

**RELATED CORRESPONDENCE**

October 5, 2001

**DOCKETED 10/09/01**

Denise Chancellor, Esq.  
Utah Attorney General's Office  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873

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

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Dear Ms. Chancellor:

Enclosed please find a list of documents in the possession of the NRC Staff ("Staff") which may be responsive to the State of Utah's ("State's") request for production of documents pertaining to Utah Contention L, Part B, contained in the "State of Utah's Twelfth Set of Discovery Requests Directed to the NRC Staff." These documents consist of two groups: (a) documents that appear to be available in the public docket, and (b) documents that are being withheld as privileged or otherwise exempt from disclosure under 10 C.F.R. § 2.790.

Documents relating to Utah Contention L, Part B that have previously been produced by the Staff (*see, e.g.*, documents provided with my letter of March 7, 2000), or that are in the docket of the Private Fuel Storage ("PFS") proceeding (including legal correspondence, pleadings, Orders, license application submittals, and licensing-related correspondence), are not identified herein. Those materials should already be in the State's possession, as a result of the State's participation as a party in the PFS proceeding and its inclusion on the PFS and Staff service lists.

In addition, copies of the following documents, which may not be readily accessible by the State, are provided herewith:

1. Official Transcript of Public Meeting on Use of Risk Information in Regulating Nuclear Waste and Materials - Case Study on TMI-2, July 31, 2001;
2. Agenda and two slides for Public Meeting to Discuss Use of Risk Information in Regulating Nuclear Waste and Materials - Case Study on TMI-2 [ISFSI] Seismic Exemption, July 31, 2001;
3. Slides, "Risk Information in the Regulation of Materials and Waste Disposal - Case Study on the Seismic Exemption for the [TMI-2 ISFSI], July 31, 2001;

Denise Chancellor, Esq.  
October 5, 2001

4. Slides, "Case Study on the [TMI-2 ISFSI], Albert Wong (NRC), July 31, 2001;
5. Technical Issues Related to Siting Criteria and Seismic Design of ISFSI Using DCSS," Paper ID No. 1504, by B. Tripathi (SAIC) and M. Shah (NRC) [Aug. 12-17, 2001]; and
6. Memo, "Summary - Stakeholder Meeting to Discuss Case Study on the DOE/INEEL TMI-2 Fuel Debris [ISFSI] Exemption," from J. Shin (NRC) to L. Kokajko (NRC), Sept. 17, 2001.

In the event that any further documents responsive to the State's discovery requests are located, they will be identified or forwarded promptly to the State. Please contact me if you have any difficulty obtaining copies of any documents identified in the Attachment hereto as publicly available.

Sincerely,

**/RA/**

Sherwin E. Turk  
Counsel for NRC Staff

cc w/Encl.: Jay Silberg, Esq.  
cc w/out Encl.: Service List

**NRC STAFF DOCUMENTS  
IDENTIFIED IN RESPONSE TO THE  
STATE OF UTAH'S DOCUMENT REQUESTS  
CONCERNING UTAH CONTENTION L, PART B (SEISMIC EXEMPTION)<sup>1</sup>**

**A. Publicly Available Documents**

<u>Date</u>	<u>Author</u>	<u>Recipients</u>	<u>Subject</u>
4/8/98	NRC	Commissioners	SECY-98-071 Re: 10 CFR 72.102(f)(1) Exemption for TMI Unit 2 ISFSI
6/4/98	NRC	Commissioners	SECY-98-126: "Rulemaking Plan: Geological and Seismological Characteristics of Dry Cask Independent Spent Fuel Storage Installations, 10 CFR Part 72" (ADAMS Accession # ML992880104)
6/24/98	J. Hoyle	L.J. Callan	"Staff Requirements - SECY-98-126 - Rulemaking Plan: Geological and Seismological Characteristics of Dry Cask Independent Spent Fuel Storage Installations, 10 CFR Part 72" (ADAMS Accession # ML003752233)
6/18, 6/19 & 6/22/98			Vote sheets by Commissioners Diaz, Dicus and McGaffigan on SECY-98-126
7/98	B. Tripathi (SAIC)	Attendees	Presentation Slides: "Proposed Design Earthquake Ground Motions in NEHRP Provisions and Criteria For DOE Facilities" ASME/PVP Conf., 7/26-7/30/98, San Diego
10/00	NRC	--	"Plan for Using Risk Information in the Materials and Waste Arenas: Case Studies" (ADAMS Accession # ML010040111)
8/01	NRC	--	Entry 43 of NUREG-0936, Vol. 20, No. 1, "NRC Regulatory Agenda - Semiannual Report, January - June 2001"

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<sup>1</sup> Organizations are abbreviated herein as follows: NRC Staff - "NRC"; ICF Incorporated - "ICF" (NRC contractor); Science Applications International Corporation - "SAIC" (NRC contractor).

