

RAS 6544

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL

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June 18, 2003 (2:18PM)

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ADJUDICATIONS STAFF



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June 12, 2003

Nils J. Diaz, Chairman
Edward McGaffigan, Jr., Commissioner
Greta J. Dicus, Commissioner
Jeffrey S. Merrifield, Commissioner
U.S. Nuclear Regulatory Commission
Mail Stop O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Re: Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI.

Dear Commissioners:

During a May 29, 2003 hearing held before the ASLB in the above matter, the State of Utah requested that the NRC Staff provide the State with a copy of an aircraft crash study in its possession, submitted by the Nuclear Energy Institute ("NEI"). As the Commission is aware, the issue now before the ASLB is the very issue which is the subject of the NEI study, *i.e.*, the consequences of an aircraft crash to a nuclear facility. The Commission has authorized the ASLB to use unusual procedural measures, such as disclosures in lieu of discovery, to expedite the hearing on this issue. CLI-03-05, NRC (Memorandum and Order) (May 28, 3003).

On June 10, 2003, NRC Staff counsel advised the State to submit its request for the NEI study directly to the Commission. A copy of the Staff's June 10, 2003 letter is attached. Accordingly, the State hereby requests from the Commission, a copy of that study.

In the spirit of expedited proceedings urged by the Commission, and in anticipation that the Staff may again ask the State to make document requests directly to the Commission, the State also requests that the Commission furnish copies of the following documents referenced in NUREG-1536, *Standard Review Plan for Dry Cask Storage Systems* (Jan. 1997). The State has been unable to obtain a copy of these documents either from ADAMS or from other sources.

1. Sand80-2124, Wilmot, Edwin L., *Transportation Accident Scenarios for Commercial Spent Fuel*, Sandia National Laboratories, February 1981.

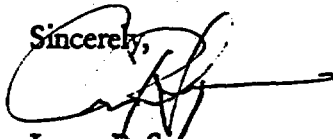
Letter to NRC Commissioners, June 12, 2003

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2. Davis, P.R., Streng, D.L., Mishima, J., *Accident Analysis for Continued Storage*, October 27, 1998.
3. Nuclear Regulatory Commission, Reg. Guide 1.145, *Atmospheric Dispersion Models for Potential Accident Consequence Assessments at Nuclear Power Plants*, February 1989.

Thank you for your courtesies.

Sincerely,



James R. Soper
Assistant Attorney General

cc: NRC Commissioners
PFS service list

June 10, 2003

Denise Chancellor, Esq.
James Soper, 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

Dear Ms. Chancellor and Mr. Soper:

During the prehearing conference on the aircraft crash consequences proceeding held on May 29, 2003, Mr. Soper requested a copy of an aircraft crash study submitted to the Nuclear Regulatory Commission ("NRC" or "Commission") by the Nuclear Energy Institute ("NEI"). That request was based upon an assertion of relevance and Mr. Soper's assumption that the analysis being conducted by Private Fuel Storage, L.L.C. ("PFS"), or the NRC Staff's evaluation thereof, may rely upon the NEI study. Tr. 13883, 13885, 13899. In addressing that request, Judge Farrar directed that I ascertain whether the NEI study was submitted as safeguards or otherwise classified information, and whether it may be released. Tr. 13886-87, 13909.

The NRC Staff does not intend to rely upon the NEI study in its evaluation of the PFS analysis in this proceeding. However, I have inquired into the status of the NEI study, and learned that it was submitted by NEI to the Chairman of the Commission as safeguards information. Accordingly, any request by Counsel for the State of Utah for a copy of that study should be submitted directly to the Commission.

Sincerely,

Sherwin E. Turk
Counsel for NRC Staff

cc: Service List