

RELATED CORRESPONDENCE

October 2, 2001

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**DOCKETED
USNRC

October 9, 2001 (12:40PM)

Before the Atomic Safety and Licensing BoardOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

PRIVATE FUEL STORAGE L.L.C.)

Docket No. 72-22

(Private Fuel Storage Facility))

ASLBP No. 97-732-02-ISFSI

**APPLICANT'S OBJECTIONS AND RESPONSES
TO THE STATE OF UTAH'S ELEVENTH SET OF
DISCOVERY REQUESTS DIRECTED TO THE APPLICANT**

Applicant Private Fuel Storage, L.L.C. ("Applicant" or "PFS") files the following objections and responses to "State of Utah's Eleventh Set of Discovery Requests Directed to the Applicant" ("State's Eleventh Discovery Request"), which was served on the Applicant on February 28, 2001.

I. GENERAL OBJECTIONS

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

1. The Applicant objects to the 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 the State's Request for Production of Documents to the extent that it requests 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.

II. GENERAL DISCOVERY

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 Eleventh

Discovery Requests:

John Donnell
Project Director
Private Fuel Storage LLC
7677 East Berry Avenue
Greenwood Village, CO 80111-2137

Jerry Cooper
Project Engineer
Stone & Webster
7677 East Berry Avenue
Greenwood Village, CO 80111-2137

Paul Trudeau
Senior Lead Geotechnical Engineer
Stone & Webster
100 Technology Circle Drive
Stoughton, MA 02072

Bruce Ebbeson
Senior Lead Structural Engineer
Stone & Webster
3 Executive Campus, 70 & Cuthbert Blvd.
Cherry Hill, NJ 08002-4167

Jeffrey Johns
Lead Licensing Engineer
Stone & Webster
7677 East Berry Avenue
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Max DeLong
Executive Engineer
Xcel Energy, Inc.
414 Nicollet Mall, Ren. Sq. 7
Minneapolis, MN 55401

Robert Youngs
Geotechnical Consultant
Geomatrix Consulting, Inc.
2101 Webster Street
12th Floor
Oakland, CA 94612

Dr. Alan Soler
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

Dr. C. Allin Cornell
110 Coquito Way
Portola Valley CA 94028

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 the 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, including without limitation Part B of Contention Utah L (Geotechnical), as that contention was amended by the Board in its Memorandum and Order (Requesting Joint Scheduling Report and Delineating Contention Utah L) dated June 15, 2001 ("Memorandum and Order") (hereinafter "Part B of Utah L"), 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:

PFS has updated its document repository at Parsons, Behle and Latimer.

GENERAL INTERROGATORY NO. 3. For each admitted Utah contention, including without limitation Part B of Utah L, 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:

Applicant is filing simultaneously herewith Applicant's Eighth Supplemental Response to State's First Request for Discovery, dated October 2, 2001, containing a list of witnesses on which the Applicant intends to rely for responses to Part B of Utah L. Applicant will revise and update this list as necessary.

GENERAL INTERROGATORY NO. 4. For each admitted Utah contention, including without limitation Part B of Utah L, 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 No. 3.

GENERAL INTERROGATORY NO. 5. For each admitted Utah contention, including without limitation Part B of Utah L, 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:

See response to General Interrogatory No. 3.

III. 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 discovery:

REQUEST NO 1. All documents in your possession, custody or control identified, referred to, relied on, or used in any way in (a) responding to the interrogatories and requests for admissions set forth in the State's previous sets of Formal Discovery Requests to Applicant, PFS, (b) responding to the following interrogatories and requests for admissions in this document, or (c) responding to any subsequent interrogatories and requests for admissions filed with respect to the State's Contentions as admitted by the Board.

