

September 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 CORRECTION TO "NRC STAFF'S OBJECTIONS  
AND RESPONSES TO THE STATE OF UTAH'S SECOND SET  
OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF"

The NRC staff (Staff) hereby submits a correction to "NRC Staff's Objections and Responses to the State of Utah's Second Set of Discovery Requests Directed to the NRC Staff" (Discovery Response), dated August 20, 1999. The Staff's objection to Request for Admission No. 20 refers in part to cruise missiles, which was not the subject of Request for Admission No. 20. For this reason, the Staff withdraws this part of its objection to Request for Admission No. 20. A corrected page to the Staff's August 20, 1999, Discovery Response is attached hereto. No affidavit is being provided in support of this essentially legal change.

Respectfully submitted,

*Catherine L. Marco*

Catherine L. Marco  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 20<sup>th</sup> day of September, 1999

comprehensive lessons learned program from earlier tests. The Staff, based on the above information, concluded that cruise missiles flying in the vicinity of the proposed ISFSI site do not pose a credible hazard to the facility.

REQUEST FOR ADMISSION NO. 20: Admit that the probability of hazard to the proposed ISFSI posed by aircraft parts or munitions accidentally or intentionally dropping from military aircraft flying in the vicinity of the ISFSI is an aircraft hazard factor that must be evaluated in order to determine the total aircraft hazard to the proposed ISFSI.

STAFF RESPONSE.

The Staff objects to this request on the grounds that it constitutes a compound question. Notwithstanding this objection, the request is denied. As defined by the State, for the purposes of this discovery request, "aircraft hazard factor" means "one of the individual probabilities that must be summed with all other individual probabilities in order to ascertain the total aircraft hazard probability pursuant to NUREG-0800." See State's Second Discovery Request at 8. NUREG-0800 does not require an analysis of these factors as a part of aircraft hazard analysis.

REQUEST FOR ADMISSION NO. 21: Admit that Staff has not evaluated the probability of aircraft hazard to the proposed ISFSI posed by aircraft parts or munitions accidentally or intentionally dropping from military aircraft flying in the vicinity of the ISFSI.

STAFF RESPONSE.

The Staff objects to this request, in that it pertains to military aircraft hazards, a subject upon which the Staff has not yet taken a position. Notwithstanding this objection, the Staff states that it did consider the hazard posed by hanging bombs. The Staff views the State's discovery

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S CORRECTION TO "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 20<sup>th</sup> day of September, 1999.

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