

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)	
(Independent Spent Fuel)	ASLBP No. 97-732-02-ISFSI
Storage Installation))	August 31, 1999

**STATE OF UTAH'S SUPPLEMENTAL RESPONSE TO APPLICANT'S
SECOND DISCOVERY REQUEST (CONTENTION L)**

The State of Utah informally acceded to the Applicant's request to supplement the State's June 28, 1999 discovery responses, even though the State believed that it fully answered the Applicant's discovery requests. The State provided supplemental responses to the Applicant by letter dated August 11, 1999, with the exception of a supplement to Interrogatories 1 & 2, Contention L.¹ The State files a supplemental response to Interrogatories 1, 2, 3, and 4, Utah Contention L, in accordance with 10 CFR § 2.470(e).

UTAH CONTENTION L

Interrogatory No. 1: To the extent that the State denies Request for Admission No. 1, identify each fault that the State contends could result in greater ground motion at

¹ Counsel for the Applicant proposed that "it was conceivable for the State to claim that faults not in the immediate vicinity of the site, and which were not the subject of the seismic reflection data and related site investigative work (such as the Stansbury fault), could result in greater ground motion at the PFS site than those identified in the Geomatrix study, and that PFS was entitled to know if such was the case." Letter from Paul Gaukler to Denise Chancellor, dated July 20, 1999.

the PFS site than those identified in the Geomatrix study, and the bases therefor.

Interrogatory No. 2: To the extent that the State denies Request for Admission No. 2, identify each fault that the State contends could result in greater ground displacement at the PFS site than those identified in the Geomatrix study, and the bases therefor.

State's Supplemental Response to Interrogatories No. 1 and No. 2:

With respect to faults "not in the immediate vicinity of the PFSF and not the subject of the seismic reflection data and related site investigative work,"² the State at this time has not identified faults that should be considered seismic sources with a potential to cause greater ground motion at the PFS site than those accounted for in the Geomatrix "Fault Evaluation Study and Seismic Hazard Assessment" (February 1999). The State notes, however, that agreement on an inventory of such faults as potential seismic sources does not necessarily imply agreement that the largest expectable vibratory ground motions at the PFS site have been characterized in a way that precludes dispute. For example, in terms of deterministic methodology, *see* Response to Interrogatory No. 4, Utah Contention L, dated July 28, 1999.

Interrogatory No. 3: Identify and fully explain any deficiencies claimed by the State in the probabilistic seismic hazards assessment for both vibratory ground motion and surface displacement conducted for the PFS facility, as detailed in the Geomatrix study and the April 2, 1999 PFS Request for Exemption to 10 CFR 72.102(f)(1), and the bases therefor.

Interrogatory No. 4: Identify and fully explain each and every respect in which the State claims that the Applicant's seismic analysis is insufficient to satisfy the

²The State informally agreed to supplement its response with respect to this issue. See letter from Paul Gaukler to Denise Chancellor dated July 20, 1999.

requirements of the NRC regulations, and the bases therefor.

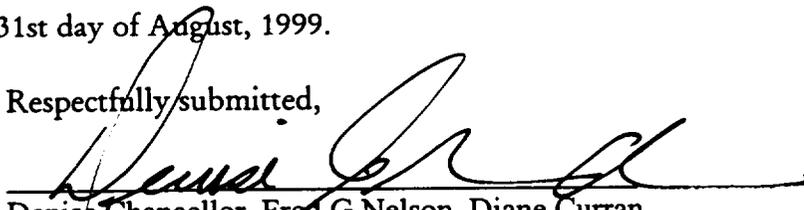
State's Supplemental Response to Interrogatories No. 3 and No. 4:

The State's objections to Interrogatories No. 3 and No. 4 filed in its June 28, 1999 response are fully incorporated herewith. This supplemental response relates only to the Geomatrix "Fault Evaluation Study and Seismic Hazard Assessment" (February 1999) and the Geomatrix "Update of Deterministic Ground Motion Assessments" (April 1999).

The Geomatrix seismic hazard analyses do not appear to include the possibility of synchronous coseismic rupture of the Stansbury fault with the East and/or West faults, a scenario that could lead to larger ground motions than for independent rupture of the individual faults. Fault rupture during the magnitude (M_w) 7.3 Hebgen Lake, Montana, earthquake of 1959 provides a relevant precedent for this scenario. See D.I. Doser, 1985, "Source parameters and faulting process of the 1959 Hebgen Lake, Montana, earthquake sequence": *Journal of Geophysical Research*, vol. 90, pp. 4537-4555.

DATED this 31st day of August, 1999.

Respectfully submitted,



Denise Chancellor, Fred G Nelson, Diane Curran,
Connie Nakahara, Laura Lockhart
Attorneys for State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor, P.O. Box 140873
Salt Lake City, UT 84114-0873
Telephone: (801) 366-0286, Fax: (801) 366-0292

CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S SUPPLEMENTAL RESPONSE TO APPLICANT'S SECOND DISCOVERY REQUEST (CONTENTION L) was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 31st day of August, 1999:

Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
E-mail: hearingdocket@nrc.gov
(original and two copies)

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Jay E. Silberg, Esq.
Ernest L. Blake, Jr.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: ernest_blake@shawpittman.com
E-Mail: paul_gaukler@shawpittman.com

John Paul Kennedy, Sr., Esq.
1385 Yale Avenue
Salt Lake City, Utah 84105
E-Mail: john@kennedys.org

Joro Walker, Esq.
Land and Water Fund of the Rockies
2056 East 3300 South Street, Suite 1
Salt Lake City, Utah 84109
E-Mail: joro61@inconnect.com

Danny Quintana, Esq.
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
E-Mail: quintana@xmission.com

James M. Cutchin
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U. S. Nuclear Regulatory Commission
Washington, DC 20555
(*United States mail only*)



Denise Chancellor
Assistant Attorney General
State of Utah

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 31, 1999

DECLARATION OF DR. JAMES C. PECHMANN¹

I, Dr. James C. Pechmann, hereby declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the factual statements contained in State of Utah's Supplemental Response to Applicant's Second Discovery Request (Contention L), to be filed August 31, 1999, are true and correct to the best of my knowledge, information and belief.

Dated this 31st day of August, 1999.

By:

James C. Pechmann

James C. Pechmann, PhD
Research Associate Professor
of Geology and Geophysics,
University of Utah

¹ Both Dr. Pechmann and Dr. Arabasz assisted with, reviewed, and commented on a draft of the State's Supplemental Response to Discovery. Dr. Arabasz is currently traveling and unavailable to sign a Declaration. Dr. Pechmann has reviewed the final document.