

~~RELATED CORRESPONDENCE~~DOCKETED
USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel)	
Storage Installation))	April 23, 2001

**STATE OF UTAH'S REQUEST FOR PERMISSION TO FILE LATE FILED
GEOTECHNICAL CONTENTIONS WITHIN THIRTY DAYS OF RECEIPT OF
CALCULATIONS SUPPORTING LICENSE AMENDMENT**

Private Fuel Storage, LLC ("PFS") submitted a significant amendment to its license application, primarily relating to its revised geotechnical investigation, which the State received on April 3, 2001. As described by PFS, "[t]he changes can basically be grouped into four major categories: [1] Changes due to the revised design basis ground motion[; 2] Changes due to the revised storage cask/pad spacing[; 3] Changes to the Canister Transfer Building design[; and 4] Other miscellaneous changes." Letter from John L. Donnell, PFS, to U.S. NRC, dated April 16, 2001, Summary of Changes for PFSF License Application Amendment # 22, Tac. No. L22462.

Although the State received License Amendment No. 22 on April 3, it received the supporting calculations intermittently at later dates. Specifically, the State received the Geomatrix calculations relating to the revised probabilistic hazard analysis and revised design basis ground motion on April 6; most of the revised calculations relating to the canister transfer building were received on April 16; revised calculations relating to the storage pads were received on April 12 and 16; and Holtec site specific cask tipover and other analyses

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were received on April 9. A list of PFS documents relevant to License Application Amendment No. 22 that the State has received and the date the State received each document is attached hereto as Exhibit 1.¹

The Board has set thirty days in which late-filed contentions must be filed on major Staff-issued documents. Memorandum and Order (General Schedule for Proceeding and Associated Guidance), dated June 29, 1998. As this thirty-day rule-of-thumb may be used with respect to filing late-filed contentions based on PFS's License Amendment No. 22, the State requests permission to file late or amended contentions, if any, within thirty days of

¹ The State has not yet received the following calculations, listed in PFS's April 16 2001 Summary of Changes letter to NRC, relating to the PFS License Amendment No. 22:

1. S&W Calculation No. 05996.02-UR-5, Revision 2, titled "Dose Rate Estimates from Storage Cask Inlet Duct Clearing Operations";
2. S&W Calculation No. 05996.02-UR(D)-11, Revision 1, titled "Personnel Dose Rates Estimates During Construction of the Storage Pads at the Private Fuel Storage Facility";
3. S&W Calculation No. 05996.02-UR(D)-12, Revision 1, titled "Dose Rates from the 4000 Storage Cask PFSF Array Representative of PFSF Typical Spent Fuel, Assumed to be PWR Fuel Having 35 GWd/MTU Burnup and 20 Year Cooling Time";
4. S&W Calculation No. 05996.01-P-002 Rev. 5, "Miscellaneous Design Data Required for PFSF Licensing Documents";
5. S&W Calculation No. 05996.01-SY-7 Rev. 5, "Truck Traffic Estimates on Skull Valley Road"; and
6. S&W Calculation No. 05996.01-E(B)-03 Rev. 3, "Traffic/Sound Levels - Skull Valley Road Construction Thru Operation."

The requested deadlines in this motion do not relate to the above-listed calculations. If the State finds it necessary to file new or amended contentions based on the above calculations, it will do so under a separate filing.

receipt of the relevant calculations supporting PFS's license amendment. The State has contacted its geotechnical experts who have advised that they will need to review the various calculation packages because the license amendment does not contain sufficient technical detail or data to conduct a critical analysis of PFS's revised seismic investigation.

The State requests two deadlines be set. First, the State requests Monday, May 7 as the deadline for filing or amending contentions relating to PFS's revision to its probabilistic seismic hazard analysis. This deadline is reasonable because the State received Geomatrix's calculations relating to the revised seismic hazard analysis on April 6. Moreover, the State received Geomatrix's Updated Deterministic Ground Motion Assessment on April 12 and could have reasonably requested the contention-filing deadline to be May 12.

Second, the State requests Wednesday, May 16 as the deadline for filing or amending contentions based on changes to the Canister Transfer Building ("CTB") design, including use of soil cement, or revisions to the following calculations or analyses: storage pad analyses, soils analyses, soil-cement design and Holtec site-specific cask analyses. This request is also reasonable. All of these calculations are interrelated and were received by the State on April 9, 12 or 16. *Sæ* Exhibit 1. In order for the State's geotechnical experts to conduct a comprehensive and integrated analysis of the design of the CTB and storage pad, soils, and cask stability, they need to review and rely upon all the various calculations submitted on April 9, 12 and 16. It would be inefficient for the Board and the parties if the State's experts were required to segregate interrelated issues and write overlapping contentions because of filing deadlines based on the receipt date of each calculation. Also, it would be grossly unfair for the State's experts to commence reviewing the first calculation

that the State received if, technically, that order of review were illogical. Consequently, May 16 is a reasonable deadline for filing contentions.

Furthermore, the documents to be reviewed are complex and voluminous (the revised calculations measure approximately 5" to 6" in height). Given the technical nature of the issues and the quantity of material to be reviewed, the State requests an extension of the fifteen page limitation to twenty pages for any contention it may file based on PFS's License Amendment No. 22 and supporting calculations. See Board's February 2, 2000 Memorandum and Order at 2-3. The State does not object to PFS or the Staff having the same twenty page limitation for filing their responses.

The State has contacted counsel for the Applicant and NRC Staff, neither of whom object to the page extension provided that they are given the same number of pages for their responses. Furthermore, counsel for the NRC Staff does not oppose the two deadlines requested by the State. Counsel for the Applicant, however, states that the State's thirty day clock should run from the date of receipt of each specific calculation the State relies upon to challenge PFS's analysis.

