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RELATED CORRESPONDENCE

DOCKETED
USHRC

December 6, 1999

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

OFFICE OF SECRETARY
FOR ENVIRONMENTAL
ADMINISTRATION

In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.) Docket No. 72-22-*ISFSI*
)
(Private Fuel Storage Facility)) ASLBP No. 97-732-02-ISFSI

**APPLICANT'S OBJECTIONS AND RESPONSES TO STATE OF UTAH'S
FOURTH SET OF DISCOVERY REQUESTS AND SUPPLEMENTAL
RESPONSES TO STATE OF UTAH'S THIRD SET OF DISCOVERY REQUESTS**
[Nonproprietary Version]

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") files this nonproprietary response to the November 19, 1999 "State of Utah's Fourth Set of Discovery Requests Directed to the Applicant and Skull Valley Band of Goshutes with Respect to Group II Contentions" ("State's Fourth Discovery Requests").¹ The Applicant is filing this response on December 6, 1999 pursuant to an agreement with the State. The Applicant is also providing herein a supplemental response to the May 18, 1999 "State of Utah's Third Set of Discovery Requests Directed to the Applicant" regarding contention Utah L, pursuant to 10 C.F.R. § 2.740(e)(2). The general objections made by Applicant with respect to the State's discovery requests in this Nonproprietary Version of Applicant's discovery response are hereby incorporated into the concurrent Proprietary Version of this response.

¹ The responses to discovery requests regarding Utah H and Utah L herein are considered not to contain proprietary information. The responses to the discovery requests regarding contentions Utah E and Utah S are considered to contain proprietary information and are being filed in the concurrent proprietary response.

PDR ADOCK

DS03

I. GENERAL OBJECTIONS

These general objections apply to the Applicant's responses to all of the State's Fourth Discovery Requests.

1. The Applicant objects to State's instructions and definitions on the grounds and to the extent that they request or purport to impose upon the Applicant any obligation to respond in manner or scope beyond the requirements set forth in 10 C.F.R. §§ 2.740, 2.741 and 2.742.

2. The Applicant objects to State's discovery requests to the extent that they request discovery of information or documents protected under the attorney-client privilege, the attorney work product doctrine, and limitations on discovery of trial preparation materials and experts' knowledge or opinions set forth in 10 C.F.R. § 2.740 or other protection provided by law. With respect to document production requests, the Applicant has provided the State with a Privilege Log which identifies documents subject to these privileges and protections, which the Applicant reserves the right to supplement.²

3. The Applicant objects to the State's discovery requests to the extent they seek discovery beyond the scope of the Utah contentions, as admitted by the Board in this

² PFS has with respect to some of the specific requests objected on grounds of privilege. The specific mention of privilege in some of the objections does not mean that there are no documents on which PFS claims privilege with respect to documents for which a privilege objection is not specifically raised. The Privilege Log identifies those documents on which PFS claims privilege, which Log PFS will be updating upon completing its update of documents relevant to admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2 and General Document Request No. 2.

proceeding. The State is only permitted to obtain discovery on matters that pertain to the subject matter with which the State is involved in this proceeding. 10 C.F.R. § 2.740(b).

4. The Applicant objects to the State's discovery requests to the extent they seek discovery from entities that are not parties to this proceeding. The State is only permitted to directly propound requests for admission, interrogatories, and document production requests on entities that are parties to this proceeding. 10 C.F.R. §§ 2.740b, 2.741, 2.742.

II. GENERAL DISCOVERY REQUESTS

A. GENERAL INTERROGATORIES

Pursuant to agreement between the State and PFS, these general interrogatories apply to all Utah admitted contentions, are in addition to the ten interrogatories per contention allowed by the Board's Order dated April 22, 1998 (LBP-98-7), and are continuing in accordance with 10 C.F.R. § 2.740(e).

