

January 31, 2002

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

DOCKETED
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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))

**JOINT STIPULATION OF FACTS AND ISSUES NOT IN DISPUTE WITH
RESPECT TO UNIFIED CONTENTION UTAH L/QQ (GEOTECHNICAL)**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS"), intervenor State of Utah ("State") and the Nuclear Regulatory Commission Staff ("NRC Staff") submit the following joint stipulation of facts or issues not in dispute with respect to Unified Contention Utah L/QQ (Geotechnical) ("Utah L/QQ"). The parties agree, as to the following enumerated facts, there is no issue that needs to be heard.

A. Surface Faulting

1. PFS has not used soil velocity data obtained from its seismic cone penetration tests in order to convert the seismic reflection data to show depth of marker beds. However, this was unnecessary because, through a confirmatory drilling and trenching program, PFS has determined directly the depth to key marker horizons, and incorporated this information into its surface fault hazard analysis by calibrating the depths and displacements of the faults identified from the seismic reflection data. The displacements used in PFS's fault displacement hazard analysis are the adjusted values based on this calibration.
2. The State contends that PFS's conclusion that the structural grain of the valley runs northwest does not account for the east-west Pass Canyon and the topographic embayment at the east-west trending Rydalch Pass. However, the east-west Pass Canyon (located about eight miles north of the site) and the topographic embayment at the east-west trending Rydalch Pass (located about seven miles west of the site) are not significant to the fault

displacement hazard at the PFS Facility. The active faults in Skull Valley exhibit northerly trends (i.e., the N/NW-trending Stansbury and the N/NW-trending East and West faults and the NNE-trending Springline fault), which is consistent with the predominant northwest structural trend expressed in the gravity data. Further, detailed investigations, including analysis of proprietary industry gravity and seismic reflection data, interpretation of aerial photographs, geomorphic and bedrock mapping, document the absence of significant east-west structures at the site.

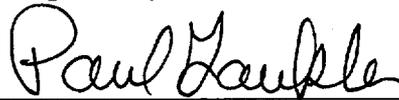
3. PFS did not collect any seismic tie lines perpendicular to the east-west lines shot in 1998 in order to correlate the 1998 lines among themselves or with the Geosphere and GSI lines, nor are the placement and number of seismic lines adequate to determine the length and projected locations of the East or West faults and other unnamed faults. However, the lack of intersecting seismic reflection lines did not affect PFS's ability to identify faults or fault offsets. Offsets were identified and calibrated for any seismic reflection that was found using appropriate methods that were independent of any correlation process (i.e., offset of events, termination of events, abrupt changes in character, and the occurrence of diffractions). Also, the East and West faults do not cross the site and therefore, do not pose a surface rupture hazard to the proposed facility. Further, the length of faults are not relevant to the methodology for determining surface rupture hazard.
4. In light of the above stipulations, the parties stipulate that no issues remain that require Board adjudication with respect to Section A of the unified contention and that they will not be presenting any evidence at the hearing with respect to Section A of the unified contention.

B. Ground Motion

Section B of unified contention Utah L/QQ challenges the validity of the deterministic seismic hazard analysis ("DSHA") that PFS had previously used as its design basis. The parties agree that this section of the unified contention does not need to be litigated because the Applicant's seismic hazard analysis is based entirely on a probabilistic methodology, which is the subject of Section E of the unified contention. To the extent that, in litigating any other section of unified contention Utah L/QQ, any party testifies or draws conclusions about the adequacy of the Applicant's probabilistic seismic hazard analysis ("PSHA") based on comparisons of Applicant's PSHA with any DSHA the Applicant may have conducted, the State reserves the right to challenge whether the Applicant has conducted a valid DSHA.

The parties are undertaking to develop a stipulation of facts and issues not in dispute with respect to Sections C, D, and E of the unified contention Utah L/QQ. The parties have already made some progress on Section C of the unified contention and will continue their efforts to focus or narrow the issues that remain in dispute. In accordance with the understanding reached at the January 17 prehearing conference, the parties will continue to work on a stipulation unless they determine that their efforts are better spent on other hearing preparation activities (e.g., conducting discovery and developing direct testimony, which the parties understand is due to be filed on April 1, 2002).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the Joint Stipulation Of Facts And Issues Not In Dispute With Respect To Unified Contention Utah L/QQ (Geotechnical) 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 31st day of January 2002

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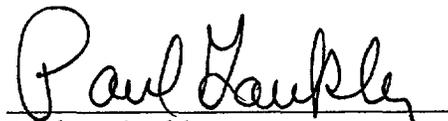
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