

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

**APPLICANT'S OBJECTIONS AND RESPONSES  
TO THE STATE OF UTAH'S TWELFTH 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 Twelfth Set of Discovery Requests Directed to the Applicant" ("State's Twelfth Discovery Request").

**I. GENERAL OBJECTIONS**

These objections apply to the Applicant's responses to all of the State's Twelfth 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 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, or (b) 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.

**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).

### **III. 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, drafts, notes, outlines, reviews and comments made by PFS (including those made by any of its consultants), or by any other person, relating to either draft versions or the final version of the SECY-98-126 Rulemaking Plan: Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations, 10 CFR Part 72 (“SECY-98-126 Rulemaking Plan”).

### **APPLICANT'S RESPONSE:**

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

**DOCUMENT REQUEST NO. 2.** All documents, drafts, notes, outlines, reviews and comments made by PFS (including those made by any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of SECY-98-126 Rulemaking Plan.

**APPLICANT'S RESPONSE:**

All PFS 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. 3.** All documents, drafts, notes, outlines, reviews and comments made by PFS (including those by any of its consultants), or by any other person, relating to either draft versions or the final version of the SECY-01-0178, Modified Rulemaking Plan: 10 CFR Part 72 - "Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations" (September 26, 2001) ("SECY-01-0178, Modified Rulemaking Plan").

**APPLICANT'S RESPONSE:**

All PFS non-privileged documents, if any, responsive to this Request have been, or will be, provided to the State.

**DOCUMENT REQUEST NO. 4.** All documents, drafts, notes, outlines, reviews and comments made by PFS (including those by any of its consultants), or by any other person, relating to ICF's technical support to the NRC staff's development of a regulatory guide on the preparation of a probabilistic hazard analysis for ISFSIs.

**APPLICANT'S RESPONSE:**

All PFS non-privileged documents, if any, responsive to this Request have been provided to the State.

**DOCUMENT REQUEST NO. 5.** All documents, drafts, notes, outlines, reviews and comments made by PFS (including any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of SECY-01-0178, Modified Rulemaking Plan.

**APPLICANT'S RESPONSE:**

All PFS non-privileged documents, if any, responsive to this Request have been, or will be, provided to the State.

**DOCUMENT REQUEST NO. 6.** All documents, drafts, notes, outlines, reviews and comments made by PFS (including any of its consultants), or by any other person, relating to PFS's review (including PFS's consultants' review) of ICF's technical support to the NRC staff's development of a regulatory guide on the preparation of a probabilistic hazard analysis for ISFSIs.

**APPLICANT'S RESPONSE:**

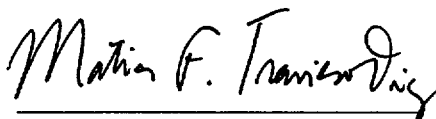
All PFS non-privileged documents, if any, responsive to this Request have been previously provided to the State.

**DOCUMENT REQUEST NO. 7.** All documents, drafts, relating to fragility curves for PFS structures, systems, and components ("SSC") for seismic loadings, including cask tip.

**APPLICANT'S RESPONSE:**

All non-privileged documents, if any, responsive to this Request have been previously provided to the State.

Respectfully submitted,



Jay E. Silberg  
Ernest L. Blake  
Paul A. Gaukler  
Matias F. Travieso-Diaz  
SHAW PITTMAN LLP  
2300 N Street, N.W.  
Washington, DC 20037  
(202) 663-8000  
Counsel for Private Fuel Storage, L.L.C.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Objections and Responses to the State of Utah's Twelfth set of Discovery Requests Directed to the Applicant 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 16<sup>th</sup> day of November, 2001.

G. Paul Bollwerk III, Esq., Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [GPB@nrc.gov](mailto:GPB@nrc.gov)

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [JRK2@nrc.gov](mailto:JRK2@nrc.gov); [kjerry@erols.com](mailto:kjerry@erols.com)

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [PSL@nrc.gov](mailto:PSL@nrc.gov)

\*Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications  
Staff  
e-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
(Original and two copies)

Sherwin E. Turk, Esq.  
Office of the General Counsel  
Mail Stop O-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
e-mail: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

John Paul Kennedy, Sr., Esq.  
David W. Tufts, Esq.  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Durham Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, Utah 84105  
e-mail: [dtufts@djplaw.com](mailto:dtufts@djplaw.com)

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036  
e-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

\*Richard E. Condit, Esq.  
Land and Water Fund of the Rockies  
2260 Baseline Road, Suite 200  
Boulder, CO 80302

\* By U.S. mail only

\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Denise Chancellor, Esq.  
Assistant Attorney General  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873  
e-mail: [dchancel@state.UT.US](mailto:dchancel@state.UT.US)

Joro Walker, Esq.  
Land and Water Fund of the Rockies  
1473 South 1100 East  
Suite F  
Salt Lake City, UT 84105  
e-mail: [utah@lawfund.org](mailto:utah@lawfund.org)

Tim Vollmann, Esq.  
Skull Valley Band of Goshute Indians  
3301-R Coors Road, N.W.  
Suite 302  
Albuquerque, NM 87120  
e-mail: [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com)

Paul EchoHawk, Esq.  
Larry EchoHawk, Esq.  
Mark EchoHawk, Esq.  
EchoHawk PLLC  
P.O. Box 6119  
Pocatello, ID 83205-6119  
e-mail: [pechohawk@hollandhart.com](mailto:pechohawk@hollandhart.com)

  
Matias F. Travieso-Diaz