

**RELATED CORRESPONDENCE**

September 18, 2001

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board

DOCKETED  
USNRC  
September 21, 2001 (3:18PM)  
OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of )  
 )  
PRIVATE FUEL STORAGE L.L.C. ) Docket No. 72-22  
 )  
(Private Fuel Storage Facility) ) ASLBP No. 97-732-02-ISFSI

**APPLICANT'S SEVENTH SET OF FORMAL DISCOVERY REQUESTS  
TO INTERVENOR STATE OF UTAH**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") hereby makes the following formal discovery requests of the State of Utah.

General Definitions and Instructions

1. The term "document" means the complete original or a true, correct, and complete copy and any non-identical copies, whether different by reason of any notation or otherwise, of any written or graphic matter of any kind, no matter how produced, recorded, stored, or reproduced (including electronic, mechanical or electrical records or representation of any kind) including, but not limited to, any writing, letter, telegram, meeting minute or note, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, data processing card, printout, microfilm or microfiche, index, diary entry, note of interview

or communication, or any data compilation including all drafts of all such documents. The phrase “data compilation” includes, but is not limited to, any material stored on or accessible through a computer or other information storage or retrieval system, including videotapes and tape recordings.

2. The “State of Utah” means any branch, department, agency, division or other organized entity, of the State of Utah, as well as any of its officials, directors, agents, employees, representatives, and its attorneys.

3. “Consultant” means any person who provides professional, scientific, or technical input, advice and/or opinion to the State whether that person is employed specifically for this case or is a regular State employee or official.

4. “PFSF” and “PFS ISFSI” means the Private Fuel Storage Facility.

## I. 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.

GENERAL INTERROGATORY NO. 2. To the extent that the State has not previously produced documents relevant to any Utah admitted contention, including without limitation Part B of Contention Utah L (Geotechnical), as that contention was amended by the Board in its Memorandum and Order (Requesting Joint Scheduling Report and Delineating Contention Utah L) dated June 15, 2001 (“Memorandum and Order”) (hereinafter “Part B of Utah L”), identify all such documents not previously produced. The State may respond to this request by notifying PFS that relevant documents are available for its review and/or copying.

GENERAL INTERROGATORY NO. 3. For each admitted Utah contention, including without limitation Part B of Utah L, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom the State 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.

GENERAL INTERROGATORY NO. 4. For each admitted Utah contention, including without limitation Part B of Utah L, identify the qualifications of each expert witness whom the State 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.

GENERAL INTERROGATORY NO. 5. For each admitted Utah Contention, including without limitation Part B of Utah L, 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.

## **II. GENERAL DOCUMENT REQUESTS**

The Applicant requests the State of Utah to produce the following documents directly or indirectly within their possession, custody or control to the extent not previously produced during informal discovery:

GENERAL REQUEST NO. 1. All documents in your possession, custody or control identified, referred to, relied on, or used in any way in (a) responding to the interrogatories and requests for admissions set forth in Applicant's previous sets of Formal Discovery Requests to Intervenor State of Utah, (b) responding to the following interrogatories and requests for admissions in this document, or (c) responding to the any subsequent interrogatories and requests for admissions filed with respect to the State's Contentions as admitted by the Board.

### **III. REQUESTS DIRECTED AT PART B OF CONTENTION UTAH L**

These requests are directed at Part B of Utah L. The responses should take into account (i) the information contained in the License Application, as submitted and amended, (ii) the information contained in PFS's April 9, 1999 request for an exemption from the requirements of 10 CFR § 72.102(f) to allow PFS to use a probabilistic seismic hazard analysis ("PSHA") instead of a deterministic analysis ("the Exemption Request"), subsequent communications between Applicant and the NRC Staff ("Staff") regarding the Exemption Request, the Staff's September 29, 2000 Safety Evaluation Report for the PFSF ("SER") as it relates to the Exemption Request, and (iii) filings and other information provided by Applicant and the Staff since the issuance of the SER with respect to issues concerning the Exemption Request.

#### **A. Requests for Admissions – Part B of Utah L**

1. Do you admit that, in support of the Exemption Request, Applicant submitted to the Staff adequate justification supporting the grant of an exemption from the requirements of 10 CFR § 72.102(f) based on a probabilistic methodology with a 1,000 year return earthquake?
2. Do you admit that, in support of the Exemption Request, Applicant submitted to the Staff adequate justification supporting the grant of an exemption from the requirements of 10 CFR § 72.102(f) based on a probabilistic methodology with a 2,000 year return earthquake?

#### **B. Interrogatories – Part B of Utah L**

1. To the extent that the State denies Request for Admission No. 1, identify and fully explain each respect in which the State contends that the justification provided by PFS in its Exemption Request is inadequate to support the grant of an exemption from the requirements of 10 CFR § 72.102(f) based on a probabilistic methodology with a 1,000 year return earthquake, and the bases therefor.