APPLICANT'S RESPONSE:

To the extent PFS has not previously produced documents responsive to previous discovery requests, Applicant will forward them to its repository of documents maintained at Parsons, Behle and Latimer in Salt Lake City, Utah. Applicant has previously provided documents relevant to Part B of Utah L at its document repository. To the extent that documents were used in responding to the interrogatories and requests for admissions contained in the State's Eleventh Discovery Request and such documents have not already been provided to the

State, PFS will update its repository of documents relevant to Part B of Utah L, subject to any applicable claims of privilege.

REQUEST NO. 2. 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, including without limitation Part B of Utah L.

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 Applicant's Objections and Non-Proprietary Responses to State of Utah's Fourth Set of Discovery Requests and Supplemental Responses to State of Utah's Third Set of Discovery Requests [*Non-Proprietary Version*], Response to General Interrogatory No. 5 (Dec. 6, 1999).

IV. DISCOVERY REQUESTS: CONTENTION UTAH L, PART B

A. Requests for Admissions - Contention Utah L, Part B.

REQUEST FOR ADMISSION NO. 12. Do you admit that, in support of the PFS Exemption Request, the Applicant believes it submitted to the Staff adequate justification supporting the grant of an exemption from the requirements of 10 CFR § 72.102(f) based on a probabilistic methodology with a 2,000 year return earthquake?

APPLICANT'S RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 13. Do you admit that the vibratory ground motions, estimated under the 1999 deterministic seismic hazard analysis ("DSHA") (*i.e.*, 0.72g in the horizontal direction; 0.80g in the vertical direction) at the PFS site exceed the proposed design values in the PFS Safety Analysis Report?

APPLICANT'S RESPONSE:

Applicant objects to this Request as vague and ambiguous in that the terms "vibratory ground motions" and "design values" are not defined. Notwithstanding this objection, and assuming for purposes of this answer that "vibratory ground motions" should be read to mean "peak ground accelerations," and that "design values" should be read to mean design values for the peak ground accelerations, the Request is admitted.

REQUEST FOR ADMISSION NO. 14. Do you admit that the vibratory ground motions, estimated under the latest (March 2001) probabilistic seismic hazard analysis ("PSHA") with a return period of 2,000 years (*i.e.*, 0.711g in the horizontal direction; 0.695g in the vertical direction) exceed the proposed design values in the PFS Safety Analysis Report?

APPLICANT'S RESPONSE:

Applicant objects to this Request as vague and ambiguous in that the terms "vibratory ground motions" and "design values" are not defined. Notwithstanding this objection, and assuming for purposes of this answer that "vibratory ground motions" should be read to mean "peak ground accelerations," and that "design values" should be read to mean design values for the peak ground accelerations, the Request is denied.

REQUEST FOR ADMISSION NO. 15. Do you admit that vibratory ground motions estimated under a PSHA with a return period of 10,000 years would exceed the proposed design values in the PFS Safety Analysis Report?

APPLICANT'S RESPONSE:

Applicant objects to this Request as vague and ambiguous in that the terms “vibratory ground motions” and “design values” are not defined. Notwithstanding this objection, and assuming for purposes of this answer that “vibratory ground motions” should be read to mean “peak ground accelerations,” and that “design values” should be read to mean design values for the peak ground accelerations, the Request is admitted.

REQUEST FOR ADMISSION NO. 16. Do you admit that in the event of an earthquake affecting the PFS site, PFS will not be able to ascertain whether structures, systems and components have been subject to ground motions exceeding their design values?

APPLICANT'S RESPONSE:

Applicant objects to this Request (1) as vague and ambiguous in that the term “design values” is not defined and (2) as beyond the scope of the contention admitted by the Licensing Board. Part B of Utah L alleges that “PFS should be required either to use a probabilistic methodology with a 10,000-year return period or comply with the existing deterministic analysis requirement of section 72.102(f), or, alternatively, use a return period significantly greater than 2000 years.” Whether PFS will be able to ascertain the ground motions to which structures have been subjected is not relevant to the methodology or standard that should be used for defining the design earthquake.

REQUEST FOR ADMISSION NO. 17. Do you admit that PFS does not intend to install strong ground motion recorders at the PFS site?

