

August 20, 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 SECOND SUPPLEMENTAL RESPONSE  
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 -- Utah Contentions B, C, H, R, and Security C.

On June 24, 1999, the Staff filed its initial objections and responses to that discovery request.<sup>1</sup> Therein, the Staff responded to each of the State's discovery requests and, in particular, provided responses to the State's discovery requests concerning the specific contentions identified therein -- *i.e.*, Utah Contentions B, C, H, R, and Security-C. On July 13, 1999, in response to the State of Utah's request, the Staff supplemented its responses to the State's discovery requests by providing, in response to interrogatories seeking to discover the basis for the Staff's denials of the State's requests for admission, a more detailed explanation of the basis for each of the Staff's denials.<sup>2</sup> In the following supplemental response, the Staff provides further responses to the State's general interrogatories.

#### OBJECTIONS

The Staff hereby reiterates and renews each of its objections to the State's discovery requests, set forth in the Staff's Initial Response of June 24, 1999, as if set forth at length herein. Notwithstanding these 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 supplemental responses to the State's Request.<sup>3</sup>

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<sup>1</sup> See "NRC Staff's Initial Objections and Responses to 'The State of Utah's First Set of Discovery Requests Directed to the NRC Staff'" ("Initial Response"), dated June 24, 1999.

<sup>2</sup> See "NRC Staff's First Supplemental Response to 'The State of Utah's First Set of Discovery Requests Directed to the NRC Staff,'" dated July 13, 1999.

<sup>3</sup> For ease of reference, the State's interrogatories and requests for admission are reproduced below, followed by the supplemental response which is being provided at this time.

**I. GENERAL DISCOVERY**

**A. GENERAL INTERROGATORIES**

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 K (Credible Offsite Hazards):

Dr. Amitava Ghosh  
Principal Engineer  
Center for Nuclear Waste Regulatory Analyses  
Southwest Research Institute  
San Antonio, Texas

Dr. Budhi Sagar  
Technical Director  
Center for Nuclear Waste Regulatory Analyses  
Southwest Research Institute  
San Antonio, Texas

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. The Staff has tentatively identified the following persons as prospective witnesses in this proceeding, although this list is subject to possible revision prior to hearing. Statements of professional qualifications for each person listed below have been filed previously in this proceeding.

UTAH CONTENTION B (License Needed for Intermodal Transfer Facility)

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.

UTAH CONTENTION G (Quality Assurance)

Thomas O. Matula  
Safety Inspection Engineer  
Transportation and Storage Safety and Inspection Section  
Spent Fuel Project Office  
Office of Nuclear Materials Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C.

UTAH CONTENTION K (Credible Offsite Hazards)

Dr. Amitava Ghosh  
Principal Engineer  
Center for Nuclear Waste Regulatory Analyses  
Southwest Research Institute  
San Antonio, TX

Paul W. Lain  
Fire Protection Engineer  
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.

Dr. Budhi Sagar  
Technical Director  
Center for Nuclear Waste Regulatory Analyses  
Southwest Research Institute  
San Antonio, Texas

UTAH CONTENTION M (Probable Maximum Flood)

Dr. Steven R. Abt  
Professor of Civil Engineering, and  
Interim Associate Dean for Research and Graduate Studies  
College of Engineering  
Colorado State University  
Fort Collins, CO

UTAH CONTENTION R (Emergency Planning)

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.

Paul W. Lain  
Fire Protection Engineer  
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.

UTAH CONTENTION SECURITY A-C (Security Plan)

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

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. See Response to General Interrogatory 3, *supra*.

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. The subject matter and views of the Staff's witnesses are set forth in the "NRC Staff's Statement of Its Position Concerning Group I Contentions," dated June 15, 1999, as supplemented by the Staff's responses to the Applicant's motions for summary disposition of those contentions dated July 1, 1999 (Utah Security A-C), July 16, 1999 (Utah B), July 19, 1999 (Utah G, Utah M), July 22, 1999 (Utah K), and July 28, 1999 (Utah R).

Respectfully submitted,

*Catherine Marco* for

Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 20th day of August 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

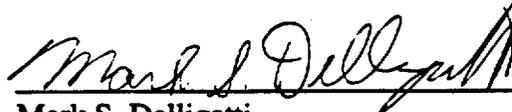
In the Matter of )  
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PRIVATE FUEL STORAGE, L.L.C. ) Docket No. 72-22-ISFSI  
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(Independent Spent Fuel )  
Storage Installation) )

AFFIDAVIT OF MARK S. DELLIGATTI

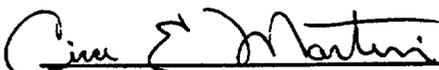
I, Mark S. Delligatti, having first been duly sworn, do hereby state as follows:

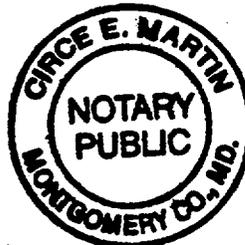
1. I am employed as Senior Project Manager in the Spent Fuel Licensing Section, Licensing and Inspection Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, in Washington, D.C. A statement of my professional qualifications is attached hereto.

2. I have reviewed the foregoing "NRC Staff's Second Supplemental Response" to the "State of Utah's First Set of Discovery Requests Directed to the NRC Staff" and verify that it is true and correct to the best of my information and belief.

  
Mark S. Delligatti

Sworn to before me this  
20<sup>th</sup> day of July 1999

  
Notary Public



My commission expires: March 1, 2003

**Mark Stephen Delligatti  
Senior Project Manager  
Spent Fuel Licensing Section  
Spent Fuel Project Office  
Licensing and Inspection Directorate  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission**

Education: B.A. Political Science, State University of New York, College at Oneonta, 1975  
M.P.A. Public Administration, The American University, Washington, DC 1977

Experience:

1996-Present Senior Project Manager, Spent Fuel Project Office

Project manager for: safety evaluations of applications for licenses for independent spent fuel storage installations (ISFSI) and operating ISFSI, certificates of compliance for casks and cask systems for the transportation and storage of spent nuclear fuel.

1994-1996 Senior Project Manager (Yucca Mountain Project Manager), Division of Waste Management

Project manager for the NRC staff's pre-licensing review of activities associated with the Department of Energy's characterization of Yucca Mountain as a potential deep geologic repository for high-level nuclear waste.

1987-1994 Project Manager, Division of High-Level Waste Management

Responsible for the development of guidance documents, project management of pre-licensing review activities in areas which included quality assurance and performance assessment, policy development and contract management for the high-level waste program.

1983-1987 Project Manager, Division of Waste Management

Assisted in the development of policy and regulatory guidance for various waste management activities. Served on the team that developed the procurement plan for NRC's federally funded research and development center (FFRDC), served on the Source Evaluation Panel for the FFRDC.

1975-1983 Summary of Previous Positions

Logistics Analyst for development of naval aircraft weapons systems, training coordinator, systems analyst providing support to NRC safeguards program, staff assistant to Fairfax County, Virginia Board of Supervisors.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S SECOND SUPPLEMENTAL RESPONSE TO 'THE STATE OF UTAH'S FIRST SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF'" and "NRC STAFF'S OBJECTIONS AND RESPONSES TO THE STATE OF UTAH'S SECOND SET OF DISCOVERY REQUESTS DIRECTED 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 Nuclear Regulatory Commission's internal mail system, as indicated by an asterisk, with copies by electronic mail, or by deposit in the United States mail, first class, as indicated by double asterisk, with copies by electronic mail as indicated, this 20th day of August, 1999.

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*Catherine L. Marco*

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