GENERAL INTERROGATORY NO. 1. State the name, business address, and job title of each person who was consulted and/or who supplied information for responding to interrogatories, requests for admissions and requests for the production of documents. Specifically note for which interrogatories, requests for admissions and requests for production each such person was consulted and/or supplied information.

If the information or opinions of anyone who was consulted in connection with your response to an interrogatory or request for admission differs from your written answer to the discovery request, please describe in detail the differing information or opinions, and indicate why such differing information or opinions are not your official position as expressed in your written answer to the request.

APPLICANT'S RESPONSE: In addition to counsel for PFS, the following persons were consulted and/or supplied information in responding to the discovery requests for the contentions in the State's Fourth Discovery Requests:

John D. Parkyn
Chairman of the Board
Private Fuel Storage L.L.C.
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La Crosse, WI 54602-4010
Utah Contention E, S

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Private Fuel Storage L.L.C.
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Utah Contention E

Indresh Rampall, Ph.D.
Principal Engineer
Holtec International
Holtec Center
555 Lincoln Drive West
Marlton, NJ 08053
Utah Contention H

In response to whether the information or opinions of anyone who was consulted in connection with PFS's response to an interrogatory or request for admission differs from PFS's written answer to the discovery request, PFS is unaware of any such difference among those consulted.

GENERAL INTERROGATORY NO. 2. To the extent that PFS has not previously produced documents relevant to any Utah admitted contention, identify all such documents not previously produced. PFS may respond to this request by notifying the State that PFS has updated its repository of documents relevant to admitted contentions at Parsons Behle and Latimer.

APPLICANT'S RESPONSE: As jointly agreed to by the State and PFS, PFS will notify the State upon updating its repository of documents relevant to admitted Contentions maintained at Parsons Behle and Latimer in Salt Lake City.

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 PFS expects to call as a witness at the hearing. For 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.

APPLICANT'S RESPONSE: The Applicant will shortly be supplementing, in accordance with 10 C.F.R. § 2.740(e), the list of persons whom it expects to call as a witness at the hearing with respect to the State's admitted contentions.

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

APPLICANT'S RESPONSE: See Response to General Interrogatory 3 above.

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.

APPLICANT'S RESPONSE: Pursuant to subsequent discussion and agreement with counsel for the State of Utah, Applicant will identify and/or provide copies of documents, relied upon, or expected to be relied upon, by Applicant's experts.

B. 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 informal discovery:

REQUEST NO. 1. All documents in your possession, custody or control that are identified, referred to or used in any way in responding to all of the above general interrogatories and the following interrogatories and requests for admissions relating to specific contentions.

APPLICANT'S RESPONSE: To the extent PFS has not previously produced such documents, PFS will forward them to its repository of documents maintained at Parsons Behle and Latimer in Salt Lake City, Utah.

REQUEST NO. 2. To the extent that PFS has not already produced documents to date, all documents in your possession, custody or control relevant to each Utah

admitted contention, and to the extent possible, segregated by contention and separated from already produced documents.

APPLICANT'S RESPONSE: PFS will update its repository of documents relevant to admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City, as jointly agreed to by the State and PFS. PFS will notify the State upon updating its repository of documents maintained at Parsons Behle and Latimer. See Response to General Interrogatory No. 2.

REQUEST NO. 3. 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.

APPLICANT'S RESPONSE: Applicant objects to this Request as being overly broad, vague, unduly burdensome and seeking privileged material. Applicant will provide such documents, with respect to its witnesses/experts, as agreed to by the State and PFS. See Response to General Interrogatory No. 5.

III. UTAH CONTENTION H (Thermal Design)

A. REQUESTS FOR ADMISSION – Utah Contention H

REQUEST FOR ADMISSION NO. 1. Do you admit that the dry storage casks on the PFS ISFSI pad will be in thermal interaction with each other?

APPLICANT'S RESPONSE: PFS admits that as a matter of general principle the dry storage casks stored on the PFS ISFSI pad will likely be in thermal interaction with each other because of the expected variations in heat load in the different casks as

actually loaded and the heat loss from the cask array at the boundary of the ISFSI storage cask field.