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. Whether PFS will install strong ground motion recorders at the PFS site is not relevant to the methodology or standard that should be used for defining the design earthquake.

REQUEST FOR ADMISSION NO. 18. Do you admit that any PFS-named expert for Utah L has received or reviewed a copy of a 2001 or 2000 draft set of new geological and/or seismological standards for the siting and/or design of dry cask ISFSIs produced by or for NRC?

APPLICANT'S RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 19. Do you admit that any person associated with PFS (*see* definition No. 1 above) has received or reviewed a copy of a 2001 or 2000 draft set of new geological and/or seismological standards for the siting and/or design of dry cask ISFSIs produced by or for NRC?

APPLICANT'S RESPONSE:

Applicant objects to this Request to the extent it seeks privileged information. To the extent this objection is inapplicable, and except as admitted in the Response to Request No. 18, the Request is denied.

REQUEST FOR ADMISSION NO. 20. Do you admit that, in addition to PFS's plan to obtain a 20 year ISFSI license, PFS also plans, prior to the expiration of the initial license, to apply for a 20 year renewal license?

APPLICANT'S RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 21. Do you admit that PFS plans to operate the ISFSI for approximately forty (40) years?

APPLICANT'S RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 22. Do you admit that PFS will be unable to remove all spent nuclear fuel ("SNF") from its facility by the end of forty years?

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. Whether PFS will be able to remove SNF from the facility by the end of forty years is not relevant to the methodology or standard that should be used for defining the design basis earthquake for the PFSF. Notwithstanding this objection, the Request is denied.

REQUEST FOR ADMISSION NO. 23. Do you admit that the current capacity of the Yucca Mountain permanent repository, by law, is 70,000 MTU of spent nuclear fuel?

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. The capacity of the Yucca Mountain permanent repository is irrelevant to the methodology or standard that should be used for defining the design basis earthquake for the PFSF.

REQUEST FOR ADMISSION NO. 24. Do you admit that 50 years from now the projected total inventory of commercial SNF will be greater than the existing legal capacity currently authorized for disposal at the Yucca Mountain permanent repository?

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. The capacity of the Yucca Mountain permanent repository and the total inventory of commercial SNF 50 years from now are irrelevant to the methodology or standard that should be used for defining the design basis earthquake for the PFSF.

REQUEST FOR ADMISSION NO. 25. Do you admit that PFS has no alternative place to send SNF at the end of PFS's operational life other than to the permanent repository at Yucca Mountain?

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. The ultimate disposition of the SNF at the end of PFS's operational life is irrelevant to the methodology or standard that should be used for defining the design basis earthquake for the PFSF. Furthermore, a contention based on the potential unavailability of a government disposal facility where spent fuel could be sent was rejected as inadmissible by the Licensing Board in connection with Contention Utah S. Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 197 (1998).

REQUEST FOR ADMISSION NO. 26. Do you admit that at the end of PFS's operational life, PFS cannot ship SNF back to nuclear power plants that have been decommissioned?

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. The ultimate disposition of the SNF at the end of PFS's operational life is irrelevant to the methodology or standard that should be used for defining the design basis earthquake for the PFSF. Moreover, a proposed contention on the ability to return spent fuel back to the originating reactors was specifically excluded from by the Licensing Board in connection with Contention Utah S. Private Fuel Storage, LBP-98-7, supra, 47 NRC at 197.

REQUEST FOR ADMISSION NO. 27. Do you admit that PFS is unable to meet the physical limitations of designing a facility to meet the vibratory ground motions estimated under a DSHA or a PSHA with a return period of 10,000 years?

APPLICANT'S RESPONSE:

Applicant objects to this Request (1) as vague and ambiguous in that the terms "physical limitations" and "vibratory ground motions" are not defined, and (2) as beyond the scope of the contention as admitted by the Licensing Board. The ability of PFS to design the facility to meet the forces imparted by the design basis earthquake for the PFSF is irrelevant to the methodology or standard that should be used for defining the design basis earthquake.

