JACK GUTTMANN

COUNTY OF MONTGOMERY )  
 ) SS:  
STATE OF MARYLAND )

Jack Guttman, having first been duly sworn, does hereby state as follows:

1. I am employed as a Senior Nuclear Engineer in the Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, in Washington, D.C.
2. I have reviewed the foregoing responses of the NRC Staff to the "State of Utah's First Set of Discovery Requests Directed to the NRC Staff," as they pertain to Utah Contention H (Thermal Design), and verify that they are true and correct to the best of my information and belief.

Sworn to before me this  
24th day of June 1999



*Circe E. Martin*  
Notary Public

*Jack Guttman*  
\_\_\_\_\_  
Jack Guttman

My commission expires: March 1, 2003

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-ISFSI  
 )  
(Independent Spent Fuel )  
Storage Installation) )

AFFIDAVIT OF RANDOLPH L. SULLIVAN

COUNTY OF MONTGOMERY )  
 ) SS:  
STATE OF MARYLAND )

Randolph L. Sullivan, having first been duly sworn, does hereby state as follows:

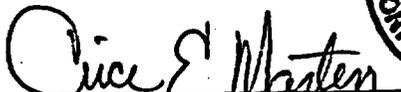
1. I am employed as an Emergency Preparedness Specialist, in the Operator Licensing, Human Performance, and Plant Support Branch, Division of Inspection Program Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, in Washington, D.C.

2. I have reviewed the responses of the NRC Staff to the "State of Utah's First Set of Discovery Requests Directed to the NRC Staff," dated June 24, 1999, as they pertain to Utah Contention R (Emergency Planning), and verify that they are true and correct to the best of my information and belief.

  
Randolph L. Sullivan

Sworn to before me this  
25th day of June 1999



  
Notary Public

My commission expires: March 1, 2003

**Earl P. Easton  
Section Chief, Technical Section A  
Spent Fuel Project Office  
U.S. Nuclear Regulatory Commission**

**Education:** B.S. Chemical Engineering, University of Maryland, 1974

**Experience:**

**1999-Present** **Section Chief, Technical Review Section A**

Manages technical review section for certification of spent fuel transportation and storage packages, and spent fuel storage facilities. Assures that the technical reviews of transportation and storage casks are adequate to demonstrate that casks meet the applicable safety requirements of NRC's regulations in 10 C.F.R. Parts 71 and 72. Responsible for resolving technical issues for spent fuel storage and transportation.

**1990-1999** **Section Chief, Transportation and Storage Safety Section**

Responsible for conducting risk studies of spent fuel storage facilities and transportation, of radioactive materials, rulemaking for 10 C.F.R. Parts 71 and 72, and incident response. Served as chief NRC liaison to U.S. Department of Transportation. Represented the United States as a Delegate at International Atomic Energy Agency (IAEA) technical committee meetings in the development of international transport regulations.

**1982-1990** **Senior Technical Reviewer, Transportation Package Certification Branch**

Senior technical reviewer and project manager for NRC review and approval of spent fuel transportation casks. Responsible as project manager for assuring that spent fuel casks met NRC's regulations under 10 C.F.R. Part 71. Conducted thermal and containment reviews.

**1980-1981** **Chemical Engineer, U.S. Department of Energy, Synthetic Fuels Program**

Project manager for coal gasification and liquefaction pilot plants. Responsible for overseeing research and development of coal conversion technologies.

**Charles E. Gaskin**  
**Senior Safeguards Project Manager**  
**Division of Fuel Cycle Safety and Safeguards**  
**Office of Nuclear Material Safety and Safeguards**  
**U.S. Nuclear Regulatory Commission**

**I am a Senior Safeguards Project Manager in the Division of Fuel Cycle Safety and Safeguards. My 38 years have included service in the security and law enforcement fields with the U. S. Navy, the Central Intelligence Agency, the Department of Justice, and the Nuclear Regulatory Commission (NRC). In the capacity of a Senior Safeguards Project Manager, I review of the physical protection programs at NRC-licensed Category I facilities. I also have worked as a Plant Protection Analyst for the NRC with respect to nuclear power reactors licensed under 10 C.F.R. Part 50. In that capacity, I performed reviews and assessments of the adequacy of reactor site physical security plans developed to protect against radiological sabotage and theft. I was responsible for the 10 C.F.R. § 73.55 review for various reactors, including Diablo Canyon, Shoreham, Seabrook, and Clinch River.**

**Prior to commencing employment at the NRC, I provided technical operational surveillance support in law enforcement for the Drug Enforcement Administration (DEA). While in the position of project manager with that organization, I gained experience in the positive operational side of security. I developed specific surveillance equipment of various operations, conducted hardware feasibility studies, tested surveillance equipment, developed equipment for air and surface vehicles and worked with the international community in the application of technology to law enforcement. Also, I participated in establishing security regulations for the DEA. In addition, I processed wiretap evidence for court presentation, and testified in many drug cases where technical surveillance equipment was deployed.**