**B. Documents Withheld Under a Claim of Privilege.<sup>2</sup>**

<u>Date</u>	<u>Author</u>	<u>Recipient</u>	<u>Subject</u>	<u>Privilege Asserted</u>
--	--	--	Options for Part 72 Rulemaking Plan	PD
4/98	NMSS		Request for Extension of Rulemaking Plan Schedule; WITS NO. 9600161	PD
--	--	--	Seismic Rulemaking Plan Chronology	PD
5/1/98	D. Cool	J. Funches B. Shelton J. Gray	Memo forwarding, for comment, "Rulemaking Plan: Geological and Seismological Characteristics of Dry Cask ISFSIs - 10 CFR Part 72" (Pt. 72 Rulemaking Plan)	PD
--	NRC	NMSS	"NRR Comments on Pt. 72 Rulemaking Plan	PD
5/11/98	D. Cool	J. Funches et al.	Memo forwarding Rulemaking Plan for office concurrence	PD
5/20/98	E. Jensen	NRC	OGC informal comments on Rulemaking Plan	AC, AWP, PD
5/21/98	J. Gray	D. Cool	OGC Comments on Rulemaking Plan	AC, AWP, PD
10/29/98	C.W. Reamer	J. Piccone	Memo Re: Task Interface Agreement (TIA) on Pt. 72 Rulemaking	PD
11/4/98	C. Paperiello	S. Collins A. Thadani	Memo Re: TIA on Pt. 72 Rulemaking	PD
12/1/98	A. Thadani	C. Paperiello	Memo Re: TIA on Pt. 72 Rulemaking	PD

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<sup>2</sup> The following abbreviations are used herein: AC - attorney-client privilege; AWP - attorney work product; PD - predecisional deliberative process.

1/5/99	--	--	List of Attendees - 1/5/99 Staff Meeting	PD
2/4/99	--	--	Agenda for NRC WG Meeting With ICF & Other Consultants	PD
2/4/99	--	--	List of Attendees - 2/4/99 Consultant/Staff Meeting	PD
11/10/99	--	--	Record of Conference Call - Panel of Experts	PD
11/16/99	B. Tripathi	NRC Staff	List of Requests for Info./ Guidance Submitted by the "Expert Panel"	PD
11/17/99	--	--	Working Group (WG) Meeting Issues	PD
12/1/99	--	--	List of Attendees - Pt. 72 Rulemaking WG Meeting	PD
12/7/99	--	--	Comments on SAIC Proposed Additional Scope of Work	PD
1/6/00	D. Hammer B. Tripathi	K. McDaniel	Memo Re: Revised Scope For Subtask 1.5	PD
1/7/00	L. Kokajko	J. Kimball	Letter - "Subject: Request for DOE Support Regarding 10 CFR Part 72 Amendment"	PD
1/11/00	D. Hammer B. Tripathi	K. McDaniel	Memo Re: Subtask 1.1 - Recommendations and Basis For Graded Approach for Design	PD
1/21/00	--	--	Agenda for 1/21/00 WG Meeting Pt. 72 Rulemaking	PD
1/27/00	Advisory Comm.	D. Hammer (ICF)	Memo Re: NRC ISFSI Project	PD
2/15/00	B. Tripathi	NRC Staff/ Distribution	Fax forwarding White Paper Re: Technical Justifications for Rulemaking Recommendations	PD

2/17/00	--	NRC Staff	Summary of Teleconference w/ ICF/SAIC and Expert Panel Members on 2/17/00	PD
3/1/00	D. Hammer	K. McDaniel	Memo Re: Proposed Requirements for Dry Cask Storage	PD
3/7/00	B. Tripathi D. Hammer	NRC	Consultant Notes Re: technical basis for Pt. 72 Rulemaking	PD
3/7/00	B. Tripathi D. Hammer	K. McDaniel	Memo Re: Summary of Issues Discussed During 2/17/00 Teleconference Call	PD
3/12/00	B. Tripathi	NRC	Consultant Notes Re: technical basis for Pt. 72 Rulemaking	PD
3/14/00	D. Hammer B. Tripathi	Expert Panel Members	Memo - "Subject: Upcoming Meeting (03-16-2000) on 10 CFR Part 72 Rulemaking	PD
3/16/00	--	--	Meeting Notes, Agenda, Contact List -NRC/ICF/Expert Panel Meeting - SAIC [Germantown] Pt. 72 Rulemaking	PD
3/29/00	B. Tripathi	--	Draft - "Technical Bases in Support of Recommendations to Use Risk-Based Approach In Design of SSCs for DCSS/ ISFSIs Applications"	PD
5/10/00	NRC	--	Draft - Proposed SFPO Position for Part 72 Rulemaking	PD
6/5/00	B. Tripathi	--	"Regulatory Guide X.XXX: Site Evaluations and Determination of Design Earthquake Ground Motion for Seismic Design of Independent Spent Fuel Storage Installations (ISFSIs)" (Draft Rev. 2, June 5, 2000)	PD