REQUEST FOR ADMISSION NO. 28. Do you admit that PFS is unwilling to meet the financial costs of designing a facility to meet the vibratory ground motions estimated under a DSHA or a PSHA with a return period of 10,000 years?

APPLICANT'S RESPONSE:

Applicant objects to this Request (1) as vague and ambiguous in that the term “vibratory ground motions” is not defined, and (2) as beyond the scope of the contention as admitted by the Licensing Board. The willingness of PFS to meet the costs of designing the facility to meet the forces imparted by the design basis earthquake is irrelevant to the methodology or standard that should be used for defining the design basis earthquake.

REQUEST FOR ADMISSION NO. 29. Do you admit that if PFS is not granted an exemption from 10 CFR § 72.102(f) it will be unable to construct an ISFSI at the Skull Valley site?

APPLICANT'S RESPONSE:

Applicant objects to this Request as (1) vague and ambiguous in that the term “unable” is not defined, and (2) as beyond the scope of the contention as admitted by the Licensing Board. The ability of PFS to construct the facility if an exemption from 10 CFR § 72.102(f) is denied is irrelevant to the methodology or standard that should be used for defining the design basis earthquake.

B. INTERROGATORIES – Contention Utah L, Part B.

INTERROGATORY NO. 14. Identify and fully explain each respect, including fiscal and physical impediments, in which the PFS site cannot or will not meet either 10 CFR § 72.102(f), requiring a deterministic seismic hazard analysis, or an exemption from 10 CFR § 72.012(f) allowing the use of a probabilistic methodology with a 10,000 year return earthquake, and the bases therefor.

APPLICANT'S RESPONSE:

Applicant objects to this Interrogatory as beyond the scope of the contention as admitted by the Licensing Board. The "fiscal and physical impediments," if any, to the PFS site meeting 10 CFR § 72.102(f) or an exception thereto allowing the use of a probabilistic methodology with a 10,000 year return earthquake are irrelevant to the methodology or standard that should be used for defining the design basis earthquake.

INTERROGATORY NO. 15. Identify and fully explain each respect in which the PFS exemption from the requirements of 10 CFR § 72.102(f) to allow a probabilistic methodology with a 2,000 year return earthquake is in the public interest and does not defeat the conservatism in the existing rule, and the bases therefor.

APPLICANT'S RESPONSE:

Applicant incorporates by reference and adopts the bases asserted by the NRC Staff in granting Applicant's requested exemption allowing the use of a probabilistic seismic hazard analysis ("PSHA") based on a 2,000 year return period earthquake in the seismic design of the PFSF. See Safety Evaluation Report, September 29, 2000, at 2-41 – 2-42.

In addition, the following considerations demonstrate that allowing the use of such a PSHA is in the public interest and does not defeat the conservatism in the existing rule:

1. The exemption would be consistent with Commission policy and regulations applicable to other facilities (i.e. nuclear power plants and high level waste geologic repositories) that carry greater risk than a Part 72 facility. Considering the minor radiological consequences of accidents applicable to the PFSF, PFS considers that the present Part 72 requirement for calculating the design earthquake is an unnecessary regulatory burden. The use of probabilistic techniques and a risk-informed approach are compatible with the direction provided by the Commission on Direction Setting Issue 12, "Risk-Informed, Performance-Based Regulation," dated September 1996. The Commission has approved the use of probabilistic methods with respect to nuclear power generating facilities and surface facilities at high level waste repositories.

