

RAS 3649

## RELATED CORRESPONDENCE

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OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFFUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

) Docket No. 72-22-ISFSI

PRIVATE FUEL STORAGE, LLC  
(Independent Spent Fuel  
Storage Installation)

) ASLBP No. 97-732-02-ISFSI

) November 1, 2001

STATE OF UTAH'S THIRTEENTH SET OF DISCOVERY REQUESTS  
DIRECTED TO THE NRC STAFF

Pursuant to the Board's Orders dated April 22, 1998 (LBP-98-7), June 29, 1998, August 20, 1998, and September 20, 2001 and accompanying revised schedule, and 10 CFR §§ 2.740 and 2.744, Intervenor State of Utah, hereby requests that the Staff of the Nuclear Regulatory Commission ("Staff") produce the following documents within 15 days after service of this discovery request.

As required by 10 CFR § 2.744(a), these document requests are being served on the NRC Executive Director for Operations.

## I. INSTRUCTIONS

A. Scope of Discovery. These document requests are directed to NRC Staff and any of the Staff's contractors or agents (collectively "NRC" or "Staff"). The document requests cover all responsive documents in the possession, custody and control of NRC Staff, including documents in the possession of officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by NRC Staff, or anyone else acting on their behalf or otherwise

subject to NRC Staff's control.

B. Supplemental Responses. The following requests are a continuing one pursuant to 10 CFR § 2.740(e) and the State hereby demands that, in the event that at any later date NRC Staff obtains or discovers any additional documents which are responsive to these document requests, NRC Staff shall supplement its response to these requests promptly and sufficiently in advance of the adjudicatory hearing.

C. Objections. If you object to the production of any requested document under a claim of privilege, immunity, or for any other reason, please furnish a list identifying each document for which the privilege, immunity, or other reason is asserted, together with the following information: date, author and affiliation, recipient and affiliation, persons to whom copies were furnished and the job title and affiliation of any such persons, the subject matter of the documents, the basis for asserting the privilege, immunity, or other reason, and the name of the person on whose behalf the privilege, immunity, or other reason is asserted in sufficient detail so as to permit the administrative judges in this matter to ascertain the validity of such assertion.

## II. DEFINITIONS

Each of the following definitions, unless otherwise indicated, applies to and shall be a part of each request for documents which follows:

A. "NRC," "Staff," "you" and "your" refers to the officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by the Staff of the U.S. Nuclear Regulatory Commission, or anyone else acting on its behalf or otherwise subject to the Staff's control.

B. "PFS," or "Applicant," refers to Private Fuel Storage, LLC and the PFS

members and their officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on their behalf or otherwise subject to their control.

C. The term "documents" means the originals as well as copies of all written, printed, typed, recorded, graphic, photographic, and sound reproduction matter however produced or reproduced and wherever located, over which you have custody or control or over which you have the ultimate right to custody or control. By way of illustration, but not limited thereto, said term includes: records, correspondence, diaries, notes, interoffice and intraoffice communications, minutes of meetings, instructions, reports, demands, memoranda, data, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, charts, spreadsheets, working papers, computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, electronic mail, microfilm, microfiche, corporate minutes, blueprints, drawings, contracts and any other agreements, rough drafts, and all other writings and papers similar to any of the foregoing, however designated by you. If the document has been prepared and several copies or additional copies have been made that are not identical (or are no longer identical by reason of the subsequent addition of notations or other modifications), each non-identical copy is to be construed as a separate document.

D. "All documents referring or relating to" means all documents that in whole or in part constitute, contain, embody, reflect, identify, state, interpret, discuss, describe, explain, apply to, deal with, evidence, or are in any way pertinent to a given subject.

E. The words "describe" or "identify" in connection with a document shall mean to give a description of each document sufficient to uniquely identify it among all of the documents related to this matter, including, but not limited to, the name of the author of the document, the date, title, caption, or other style by which the document is headed, the name of each person and entity which is a signatory to the document, the date on which the document was prepared, signed, and/or executed, any relevant bates numbers on the document, the person or persons having possession and/or copies thereof, the person or persons to whom the document was sent, all persons who reviewed the document, the substance and nature of the document, the present custodian of the document, and any other information necessary to adequately identify the document.

F. "Date" shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation thereof (including by relationship to other events), and the basis for such approximation.

G. "ISFSI" shall mean the PFS proposed Independent Spent Fuel Storage Installation located in the northwest corner of the Skull Valley Goshute Indian reservation, Utah.

H. The word "person" shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.

I. Words herein of any gender include all other genders, and the singular form of words encompasses the plural.

J. The words "and" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."

K. The discovery sought by this request encompasses material contained in,

or which might be derived or ascertained from, the personal files of NRC Staff employees, representatives, investigators, and agents.

L. The term "ICF" refers to NRC Staff's consultant serving as technical support for NRC Staff's development of a regulatory guide on the preparation of a probabilistic seismic hazard analysis for ISFSIs. This NRC consultant, and a March 2000 meeting to discuss this NRC consultant's technical support to NRC staff's development of a regulatory guide on the preparation of a probabilistic seismic hazard analysis for ISFSIs, was discussed in Dr. Allin Cornell's November 1, 2001 deposition; Dr. Cornell acknowledged that he attended the March 2000 meeting as a consultant to this NRC consultant. Dr. Cornell was uncertain of the name of the NRC consultant, however. He indicated that he thought the name was ICF or IFC. We have used the name ICF for ease of reference, but any reference to ICF in these Document Requests should be read to refer to the entity providing technical support to NRC Staff, as described in this definition, whatever the correct name.

### III. DOCUMENT REQUEST

#### CONTENTION UTAH L, PART B - Geotechnical

DOCUMENT REQUEST NO. 1. All documents relating or referring to any NRC Staff analysis or study of cask stability at the PFS site, including any documents related to the Staff's evaluation of the potential for cask tipover at the PFS site as referenced in Supplemental Response to State of Utah's Sixth Set of Discovery Requests Directed to the NRC Staff, Request for Admission No. 16 (Utah Contention L) (July 12, 2000).

DOCUMENT REQUEST NO. 2. All documents relating or referring to any PFS analysis or study of cask stability at the PFS site considered or relied upon by the

Staff in the course of its evaluation of the potential for cask tipover at the PFS site as referenced in Supplemental Response to State of Utah's Sixth Set of Discovery Requests Directed to the NRC Staff, Request for Admission No. 16 (Utah Contention L) (July 12, 2000).

DOCUMENT REQUEST NO. 3. All handouts, slides, presentation materials, or other documents distributed to consultants to ICF<sup>1</sup>, including all handouts, slides, presentation materials, or other documents distributed at or in preparation for a March 2000 meeting to discuss ICF's technical support to NRC staff's development of a regulatory guide on the preparation of a probabilistic seismic hazard analysis for ISFSIs.

DATED this 1<sup>st</sup> day of November, 2001.

Respectfully submitted,

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<sup>1</sup> See Definition L *supra*.

CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S THIRTEENTH SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 1<sup>st</sup> day of November, 2001:

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