Wherefore, the State requests the Board to set the following deadlines for filing new or amended contentions, if any, based on the State's receipt of relevant calculations supporting PFS's License Amendment No. 22:

1. May 7, 2001: revisions to PFS's probabilistic seismic hazard analysis; and
2. May 16, 2001: all other newly revised supporting documents received by the State in April, 2001 as they relate to PFS's revised geotechnical analyses.

Finally, the State requests the Board permit a twenty page limitation for filing contentions or responses thereto.

DATED this 23rd day of April, 2001.

Respectfully submitted,



Denise Chancellor, Assistant Attorney General
Fred G Nelson, Assistant Attorney General
Connie Nakahara, Special Assistant Attorney General
Diane Curran, Special Assistant Attorney General
Laura Lockhart, Assistant Attorney General
Attorneys for State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor, P.O. Box 140873
Salt Lake City, UT 84114-0873
Telephone: (801) 366-0286, Fax: (801) 366-0292

CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S REQUEST FOR PERMISSION TO FILE LATE FILED GEOTECHNICAL CONTENTIONS WITHIN THIRTY DAYS OF RECEIPT OF CALCULATIONS SUPPORTING LICENSE AMENDMENT was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 23rd day of April, 2001:

Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
E-mail: hearingdocket@nrc.gov
(original and two copies)

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Jay E. Silberg, Esq.
Ernest L. Blake, Jr., Esq.
Paul A. Gaukler, Esq.
Shaw Pittman
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: ernest_blake@shawpittman.com
E-Mail: paul_gaukler@shawpittman.com

John Paul Kennedy, Sr., Esq.
1385 Yale Avenue
Salt Lake City, Utah 84105
E-Mail: john@kennedys.org

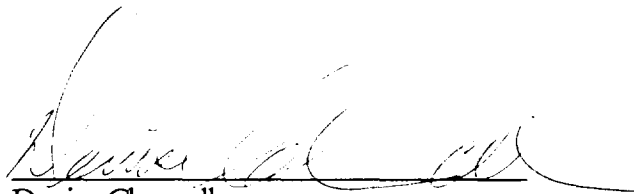
Joro Walker, Esq.
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, Utah 84105
E-Mail: joro61@inconnect.com

Danny Quintana, Esq.
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
E-Mail: quintana@xmission.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Samuel E. Shepley, Esq.
Steadman & Shepley, LC
550 South 300 West
Payson, Utah 84651-2808
E-Mail: Steadman&Shepley@usa.com

Office of the Commission Appellate
Adjudication
Mail Stop: O14-G-15
U. S. Nuclear Regulatory Commission
Washington, DC 20555

A handwritten signature in dark ink, appearing to read "Denise Chancellor", is written over a horizontal line.

Denise Chancellor
Assistant Attorney General
State of Utah

EXHIBIT 1 to
State of Utah's Request for Permission to File Late Filed Geotechnical Contentions Within Thirty
Days of Receipt of Calculations Supporting License Amendment (April 23, 2001)

PFS Geotechnical Information: License Amendment and Supporting documentation

<u>Date received by the State</u>	<u>Document</u>
<u>April 3, 2001</u>	License Amendment No. 22 LA, Rev. 13; SAR, Rev. 21; ER, Rev. 13; ER, Rev. 11
<u>April 6, 2001</u>	Geomatrix, Cal. No. 05996.02-G(PO18)-2, Rev. 1, Soil & foundation parameters for dynamic soil-structure interaction analysis, 2000-year return period design ground motions; Geomatrix, Cal. No. 05996.02-G(PO18)-3, Rev. 1, Development of Time; Histories for 2,000 year return period design spectra; Geomatrix, Fault Evaluation Study & Seismic Hazard Assessment, Rev. 1 (3/01); Geomatrix, Development of Design Basis Ground Motions for PFS facility, Rev. 1.
<u>April 9, 2001</u>	<i>Holtec site specific proprietary calculations:</i> HI-2012653, PFSF Site Specific HI-STORM Drop/Tipover Analysis, Rev. 0; HI-2012640, Multi Cask Response at PFS ISFSI for 2000-yr seismic event, Rev. 2; HI-2002413, Additional Thermal Evaluation of HI-STORM 100 System for Deployment at Skull Valley, Rev. 1; HI-971 645, Radiation Shielding Analysis for the PFS, Rev. 2.
<u>April 12, 2001</u>	Geomatrix, Update of Deterministic Ground Motion Assessments., Rev. 1, April 2001; International Civil Engineering Consultants, Cal No. 0599602-G(PO17)-2, Rev. 3 (April 5, 2001), Storage Pad Analysis & Design.
<u>April 16, 2001</u>	<i>Stone & Webster revised calculations:</i> Cal. No. 05996.02-SC-4, Rev. 2, Development of soil impedance functions for CTB; Cal. No. 05996.02-SC-5, Rev. 2, Seismic Analysis of CTB; Cal. No. 05996.02-SC-10, Rev. 1, Seismic Restraints for Spent Fuel Handling Casks; Cal. No. 05996.02-G(B)-04, Rev. 7, Stability Analysis of Storage Pads; Cal. No. 05996.02-G(B)-13, Rev. 4, Stability Analysis of CTB Supported on a Mat Foundation; Cal. No. 05996.02-UR(D)-008, Rev. 1, Dose Rate Calculations at PFSF Locations Potentially Accessible to Wildlife & Estimates of Annual Doses to Individual Animals.