

RAS 6543

DOCKETED
USNRC

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



RELATED CORRESPONDENCE

June 18, 2003 (2:18PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

MARK L. SHURTLEFF
ATTORNEY GENERAL

RAY HINTZE
Chief Deputy - Civil

KIRK TORGENSEN
Chief Deputy - Criminal

June 12, 2003

DOCKETED
USNRC

June 18, 2003 (2:18PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Dear Mr. Turk:

We received your letter of June 10, 2003, responding to the State's request that the Staff provide the State with a copy of the aircraft crash study submitted by the Nuclear Energy Institute ("NEI"). Although your June 10, 2003 letter does not specifically deny that request, it directs the State to make a second request for the document, this time directly to the Commission. While the State will do as you request, I would like to note that there has now been a two week delay in our effort to get this document, and we are now told to start over with a new request. It seems that you might have passed on our request to the Commission in view of the Commission's order that this matter be expedited.¹ I would further note that since your letter did not deny the State's request for a copy of the NEI report that is in the Staffs possession, I again request that the Staff provide a copy of the report without delay.

Additionally, there are several documents referenced in NUREG-1536, *Standard Review Plan for Dry Cask Storage Systems* (Jan. 1997), that undoubtedly the Staff has in its possession. The State has been unable to obtain a copy of these documents either from ADAMS or from other sources. So as not to delay the proceedings, the State requests that the Staff provide copies of the following additional documents at its earliest opportunity:

1. Sand80-2124, Wilmot, Edwin L., *Transportation Accident Scenarios for Commercial Spent Fuel*, Sandia National Laboratories, February 1981.
2. Davis, P.R., Strenge, D.L., Mishima, J., *Accident Analysis for Continued Storage*, October 27, 1998.

¹CLI-03-05, __ NRC __ (Memorandum and Order) (May 28, 2003).

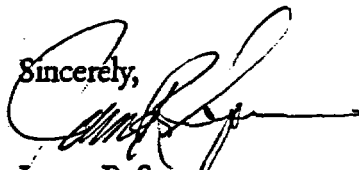
3. Nuclear Regulatory Commission, Reg. Guide 1.145, *Atmospheric Dispersion Models for Potential Accident Consequence Assessments at Nuclear Power Plants*, February 1989.

In order to save time should you again ask the State to request information from the Commission directly, we are this day requesting the same documents from the Commission.

The entire evidence to be presented at the upcoming hearing will consist of technical information regarding aircraft crashes into nuclear facilities. If the subject matter of this proceeding, including discovery as well as testimony, will be deemed safeguards information or otherwise classified in some manner, the State will request the Board to stay this proceeding until a reasonable process for handling such information can be developed.

Obviously the issues before the Board cannot be developed for trial if the available facts are concealed from parties.

Sincerely,

A handwritten signature in black ink, appearing to read 'James R. Soper', written over the typed name.

James R. Soper
Assistant Attorney General

cc: NRC Commissioners
PFS service list