

RAS 3650

RELATED CORRESPONDENCE

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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))	November 1, 2001

STATE OF UTAH'S TWELFTH SET OF DISCOVERY REQUESTS
DIRECTED TO THE APPLICANT

Pursuant 10 CFR §§ 2.740 and 2.741, and orders of the Licensing Board dated June 29, 1998, August 20, 1998, and September 20, 2001 with accompanying schedule, Intervenor State of Utah hereby requests that Private Fuel Storage, LLC ("PFS") produce documents requested below within 15 days after service of this request.

I. INSTRUCTIONS

1. Scope of Discovery. These requests for production of documents are directed to Private Fuel Storage, LLC and any of the utility companies that own or comprise the members of PFS (collectively "PFS" or "Applicant"). The document requests cover all information in the possession, custody and control of PFS and/or its owner members, including information in the possession of officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on their behalf or otherwise subject to their control.
2. Supplemental Responses. The following requests are a continuing one pursuant

to 10 CFR § 2.740(e) and the State hereby demands that, in the event that at any later date PFS obtains or discovers any additional documents which are responsive to these document requests, PFS shall supplement its response to these requests promptly and sufficiently in advance of the adjudicatory hearing.

3. Objections. If you withhold or object to the production of any document covered by this request under a claim of privilege, immunity, or for any other reason, please furnish a list identifying each document for which the privilege, immunity, or other reason is asserted, together with the following information: date, author and affiliation, recipient and affiliation, persons to whom copies were furnished and the job title and affiliation of any such persons, the subject matter of the documents, the basis for asserting the privilege, immunity, or other reason, and the name of the person on whose behalf the privilege, immunity, or other reason is asserted.

II. DEFINITIONS

Each of the following definitions, unless otherwise indicated, applies to and shall be a part of each interrogatory and request for production which follows:

1. "PFS," "Applicant," "you," and "your" refers to Private Fuel Storage, LLC and the PFS members and their officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on their behalf or otherwise subject to their control.
2. The term "documents" means the originals as well as copies of all written, printed, typed, recorded, graphic, photographic, and sound reproduction matter however produced or reproduced and wherever located, over which you have custody or control or over which you have the ultimate right to custody

or control. By way of illustration, but not limited thereto, said term includes: records, correspondence, telegrams, telexes, wiring instructions, diaries, notes, interoffice and intraoffice communications, minutes of meetings, instructions, reports, demands, memoranda, data, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, charts, working papers, computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, microfilm, microfiche, corporate minutes, blueprints, drawings, contracts and any other agreements, rough drafts, and all other writings and papers similar to any of the foregoing, however designated by you. If the document has been prepared and several copies or additional copies have been made that are not identical (or are no longer identical by reason of the subsequent addition of notations or other modifications), each non-identical copy is to be construed as a separate document.

3. "All documents referring or relating to" means all documents that in whole or in part constitute, contain, embody, reflect, identify, state, interpret, discuss, describe, explain, apply to, deal with, evidence, or are in any way pertinent to a given subject.
4. The words "describe" or "identify" in connection with a document shall mean to give a description of each document sufficient to uniquely identify it among all of the documents related to this matter, including, but not limited to, the name of the author of the document, the date, title, caption, or other style by which the document is headed, the name of each person and entity which is a signatory to the document, the date on which the document was prepared,

signed, and/or executed, any relevant bates numbers on the document, the person or persons having possession and/or copies thereof, the person or persons to whom the document was sent, all persons who reviewed the document, the substance and nature of the document, the present custodian of the document, and any other information necessary to adequately identify the document.

5. "Date" shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation thereof (including by relationship to other events), and the basis for such approximation.
6. "ISFSI" or "PFS facility" shall mean the PFS proposed Independent Spent Fuel Storage Installation located in the northwest corner of the Skull Valley Goshute Indian Reservation, Utah.
7. The word "person" shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.
8. Words herein of any gender include all other genders, and the singular form of words encompasses the plural.
9. The words "and" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."
10. The discovery sought by this request encompasses material contained in, or which might be derived or ascertained from, the personal files of PFS employees, representatives, investigators, agents, or any other person described in Definition No. 1, *supra*.
11. The term "ICF" refers to NRC Staff's consultant serving as technical support for NRC Staff's development of a regulatory guide on the preparation of a

probabilistic seismic hazard analysis for ISFSIs. This NRC consultant, and a March 2000 meeting to discuss this NRC consultant's technical support to NRC staff's development of a regulatory guide on the preparation of a probabilistic seismic hazard analysis for ISFSIs, was discussed in Dr. Allin Cornell's November 1, 2001 deposition; Dr. Cornell acknowledged that he attended the March 2000 meeting as a consultant to this NRC consultant. Dr. Cornell was uncertain of the name of the NRC consultant, however. He indicated that he thought the name was ICF or IFC. We have used the name ICF for ease of reference, but any reference to ICF in these Document Requests should be read to refer to the entity providing technical support to NRC Staff, as described in this definition, whatever the correct name.

III. GENERAL DISCOVERY

To the extent that the Applicant has not already answered the general document requests in the State's previous discovery requests, please answer the following:

GENERAL DOCUMENT REQUESTS

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

DOCUMENT 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 the State's previous sets of Formal Discovery Requests to Applicant, PFS, or (b) responding to any subsequent interrogatories and requests for admissions filed with respect to the State's Contentions

as admitted by the Board.

DOCUMENT REQUEST NO. 2. All documents (including experts' opinions, workpapers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that you intend to use at the hearings on each Utah admitted contention, including without limitation Part B of Utah L

IV. DOCUMENT REQUESTS - Contention Utah L, Part B.

The State of Utah requests that the Applicant produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant:

DOCUMENT REQUEST NO. 1. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those made by any of its consultants), or by any other person, relating to either draft versions or the final version of the SECY-98-126 Rulemaking Plan: Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations, 10 CFR Part 72 ("SECY-98-126 Rulemaking Plan").

DOCUMENT REQUEST NO. 2. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those made by any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of SECY-98-126 Rulemaking Plan.

DOCUMENT REQUEST NO. 3. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those by any of its consultants), or by any other person, relating to either draft versions or the final version of the 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" (September 26, 2001) ("SECY-01-0178, Modified Rulemaking Plan").

DOCUMENT REQUEST NO. 4. All documents, drafts, notes, outlines, reviews and comments made by PFS (including those by any of its consultants), or by any other person, relating to ICF's¹ technical support to the NRC staff's development of a regulatory guide on the preparation of a probabilistic hazard analysis for ISFSIs.

DOCUMENT REQUEST NO. 5. All documents, drafts, notes, outlines, reviews and comments made by PFS (including any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of SECY-01-0178, Modified Rulemaking Plan.

DOCUMENT REQUEST NO. 6. All documents, drafts, notes, outlines, reviews and comments made by PFS (including any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of ICF's technical support to the NRC staff's development of a regulatory guide on the preparation of a probabilistic hazard analysis for ISFSIs.

DOCUMENT REQUEST NO. 7. All documents, drafts, relating to fragility curves for PFS structures, systems, and components ("SSC") for seismic loadings, including cask tip

over fragility curves.

¹ See Definition 11 *supra*.

DATED this 1st day of November, 2001.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S TWELFTH SET OF DISCOVERY REQUESTS DIRECTED TO THE APPLICANT was served on the persons listed below by electronic mail (unless otherwise noted) with conforming

copies by United States mail first class, this 1st day of November, 2001:

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