**While at the Central Intelligence Agency, I served as technical security officer with overseas experience in both physical and technical security. I developed and implemented security systems and programs. During this time I worked in many areas of the world.**

**While in the U.S. Navy, I was with the Naval Security Group and was involved in communications security.**

**I am a member of the Institute of Electrical and Electronic Engineers and participate in the writing of engineering standards for the industry. I am also a member of the American Society for Industrial Security and the American Standard Testing and Materials.**

**Jack Guttman**  
**Senior Nuclear Engineer**  
**Spent Fuel Project Office**  
**Office of Nuclear Material Safety and Safeguards (NMSS)**  
**U. S. Nuclear Regulatory Commission**

**B.S. in Mechanical Engineering, Michigan Technological University, 1973**  
**M.S. Nuclear Engineering, University of Michigan, 1974**

Mr. Guttman has experience in nuclear engineering related to thermal-hydraulic and mechanical engineering analysis. Mr. Guttman worked at the Idaho National Engineering Laboratory as a contractor to the NRC in the area of thermal-hydraulic computer code validation and analysis. He performed analyses that quantified the conservatism between the accident analysis requirements for licensing nuclear power plants (10 C.F.R. Part 50, Appendix K), validated the computer code RELAP for regulatory application by the NRC, and performed independent confirmatory transient and accident analyses of operating reactor events and safety issues defined by the NRC.

While working at the NRC, Mr. Guttman was responsible for reviewing and approving the computer codes used by the nuclear industry for transient and accident analysis. He was the Office of Nuclear Reactor Regulation (NRR) representative on the Advanced Code Review Committee, the Loss of Fluid Test Facility, and the Semiscale Test Facility. Mr. Guttman performed independent analyses of plant operating events, including regulatory responses to the TMI event. He was a member of the BWR Bulletins and Orders Task Force that reviewed the ramifications of the TMI-2 events for boiling water reactors. He reviewed and approved emergency operator procedures for PWR designs and performed quality assurance inspections. Mr. Guttman developed standard review plans for analyzing reactor transient and accident events, developed regulatory guidance and NUREG documents for implementing Risk-Informed In-Service Testing of Piping, and was on the task force for developing Risk-Informed regulatory guidance documents.

With respect to policy development, Mr. Guttman served as a technical assistant to Commissioner Forrest J. Remick. He advised Commissioner Remick on policy development of advanced nuclear power plants, operating reactor issues, research needs, and represented the Commission as an observer on INPO inspections.

Mr. Guttman is currently performing thermal and containment evaluations of spent nuclear fuel transportation and storage casks. His work includes the evaluation of normal, off-normal and accident dose analyses, and the adequacy of the thermal design of spent nuclear fuel casks.

**PROFESSIONAL CHRONOLOGY:** Jr. Engineer, Detroit Edison Co., Enrico Fermi Atomic Power Plant-I, 1972-73; Research Engineer, Idaho National Engineering Laboratory, 1975-1976; Nuclear Engineer, Office of Nuclear Reactor Regulation, NRC, 1976-1985; Technical Coordinator, Office of the Secretary, NRC, 1985-1990; Technical Assistant, Office of the Commission, NRC, 1990-1994; Sr. Reliability and Risk Assessment Engineer, Office of Nuclear Regulatory Research, NRC, 1994-1999; Sr. Nuclear Engineer, Office of Nuclear Material Safety and Safeguards, NRC, 1999-present.

**Randolph L. Sullivan**  
**Statement of Professional Qualifications**

Mr. Sullivan is a board certified health physicist with more than 25 years of experience in emergency preparedness and radiological protection. He has held senior technical and managerial positions within the commercial nuclear industry and the Federal Government. His expertise includes health physics, technical hazards assessment, engineering and emergency preparedness. He has provided consulting assistance to more than 12 commercial nuclear utilities and several private firms. He has performed on projects for Department of Energy prime contractors. His experience in private industry has included responsible management and technical staff positions. He managed a full-scope nuclear power plant emergency preparedness program and was the Project Manager on the startup of an emergency preparedness program. As a Radiation Specialist at the Nuclear Regulatory Commission, he inspected commercial nuclear power plants, large byproduct-material licensees, a waste disposal site, and a fuel fabrication facility. Mr. Sullivan currently is an Emergency Preparedness Specialist with the Nuclear Regulatory Commission.

**EDUCATION**

B.S. Engineering Science, Illinois Institute of Technology  
U.S. Atomic Energy Commission, Reactor Health Physics Training Courses

**BACKGROUND**

At U. S. Nuclear Regulatory Commission, he is an Emergency Preparedness Specialist, performing licensing activities for nuclear licensees.

