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RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:

) Docket No. 72-22-ISFSI

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

) ASLBP No. 97-732-02-ISFSI

) December 11, 2001

STATE OF UTAH'S SIXTEENTH 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 §§ 2.720, 2.740, 2.742, and 2.744, Intervenor State of Utah, hereby requests that the Staff of the Nuclear Regulatory Commission ("Staff") answer the following Interrogatories separately, fully, in writing, and under oath within 10 days. All of these Interrogatories are necessary to a proper decision in this proceeding for Contention Utah K/Confederated Tribes B.

As required by 10 CFR § 2.744(a), this discovery request is being served on the NRC Executive Director for Operations.

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories are directed to NRC Staff and any of the Staff's contractors or agents (collectively "NRC" or "Staff"). The interrogatories cover all information in the possession, custody and control of NRC Staff, including information in the possession of officers, employees, agents, servants, representatives,

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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. Each of the following interrogatories is 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 information which is responsive to these interrogatories and request for admissions, NRC Staff shall supplement its responses to this request promptly and sufficiently in advance of the adjudicatory hearing.

Such supplementation shall include, but not be limited to:

1. The identity and location of persons having knowledge of discoverable matters;
2. The identity of each person expected to be called as an expert witness at any hearing, the subject matter on which she/he is expected to testify, and the substance of her/his testimony; and
3. New information which makes any response hereto incorrect.

C. Objections. If you object to or refuse to answer any interrogatory or admission request under a claim of privilege, immunity, or for any other reason, please indicate the basis for asserting the objection, privilege, immunity or other reason, the person on whose behalf the objection, privilege, immunity, or other reason is asserted, and describe the factual basis for asserting the objection, privilege, immunity, or other reason 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 interrogatory and request for admission 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" shall have the following meanings:

1. In connection with a person, the words "describe" or "identify" mean to state the name, last known home and business address, last known home and business telephone number, and last known place of employment and job title;

2. In connection with a document, the words "describe" or "identify" 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;

3. In connection with an entity other than a natural person (eg, corporation,

partnership, limited partnership, association, institution, etc.), the words "describe" or "identify" mean to state the full name, address and telephone number of the principal place of business of such entity.

4. In connection with any activity, occurrence, or communication, the words "describe" or "identify" mean to describe the activity, occurrence, or communication, the date of its occurrence, the identify of each person alleged to have had any involvement with or knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence, or communication.

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 "discussion" shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

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

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

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

L. 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.

III. INTERROGATORIES¹: CONTENTION UTAH K/CONFEDERATED TRIBES B

INTERROGATORY NO. 5: State the Staff's understanding of the exact manner in which the F-16 crash rate was calculated to be 2.736×10^{-8} per mile, as referred to in the Staff's Revision to the PFS Safety Evaluation Report, Aircraft Supplement No. 1, November 13, 2001 ("SER, Aircraft Supplement") at page 11, including the source of all values used in such calculation.

INTERROGATORY NO. 6: With respect to the following statement in the Staff's SER, Aircraft Supplement at page 11,

On the basis of the U.S. Air Force data, PFS modified the normal crash rate developed in the DOE ACRAM study by updating the data from FY 1975 to FY 1993 with data from FY 1994 to FY 1998.

state the Staff's understanding of the exact manner in which such modification by PFS was accomplished or calculated, including the Staff's understanding of what mathematical computations were made and the source of all values used in such calculations.

INTERROGATORY NO. 7: With respect to the Staff's statement, "Hence, PFS used the crash rate based on the last 10 years data (i.e., from FY 1989 to FY 1998)" made in the SER, Aircraft Supplement at page 11, state the Staff's understanding of the values of the

¹ Numbering for these interrogatories is continued from the last interrogatory relating to Contention Utah K/Confederated Tribes B previously submitted to the NRC Staff.

crash rate data referred to for FY 1989, the values of the crash rate data referred to for FY1990, and in a like manner, the values of crash rate data for each and every following year through and including FY1998, including the Staff's understanding as to the specific source of such crash rate data for each such year.

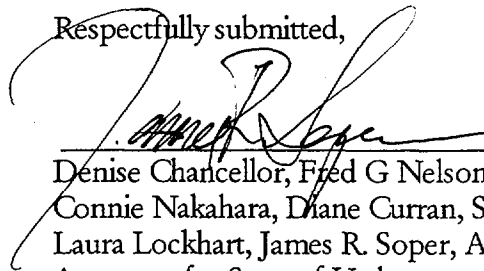
INTERROGATORY NO. 8: Identify the two most recent license applications reviewed by the Staff (other than the application in this matter) with respect to which the Staff calculated or reviewed the calculation of the probability that a pilot of a crashing aircraft would be able to avoid striking the facility under consideration.

INTERROGATORY NO. 9: Identify the two most NRC recent licensing proceedings (other than this one) with respect to which the Staff calculated or reviewed the calculation of aircraft crash rates.

INTERROGATORY NO. 10: Identify the two most NRC recent licensing proceedings (other than this one) with respect to which the Staff calculated or reviewed the calculation of the probability that a pilot of a crashing aircraft would be able to avoid striking the facility under consideration.

DATED this 11th day of December, 2001.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy STATE OF UTAH'S SIXTEENTH 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 11th day of December, 2001:

Rulemaking & Adjudication Staff
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(original and two copies)

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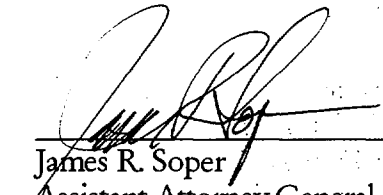
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Office of the Commission Appellate
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U. S. Nuclear Regulatory Commission
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RAY HINTZE
Chief Deputy - Civil

RYAN MECHAM
Chief of Staff

KIRK TORGENSEN
Chief Deputy - Criminal

December 11, 2001

William D. Travers
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

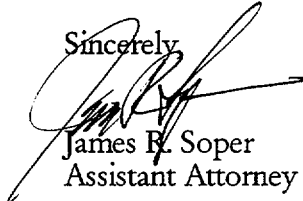
Re: In the Matter of Private Fuel Storage, LLC, Docket 72-22

Dear Mr. Travers;

Pursuant to 10 CFR § 2.744(a), enclosed is the State of Utah's Sixteenth Set of Discovery Requests Directed to the NRC Staff, dated December 11, 2001.

Please contact me with any questions at (801) 366-0286. Thank you.

Sincerely,



James R. Soper
Assistant Attorney General

Enclosure: as stated
cc: PFS Docket 72-22-ISFSI Service List