

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 FOURTH SUPPLEMENTAL RESPONSE
TO THE STATE OF UTAH'S FIRST SET OF
DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF

INTRODUCTION

On June 10, 1999, the State of Utah filed "State of Utah's First Set of Discovery Requests Directed to the NRC Staff" ("First Request"), concerning the application for an Independent Spent Fuel Storage Installation (ISFSI) filed by Private Fuel Storage, L.L.C. (PFS or Applicant). In its First Request, the State, among other things, filed five general interrogatories in which it sought to discover information concerning the identity and qualifications of the persons whom the NRC Staff ("Staff") expects to call as witnesses at the hearings on each admitted Utah contention, and the subject matter and nature of their anticipated testimony.

On June 24, 1999, the Staff filed its initial objections and responses to the State's First Request.¹ Thereafter, on July 13, 1999, August 20, 1999, and April 5, 2000, the Staff

¹ See "NRC Staff's Initial Objections and Responses to 'The State of Utah's First Set of Discovery Requests Directed to the NRC Staff'" ("Initial Response"), dated June 24, 1999.

supplemented its responses to the State's First Request.² The Staff hereby further supplements its responses to the general interrogatories contained in the State's First Request, as follows.³

OBJECTIONS

The Staff hereby reiterates and renews each of its objections to the State's First Request, set forth in the Staff's Initial Response of June 24, 1999, as if set forth at length herein. Notwithstanding these objections to the State's First Request, and without waiving these objections or its right to interpose these or other objections in the future, the Staff hereby provides the following supplemental responses to the State's First Request.⁴

RESPONSES TO DISCOVERY REQUESTS

I. GENERAL DISCOVERY

A. GENERAL INTERROGATORIES

GENERAL INTERROGATORY NO. 3. For each admitted Utah contention, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom NRC expects to call as a witness at the hearing. For the 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.

² See (1) "NRC Staff's First Supplemental Response to 'The State of Utah's First Set of Discovery Requests Directed to the NRC Staff,'" dated July 13, 1999; (2) "NRC Staff's Second Supplemental Response to 'The State of Utah's First Set of Discovery Requests Directed to the NRC Staff,'" dated August 20, 1999; and (3) "NRC Staff's Third Supplemental Response to 'The State of Utah's First Set of Discovery Requests Directed to the NRC Staff,'" dated April 5, 2000.

³ The supplemental responses set forth herein are supported by the Affidavit of Mark S. Delligatti, attached hereto.

⁴ This supplemental response to the State's First Request does not include supplemental responses concerning unified Contention Utah L/QQ (Geotechnical). A supplemental response to the State's First Request concerning that contention will be filed shortly, in light of the Licensing Board's recent admission of Contention Utah QQ, the consolidation of those issues with former Contention Utah L (Parts A and B) into Unified Contention Utah L/QQ, and the parties' stipulated resolution of certain portions of the unified contention.

GENERAL INTERROGATORY NO. 4. For each admitted Utah contention, identify the qualifications of each expert witness whom NRC 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, 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.

STAFF RESPONSE. The Staff supplements its response to these interrogatories as follows.

Contention Utah O (Hydrology)

(a) Witness: Richard H. Ketelle
Subsurface Contamination Specialist
Bechtel-Jacobs Corporation
Oak Ridge, TN

(b) Qualifications: A statement of Mr. Ketelle's professional qualifications is attached to the "NRC Staff's Objections and Responses to the 'State of Utah's Nineteenth Set of Discovery Requests Directed to the NRC Staff,'" which is being filed on February 13, 2002. His professional qualifications were previously submitted as an attachment to the "NRC Staff's Response to Applicant's Motion for Summary Disposition of Utah Contention O - Hydrology," dated July 19, 2001. A listing of Mr. Ketelle's publications is included in his statement of professional qualifications. Based on information and belief, Mr. Ketelle has not testified in any other case or proceeding within the past four years.

(c) Testimony: Mr. Ketelle will testify concerning the issues raised in Contention Utah O. His views concerning those issue are generally set forth in (1) NUREG-1714, "Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related

Transportation Facility in Tooele County, Utah,” dated December 2001, and (2) the “NRC Staff’s Response to Applicant’s Motion for Summary Disposition of Utah Contention O -- Hydrology,” dated July 19, 2001.

Contention Utah DD (Species)

(a) Witness: Martha S. Salk
Research Staff Member
Environmental Analyses Section
Environmental Sciences Division
Oak Ridge National Laboratory
Oak Ridge, TN

(b) Qualifications: A statement of Ms. Salk’s professional qualifications was previously submitted as an attachment to the “NRC Staff’s Response to Applicant’s Motion for Summary Disposition of Utah Contention DD -- Ecology and Species,” dated July 19, 2001. Based on information and belief, Ms. Salk has not published any articles or treatises within the past ten years, and has not testified in any other case or proceeding within the past four years.