2. An ISFSI storing spent fuel in dry casks is inherently less hazardous and less vulnerable to earthquake-initiated accidents than is an operating nuclear power plant. Key differences between an ISFSI and a nuclear power plant in terms of the potential radiological consequences of a seismic event include: (a) The failure of an important-to-safety structure, system, or component ("SSC") in a spent fuel repository or an ISFSI will result in potential offsite dose consequences that are orders of magnitude less severe than would be the case for a nuclear power generating plant. (b) Unlike a nuclear power generating plant, an ISFSI does not have an active nuclear reaction, and does not need to meet the requirements for active cooling and safe shutdown systems to ensure the integrity of the high pressure reactor coolant boundary, and for shutting down the reactor in the event of a large earthquake. In comparison with a reactor coolant pressure boundary, which is subject to high pressure, the ISFSI spent fuel canister is at low pressure and retains its integrity without reliance on any active operating systems. (c) The spent fuel that is received at an ISFSI has decayed significantly (fuel cannot be shipped to the PFSF until it has cooled a minimum of five years), which results in fuel assemblies at an ISFSI having a lower radioactivity content than those at an operating nuclear power plant. Thus, the radioactive inventory in an ISFSI that may be released to the environment in case of an accident is small as compared to that from a nuclear power plant. (d) Operations at an ISFSI (such as canister transfer operations that will take place at the PFSF) need not be continuous but can be shut down to repair any damage caused by an earthquake. By comparison, reactor shutdown/cooling systems are required to maintain uninterrupted operation during a severe environmental event such as an earthquake. See Q. A. Hossain et al., "Seismic and Dynamic Analysis and Design Considerations for High-Level Nuclear Waste Repositories," J. C. Stepp, ed., American Society of Civil Engineers, New York, New York, 1997, Chapters 1 and 6.
3. The NRC has rejected the notion that the licensing standards should be as high for ISFSIs as for nuclear power plants, noting that "[t]he potential ability of irradiated fuel to adversely affect the public health and safety and the environment is largely determined by the presence of a driving force behind dispersion. Therefore, it is the absence of such a driving force, due to the absence of high temperature and pressure conditions in an ISFSI (unlike a nuclear reactor operating under such conditions that could provide a driving force), that substantially eliminate the likelihood of accidents involving a major release of radioactivity from spent fuel stored in an ISFSI." 60 FR 20,883 (1995).
4. With respect to seismic design, the NRC has recognized the reduced vulnerability of an ISFSI by stating that for ISFSIs, such as dry storage casks and canisters, which do not involve massive structures, "the required design earthquake will be determined on a case-by-case basis until more experience is gained with licensing these types of units." 45 FR 74697 (November 28, 1980). Therefore, it is appropriate to consider the required design earthquake for the facility on its own merits as opposed to the requirements of the existing rule.

5. The NRC has indicated that it plans to amend 10 CFR 72.102 to permit use of PSHA methodology and a risk-informed approach to calculate the design earthquake at ISFSI sites. See U.S. NRC SECY-98-126, from L. Joseph Callan (EDO) to the Commissioners, "Rulemaking Plan: Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations, 10 CFR Part 72, dated June 4, 1998. PFS's use of a PSHA methodology, in accordance with the guidance in Regulatory Guide 1.165, is consistent with the NRC's ongoing rulemaking plans and, therefore, the use of PSHA methodology at a facility such as the PFSF is consistent with the public interest.
6. The choice of a PSHA methodology based on a 2,000 year return period earthquake for the seismic design of the PFSF is appropriately conservative and consistent with the public interest because storage casks and safety-related structures at the PFSF, if designed on the basis of such an earthquake, could withstand the loadings resulting from an even more severe earthquake without failure of SSCs and without total effective dose equivalents at the site boundary in excess of regulatory limits. The HI-STORM canisters that will be stored at the PFSF are new "multi-purpose" canisters designed for transport as well as storage, which by virtue of their rugged design are less vulnerable to earthquake initiated accidents.
7. The consequences of a major seismic event at the PFSF using the HI-STORM cask storage system technology are limited by a bounding storage cask tip-over event. Peak accelerations well above those experienced in the 2,000 year return period earthquake would be required to initiate cask tip-over. Moreover, HI-STORM casks are designed so that the canisters they enclose can withstand the strains resulting from a non-mechanistic cask tip-over event with no breach and no release of radioactive material from inside the canister.
8. To release radioactive material, there must be an accident condition that breaches the canister. However, dry storage casks for storing spent fuel from nuclear power plants are stubby cylindrical weldments of steel and concrete that can survive natural events such as earthquakes without yielding radioactive material to the environment.
9. Typical SSCs in nuclear facilities, such as the PFSF, that are designed to satisfy the US NRC Standard Review Plan structural and mechanical criteria have been found to have a mean component failure return period 5 to 20 times or more greater than the mean return period of the design-basis ground motion. The use of a 2,000 year mean return period earthquake for the PFSF implies that the mean return period of the seismic failure of such SSCs at the facility is 10,000 to 40,000 years or more. Further, if an SSC is in operation only a fraction of the time, e.g., a crane, the mean return period of SSC failure while in operation increases by the reciprocal of the fraction of the time the SSC is in operation. Thus, for example, a safety-related crane in operation 10% of the time, designed to the 2,000 year mean