6/7/00	B. Tripathi J. Kimball B. Kennedy	--	Review Comments on: "Draft" Proposed SFPO Position for Part 72 Rulemaking (Revised 6-1-2000)	PD
6/7/00	K. MCDaniel	--	Handwritten Comments on Proposed SFPO Position	PD
7/6/00	K. Manoly	K. McDaniel	Memo forwarding Comments on Draft Regulatory Guide, Draft/Rev.2	PD
8/18/00	D. Damon	M. Shah	Comments on Proposed SFPO Position on Pt. 72 Seismic Criteria (8-10-200 version)	PD
9/11/00 11/27/00 3/1/01 5/11/01	NRC	--	Drafts of "Technical Basis for Revisions to 10 CFR Part 72 - [Draft] Final Report"	PD
10/00	NRC	--	Draft Document - "Regulatory Guide X.XXX: Site Evaluations And Determination of Design Earthquake Ground Motion for Seismic Design of Independent Spent Fuel Storage Installations (ISFSIs)"	PD
2/2/01 2/12/01	NRC	--	Draft Document - "Regulatory Guide ____: Site Evaluations And Determination of Design Earthquake Ground Motion for Seismic Design of Independent Spent Fuel Storage Installations (ISFSIs)," RG Rev 3-icf and RG Rev 4-icf	PD
5/16/01 - 8/15/01	NRC	--	Part 72 Seismic Rulemaking Schedule - various drafts	PD
6/6/01	D. Cool	NRC Mgmt.	"Review and Concurrence: Modified Rulemaking Plan: 10 CFR Part 72"	PD
6/11/01	M. Lesar	D. Cool	Memo Re: Office Concurrence on Draft Pt. 72 Modified Rulemaking Plan	PD

6/15/01	NRC	--	"Environmental Assessment of Geological and Seismological Characteristics For Design of Dry Cask Independent Spent Fuel Storage Installations (10 CFR Part 72) - Preliminary Draft Report"	PD
6/19/01 7/5/01 7/19/01	NRC	--	Resource Needs in Support of Expedited Part 72 Rulemaking - various drafts	PD
6/25/01	M. O'Neill	K. McDaniel	OGC Review of Modified Rulemaking Plan	AC, AWP, PD
7/18/01	NRC		"Regulatory Analysis of Geological and Seismological Characteristics for Design of Dry Cask Independent Spent Fuel Storage Installations (10 CFR Part 72), Preliminary Draft Report	PD
8/20/01	D. Cool	J. Greeves et al.	Request for Assistance for Expedited Rulemaking to Revise 10 CFR Part 72	PD
9/17/01	NRC	--	Draft of Proposed Rule - 10 CFR Part 72	PD
9/01	NRC	--	"Draft Regulatory Guide DG-3021: Site Evaluations And Determination of Design Earthquake Ground Motion For Seismic Design of Independent Spent Fuel Storage Installations"	PD
9/26/01	W. Travers EDO, NRC	Commissioners	SECY-01-0178: Modified Rulemaking Plan: 10 CFR Part 72 -- "Geological and Seismological Characteristics For Siting and Design of Dry Cask Independent Spent Fuel Storage Installations"	PD



--	NRC	--	"NRC Data Request on Seismic Design of Dry Cask ISFSIs"	PD
10/1/01	A. Wong	--	Draft Technical Report - "Risk Informing the Storage of Spent Nuclear Fuel"	PD
--	NRC	--	Draft Update of SECY-00-213, "Risk-Informed Regulation Implementation Plan" - Pt. 72 entry	PD
--	NRC	--	Various undated notes, charts, outlines, lists, etc., used for internal staff meetings/briefings and/or for personal use	PD, AWP, and/or AC
3/98 - 10/01	NRC/NRC Contractors		Approximately 700 e-mails relating to Pt. 72 seismic rulemaking activities, generally falling into the following categories: development/Staff Review of SECY-98-126 (approx. 30); development/Staff review of technical basis for Part 72 rulemaking, supporting documents, and/or modified rulemaking plan (approx. 550); OGC legal review/communications (approx. 65); scheduling matters (approx. 30); financial/resource issues (approx. 50); and TMI Unit-2 seismic exemption case study (approx. 5). May include duplicate copies, from various recipients.	PD, AWP, and/or AC
Various (1998-2001)	NRC		File folder and two 3-ring Binders containing documents Related to contract(s) for technical assistance between NRC and third parties (ICF, SAIC), related to development of probabilistic geological and seismic standards for siting and design of dry cask ISFSIs.	PD, proprietary