2. To the extent that the State denies Request for Admission No. 2, identify and fully explain each respect in which the State contends that the justification provided by PFS is inadequate to support the grant of an exemption from the requirements of 10 CFR § 72.102(f) based on a probabilistic methodology with a 2,000 year return earthquake, and the bases therefor.
3. To the extent that the State denies Request for Admission Nos. 1 and 2, identify and fully explain each respect in which the State contends that the Exemption Request should be based on a probabilistic methodology with an earthquake having a return period greater than 2,000 years, including without limitation, specification of the minimum earthquake return period which should be used to justify such an exemption request and the bases therefor.
4. Identify and fully explain each respect in which the State contends that the Exemption Request would result in a design that fails to provide adequate protection against exceeding the 10 CFR § 72.104(a) dose limits, and the bases therefor including without limitation a full explanation of the circumstances under which the State contends that such dose limits will or may be exceeded, and how such circumstances relate to the Exemption Request.
5. Identify and fully explain each respect in which the State contends that the reduced radiological hazard of stand-alone ISFSIs as compared to commercial power reactors is an inadequate basis to support the use by PFS of a probabilistic seismic hazards analysis with a 2,000 year return period earthquake, and the bases therefor, including without limitation a full explanation of the allegedly incorrect factual and technical assumptions about the PFSF's mean annual probability of exceeding a safe shutdown earthquake (SSE) and of the relationship between the median and mean probabilities of exceeding an SSE for commercial power reactors located in central and eastern United States and the median and mean probability of exceeding an SSE for the PFSF facility.
6. Identify and fully explain each respect in which the State contends that it is incorrect to rely on United States Department of Energy ("DOE") standard DOE-STD-1020-94 to support the use by PFS of a probabilistic seismic hazards analysis with a 2,000 year return period earthquake, and the bases therefor.
7. Identify and fully explain each respect in which the State contends that it is incorrect to rely on the exemption granted by the Staff to DOE for the Idaho National Engineering and Environmental Laboratory ("INEEL") ISFSI for Three Mile Island Unit 2 facility fuel to support the use by PFS of a probabilistic seismic hazards analysis with a 2,000 year return period earthquake, and the bases therefor.

8. Identify and fully explain each respect in which the State contends that the use by PFS of a probabilistic seismic hazards analysis with a 2,000 year return period earthquake does not ensure an adequate level of conservatism, including without limitation the relevance and impact of the seismic design levels for new Utah building construction and highway bridges and of the use of a twenty-year initial licensing period for the PFSF rather than a thirty to forty year operating period, and the bases therefor.

**C. Document Requests – Part B of Utah L**

The Applicant requests the State of Utah produce the following documents directly or indirectly within their possession, custody or control to the extent not previously produced during informal discovery:

1. All documents related to the claims raised by the State in Part B of Utah Contention L, as admitted by the Board in its June 15, 2001 Memorandum and Order.
2. All documents, data or other information generated, reviewed, considered or relied upon by any expert or consultant, including without limitation Dr. Walter J. Arabasz and Dr. Marvin Resnikoff, with respect to Part B of Utah Contention L.
3. All documents relating to the proper standards, as claimed by the State and its experts and consultants, for conducting probabilistic seismic hazard analysis for the PFSF.
4. Copies of all PSHAs performed by or for the State, or by any consultant retained by the State in connection with the PFSF.
5. All documents relating to the seismic design standards imposed by the State on the design of buildings, highways and other structures.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Gaukler". The signature is written in a cursive style with a horizontal line underneath the name.

Jay E. Silberg

Ernest L. Blake, Jr.

Paul A. Gaukler

Matias F. Travieso-Diaz

SHAW PITTMAN LLP

2300 N Street, N.W.

Washington, DC 20037

(202) 663-8000

Counsel for Private Fuel Storage L.L.C.

Dated: September 18, 2001

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NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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PRIVATE FUEL STORAGE L.L.C. ) Docket No. 72-22  
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(Private Fuel Storage Facility) ) ASLBP No. 97-732-02-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Seventh Set of Formal Discovery Requests to the State of Utah were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 18th day of September, 2001.

G. Paul Bollwerk III, Esq., Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [GPB@nrc.gov](mailto:GPB@nrc.gov)

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [JRK2@nrc.gov](mailto:JRK2@nrc.gov); [kjerry@erols.com](mailto:kjerry@erols.com)

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [PSL@nrc.gov](mailto:PSL@nrc.gov)

\*Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications  
Staff  
e-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
(Original and two copies)

Catherine L. Marco, Esq.  
Sherwin E. Turk, Esq.  
Office of the General Counsel  
Mail Stop O-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
e-mail: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

John Paul Kennedy, Sr., Esq.  
David W. Tufts, Esq.  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Durham Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, Utah 84105  
e-mail: [dtufts@djplaw.com](mailto:dtufts@djplaw.com)

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036  
e-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

\*Richard E. Condit, Esq.  
Land and Water Fund of the Rockies  
2260 Baseline Road, Suite 200  
Boulder, CO 80302

\* By U.S. mail only

\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Denise Chancellor, Esq.  
Assistant Attorney General  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873  
e-mail: [dchancel@state.UT.US](mailto:dchancel@state.UT.US)

Joro Walker, Esq.  
Land and Water Fund of the Rockies  
1473 South 1100 East  
Suite F  
Salt Lake City, UT 84105  
e-mail: [lawfund@inconnect.com](mailto:lawfund@inconnect.com)

Tim Vollmann, Esq.  
Skull Valley Band of Goshute Indians  
3301-R Coors Road, N.W.  
Suite 302  
Albuquerque, NM 87120  
e-mail: [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com)

Paul EchoHawk, Esq.  
Larry EchoHawk, Esq.  
Mark EchoHawk, Esq.  
EchoHawk PLLC  
P.O. Box 6119  
Pocatello, ID 83205-6119  
e-mail: [pechohawk@hollandhart.com](mailto:pechohawk@hollandhart.com)



Paul A. Gaukler