return period earthquake, has a mean return period of 20,000 years for experiencing the design basis ground motion while in operation. It is because of these design safety factors that SSCs, such as those in the Canister Transfer Building of the PFSF, have a mean return period of failure many times greater than the 2,000 year earthquake return period.

INTERROGATORY NO. 16. To the extent that the PFS admits Request for Admission No. 1, identify and fully explain each respect in which PFS contends that PFS's justification is adequate to support the grant of an exemption from the requirements of 10 CFR § 72.102(f) based on a probabilistic methodology with a 2,000 year return earthquake, and the bases therefor.

APPLICANT'S RESPONSE:

Applicant objects to this Interrogatory to the extent it refers to Request for Admission No. 1, which is not part of the State's Eleventh Discovery Request and does not address Part B to Utah L. Assuming the Interrogatory refers to Request for Admission No. 12, see response to Interrogatory No. 15.

C. DOCUMENT REQUESTS - Contention Utah L, Part B.

The State of Utah requests that the Applicant produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant:

DOCUMENT REQUEST NO. 1. All documents, data or other information generated, reviewed, considered or relied upon by any expert or consultant with respect to Part B of Utah Contention L.

APPLICANT'S RESPONSE:

See Response to General Document Request Nos. 1 & 2.

DOCUMENT REQUEST NO. 2. All documents, data or other information generated, reviewed, considered or relied upon by the Applicant for its request to be exempted from 10 CFR § 72.102(f).

APPLICANT'S RESPONSE:

All non-privileged documents responsive to this Request have been previously provided to the State, either at the time the request for an exemption was filed or subsequently as part of the materials produced in response to State discovery requests.

DOCUMENT REQUEST NO. 3. All documents referring or relating to whether structures, systems and components at the proposed PFS facility will be subject to ground motions exceeding their design basis values, including without limitation ground motions determined [sic] under a DSHA or a PSHA.

APPLICANT'S RESPONSE:

All non-privileged documents, if any, responsive to this Request have been previously provided to the State, either at the time the request for an exemption was filed or subsequently as part of the materials produced in response to State discovery requests.

DOCUMENT REQUEST NO. 4. All documents related to the PFS's refutation of the claims raised by the State in Part B of Utah Contention L, as admitted by the Board in its June 15, 2001 Memorandum and Order.

APPLICANT'S RESPONSE:

Applicant objects to this Request (1) as vague and ambiguous in that the term "refutation of the claims raised by the State" is not defined, and (2) to the extent that it seeks privileged materials or information. Notwithstanding this objection, all non-privileged materials responsive to this Request have been or are being provided in accordance with Applicant's Response to General Document Request Nos. 1 and 2.

DOCUMENT REQUEST NO. 5. A copy of a 2001 or 2000 draft set of new geological and/or seismological standards for the siting and/or design of dry cask ISFSIs produced by or for NRC that is in the custody or control of PFS (*see* definition No. 1 above).

APPLICANT'S RESPONSE:

Subject to any potential claims of privilege that may be asserted by the NRC Staff, Applicant will cause the requested document to be forwarded to its repository of documents maintained at Parsons, Behle and Latimer in Salt Lake City, Utah.