REQUEST FOR ADMISSION NO. 2. Do you admit that PFS has modeled the thermal interaction of dry storage casks on the PFS ISFSI pad?

APPLICANT'S RESPONSE: PFS admits that it modeled and analyzed the thermal interaction of an idealized dry storage cask array that is representative of an infinite array of dry storage casks, loaded with the spent fuel of the design basis maximum heat load, on the PFS ISFSI pad.

REQUEST FOR ADMISSION NO. 3. Do you admit that the FLUENT code can be employed to model the thermal interaction of dry storage casks on the PFS ISFSI pad without assuming a hypothetical reflecting boundary around a cask?

APPLICANT'S RESPONSE: PFS admits that the FLUENT code can be employed to model dry storage casks on the PFS ISFSI pad using boundary condition assumptions other than a hypothetical reflecting boundary.

REQUEST FOR ADMISSION NO. 4. Do you admit that the buoyant force in cooling ducts of the HI-STORM cask is a function of the temperature difference between ingoing and outgoing duct air?

APPLICANT'S RESPONSE: PFS admits that the buoyant force of air in the cooling ducts of the HI-STORM cask is a function of, among other things, the difference between the temperature of air entering the inlet duct and the temperature of air exiting the outlet duct.

REQUEST FOR ADMISSION NO. 5. Do you admit that the velocity of air within the cooling ducts of the HI-STORM cask is a function of the temperature difference between ingoing and outgoing duct air?

APPLICANT'S RESPONSE: PFS admits that the velocity of the air within the cooling ducts of the HI-STORM cask is a function of, among other things, the difference between the temperature of air entering the inlet duct and the temperature of air exiting the outlet duct.

REQUEST FOR ADMISSION NO. 6. Do you admit that the temperature gradient as a function of height above the ISFSI concrete pad is different than the temperature gradient as a function of height above soil or grass?

APPLICANT'S RESPONSE: PFS admits that the temperature of air as a function of height above a concrete surface may be different than the temperature as a function of height above a soil surface, or above a grass surface, because the heat transfer characteristics of each material are different.

IV. SUPPLEMENTAL RESPONSE TO STATE'S THIRD DISCOVERY REQUESTS CONCERNING UTAH CONTENTION L (Geotechnical)

Pursuant to 10 C.F.R. § 2.740(e)(2), the Applicant provides the following supplemental response to the State's Third Discovery Requests regarding contention Utah L.

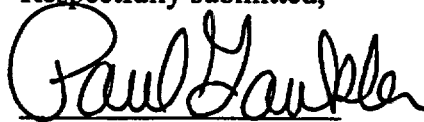
A. DOCUMENT REQUESTS – Utah Contention L

DOCUMENT REQUEST NO. 24. Provide a list of those calculations which used a modulus of subgrade reaction determined from equations for cohesionless soils.

APPLICANT'S RESPONSE: Subsequent to its response of June 28, 1999, the Applicant has determined that the CEC calculation 0599601-SC(PO17)-1, Revision 0, June 20, 1997 uses a coefficient of vertical subgrade reaction for cohesionless soils and

the CEC calculation 0599602-G(PO17)-2, Revision 0, October 18, 1999 uses coefficients of vertical subgrade reaction for both cohesionless and cohesive soils.

Respectfully submitted,



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Dated: December 6, 1999

Counsel for Private Fuel Storage L.L.C.

RELATED CORRESPONDENCE

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
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PRIVATE FUEL STORAGE L.L.C.)	Docket No. 72-22- <i>ISFSI</i>
)	
(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Objections and Responses to State of Utah's Fourth Set of Discovery Requests and Supplemental Responses to State of Utah's Third Set of Discovery Requests [*Nonproprietary Version*]" and the declarations of John Parkyn, Jeffrey Johns, and Eileen Supko were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, or next business day hand delivery, this 6th day of December, 1999.

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