At Advanced Technologies and Laboratories, Inc. he was a consultant to DOE, supporting the Office of Environmental Management in the assessment of LLW disposal site radiological capacity, the Office of Environment, Safety and Health (ES&H) in the development of professional level Radiation Protection training programs and the Office of Emergency Management in the assessment of demonstration exercises and the development of performance measurements. He assisted the Waste Isolation Pilot Plant site in the conduct of emergency management exercises during their Operational Readiness Review and in the mentoring of Emergency Preparedness staff.

At Program Management Inc., Mr. Sullivan provided technical support to DOE's Office of Environment, Safety and Health in radiation protection standards and policy development. He supported the development of an Environmental Assessment for amendments to 10 C.F.R. Part 835 "Occupational Radiation Protection" and finalization of Revision 2 to the DOE Radiological Control Manual.

At Natural and Technical Hazards Management Inc.(NTHMC), Mr. Sullivan developed emergency action levels for the Power Burst Facility and the Test Area North at Idaho National Engineering Laboratory. This included detailed efforts to assess radiological and toxic chemical hazards.

At mbs Consulting Partners, Mr. Sullivan was the Chief Partner of this consulting group, which provided custom dose projection software to seven nuclear power plant sites. The software

implemented the new 10 C.F.R. Part 20 and EPA 400 regulations. mbs was also the American distributor for the Safe Training System, a chemical and radiological contamination simulation system.

At GPU Nuclear, Mr. Sullivan was the Oyster Creek Nuclear Generating Station Emergency Preparedness Manager, responsible for a full scope Emergency Preparedness (EP) program and a staff of senior technical personnel. He implemented numerous improvement projects leading to the only NRC rating of SALP-1 at this site for several reporting periods. He established a "state of the art" Technical Support Center including automated data projection systems and an online dose projection system. He upgraded and standardized training programs to minimize student time while maximizing training impact by the use of case studies and hands on testing. He developed numerous drill/ exercise scenarios, conducted the associated critiques and assigned corrective actions. Mr. Sullivan critiqued over 20 actual emergency events, assigning corrective actions where appropriate and presenting findings to Management and NRC. He was responsible for extensive interface with State and local officials in the implementation of supportive emergency plans as well as conducting media briefings and responding to media inquiries. He was responsible for all NRC interface for emergency preparedness. He participated in Institute for Nuclear Power Operations EP assessments at nuclear plant sites and was requested to critique several exercises at neighboring power plants. Mr. Sullivan was selected as Secretary of the Site Management Team, a senior level committee created to foster a culture of excellence. He managed engineering, technical and craft personnel during the 15R outage as the Turbine Building Manager.

At Hydro Nuclear Services, Mr. Sullivan provided health physics audit and consulting services to Nuclear Pharmacy Inc., a large byproduct-material licensee. He supported several emergency preparedness and health physics projects for nuclear power plants.

At Impell Corporation, Mr. Sullivan was Project Manager for an emergency preparedness startup and licensing effort at a nuclear power plant. He managed a group responsible for the development of a unique simulator-based training and drill program. He trained and coached executive and senior management personnel through a successful first exercise.

At Allen Nuclear Associates, Mr. Sullivan was part of a technical staff performing the start-up of a full scope nuclear plant health physics program. He assisted in the development of the emergency preparedness program and the ALARA program. He performed management analysis for the selection of appropriate staff for senior emergency plan positions.

At Quadrex Corporation, Mr. Sullivan was Manager of Health Physics Services, responsible for multiple projects including preparation of emergency plans and procedures, nuclear plant decommissioning, accident analysis, diffusion modeling, environmental monitoring, and the Systematic Evaluation Program for two power plants. He participated in the assessment of the General Atomic Fusion Reactor and supported the Hanford Tank Farm remediation project. He performed a hazards assessment in support of the startup of the Loss of Flow Test Facility at INEL.

While with the NRC (in the 1970s), Mr. Sullivan was responsible for the regulation and inspection of Health Physics and Emergency Preparedness programs at nuclear plants, research reactors, a fuel fabrication facility, hospitals, universities, and large industrial byproduct-material licensees.

As a Health Physics Technician at the University of Illinois, Mr. Sullivan routinely inspected over 100 medical research labs, developed procedures, shipped rad-waste, implemented a TLD system, and supported radiation therapy dosimetry.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

PRIVATE FUEL STORAGE L.L.C.

(Independent Spent  
Fuel Storage Installation)

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Docket No. 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S INITIAL OBJECTIONS AND RESPONSES TO 'THE STATE OF UTAH'S FIRST SET OF DISCOVERY REQUESTS TO THE NRC STAFF'" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by deposit in the United States mail, first class, as indicated by an asterisk, with copies by electronic mail as indicated, this 24th day of June, 1999:

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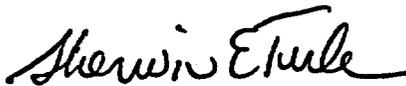
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