DOCUMENT REQUEST NO. 6. All documents referring or relating to any analysis to ascertain whether under PFS's requested exemption from 10 CFR § 72.102(f) the PFS facility will or will not exceed dose limits, including without limitation the requirements of 10 CFR §§ 72.104(a) and 72.106(b).

APPLICANT'S RESPONSE:

All non-privileged documents, if any, responsive to this Request have been previously provided to the State, either at the time the request for an exemption was filed or subsequently as part of the materials produced in response to State discovery requests.

DOCUMENT REQUEST NO. 7. All documents referring or relating to PFS's use or non-use of strong ground motion sensors.

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. See Response to Request for Admission No. 17.

DOCUMENT REQUEST NO. 8. All documents referring or relating to the operational life of the proposed PFS facility.

APPLICANT'S RESPONSE:

Applicant objects to this request as being overbroad. Notwithstanding this objection, PFS has previously provided to the State non-privileged documents concerning the planned operational life of the PSFS in response to State discovery requests.

DOCUMENT REQUEST NO. 9. All documents referring or relating to plans for removal of SNF from the proposed PFS facility at the end of the operational life of the PFS facility.

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. See Response to Request for Admission No. 22.

DOCUMENT REQUEST NO. 10. All documents referring or relating to alternate plans for the removal of SNF from the PFS site, other than to the Yucca Mountain repository.

APPLICANT'S RESPONSE:

Applicant objects to this Request as beyond the scope of the contention as admitted by the Licensing Board. See Response to Request for Admission No. 25.

Respectfully submitted,



Jay E. Silberg
Ernest L. Blake
Paul A. Gaukler
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Counsel for Private Fuel Storage, L.L.C.

Dated: October 2, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Objections and Responses to the State of Utah's Eleventh Set of Discovery Requests Directed to the Applicant and Declarations of Dr. C. Allin Cornell, Dr. Alan Soler, and Jeffrey R. Johns 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 2nd day of October, 2001.

G. Paul Bollwerk III, Esq., Chairman Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
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* By U.S. mail only


Paul A. Gaukler

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety And Licensing Board

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

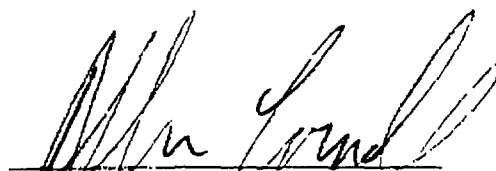
DECLARATION OF DR. C. ALLIN CORNELL

Dr. C. Allin Cornell states as follows under penalties of perjury:

1. I am a Professor at Stanford University and a consultant to Private Fuel Storage, L.L.C.
2. I am duly authorized to verify Applicant's Response to State of Utah's Eleventh Requests for Discovery; specifically, Interrogatory No. 15, Item 9.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2001.



Dr. C. Allin Cornell

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety And Licensing Board

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

DECLARATION OF DR. ALAN SOLER

Dr. Alan Soler states as follows under penalties of perjury:

1. I am an Executive Vice-President with Holtec International. In this position, I am responsible for the development of analytical methods to evaluate cask designs.
2. I am duly authorized to verify Applicant's Response to State's Eleventh Requests for Discovery; specifically, Interrogatory No. 15, Items 6-8.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2001.



Dr. Alan Soler

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety And Licensing Board

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

DECLARATION OF JEFFREY R. JOHNS

Jeffrey R. Johns states as follows under penalties of perjury:

1. I am the Lead Licensing Engineer with Stone & Webster, Inc. for the Private Fuel Storage Facility ("PFSF") project. As the Lead Licensing Engineer for the PFSF, I am responsible for technical and licensing activities for the project.
2. I am duly authorized to verify Applicant's Response to the State of Utah's Eleventh Requests for Discovery; specifically, the response to Request for Admission Nos. 14 and 22 and the response to Interrogatory No. 15, Items 1-5.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2001.



Jeffrey R. Johns