(c) Testimony: Ms. Salk will testify concerning the remaining issues in Contention Utah DD. Her views concerning those issue are generally set forth in (1) NUREG-1714, “Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah,” dated December 2001, and (2) the “NRC Staff’s Response to Applicant’s Motion for Summary Disposition of Utah Contention DD -- Ecology and Species,” dated July 19, 2001.

Contention Utah K (Credible Accidents)

(a) Witnesses: The Staff has previously identified Drs. Amitava Ghosh and Kazimieras Campe as its witnesses for this contention. See Second Supplemental Response dated August 20, 1999, and Third Supplemental Response dated April 5, 2000.

(b) Qualifications: The Staff has previously produced copies of its witnesses' professional qualifications to the State. No further supplementation is required at this time.

(c) Testimony: Drs. Ghosh and Campe will testify concerning the remaining issues in Contention Utah K/Confederated Tribes B. Their views concerning those issue are generally set forth in Supplement No. 1 to the Staff's "Safety Evaluation Report Concerning the Private Fuel Storage Facility" ("SER"), issued on November 13, 2001, in which they conclude that aircraft crash hazards do not constitute a credible accident for the PFS Facility.

Respectfully submitted,

/RA/

Catherine L. Marco
Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 13th day of February, 2002

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)
(Independent Spent Fuel)
Storage Installation))

AFFIDAVIT OF MARK S. DELLIGATTI

COUNTY OF MONTGOMERY)
) SS:
STATE OF MARYLAND)

Mark S. Delligatti, having first been duly sworn, does hereby state as follows:

1. I am employed as a Senior Project Manager in the Spent Fuel Project Office (SFPO), Office of Nuclear Material Safety and Safeguards (NMSS), U.S. Nuclear Regulatory Commission (NRC), in Washington, D.C.

2. I have reviewed the foregoing answers in the "NRC Staff's Fourth Supplemental Response to the State of Utah's First Set of Discovery Requests Directed to the NRC Staff," and verify that they are true and correct to the best of my knowledge, information and belief.

/RA/

Mark S. Delligatti

Sworn to before me this
12th day of February, 2002

Circe E. Martin

Notary Public

03/01/2003

My commission expires: _____

Mark Stephen Delligatti
Senior Project Manager
Spent Fuel Licensing Section
Spent Fuel Project Office
Licensing and Inspection Directorate
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission

Education: B.A., Political Science, State University of New York, College at Oneonta, 1975
M.P.A., Public Administration, The American University, 1977

Experience:

<u>1996-Present</u>	<u>Senior Project Manager, Spent Fuel Project Office, NMSS</u> Project manager for safety evaluation of applications for licenses for independent spent fuel storage installations (ISFSIs), certificates of compliance for casks and cask systems for the transportation and storage of spent nuclear fuel, and NRC regulation of licensed ISFSIs.								
<u>1994-1996</u>	<u>Senior Project Manager (Yucca Mountain Project Manager), Division of Waste Management, NMSS</u> Project manager for the NRC staff's pre-licensing review of activities associated with the Department of Energy's characterization of Yucca Mountain as a potential site for deep geologic repository for high-level nuclear waste.								
<u>1987-1994</u>	<u>Project Manager, Division of High-Level Waste Management, NMSS</u> Responsible for the development of guidance documents, project management of pre-licensing review activities in various areas, including quality assurance and performance assessment, policy development, contract management for the high-level waste program.								
<u>1983-1987</u>	<u>Project Manager, Division of Waste Management, NMSS</u> Assisted in the development of policy and regulatory guidance for various waste management activities. Served on the team that developed the procurement plan for NRC's federally funded research and development center (FFRDC), and served on the Source Evaluation Panel for the FFRDC.								
<u>1975-1983</u>	<u>Positions Prior to NRC</u> <table><tbody><tr><td>Information Spectrum, Inc.</td><td>Logistics Analyst for development of naval aircraft weapons systems.</td></tr><tr><td>May Company</td><td>Training Coordinator.</td></tr><tr><td>Lulejian and Associates, Inc.</td><td>Systems Analyst providing support to NRC safeguards program.</td></tr><tr><td>Board of Supervisors, Fairfax County, VA</td><td>Staff Assistant to Board of Supervisors</td></tr></tbody></table>	Information Spectrum, Inc.	Logistics Analyst for development of naval aircraft weapons systems.	May Company	Training Coordinator.	Lulejian and Associates, Inc.	Systems Analyst providing support to NRC safeguards program.	Board of Supervisors, Fairfax County, VA	Staff Assistant to Board of Supervisors
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Board of Supervisors, Fairfax County, VA	Staff Assistant to Board of Supervisors								

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FOURTH SUPPLEMENTAL RESPONSE TO THE STATE OF UTAH'S FIRST SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF," in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 13th day of February, 2002:

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/RA/

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