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RELATED CORRESPONDENCE

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2002 FEB 12 PM 3:41

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

) January 17, 2002

STATE OF UTAH'S SEVENTEENTH 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.

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SECY-02

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.

III. DOCUMENT REQUEST

CONTENTION UTAH L

Please produce the documents responsive to the following document requests:

DOCUMENT REQUEST NO. 1. All calculations, analyses, or other documents prepared by or for the Staff that support its conclusions in the SER Supplement No. 2 (geotechnical and design changes to PFS facility) ("SSER No. 2").

DOCUMENT REQUEST NO. 2. All calculations, analyses, or other documents prepared by or for the Staff that the Staff may rely upon or otherwise use at the hearing presently set to begin in April 2002, that support its conclusions in the SSER No. 2.

DOCUMENT REQUEST NO. 3. All calculations, analyses, or other documents that support the Staff's conclusions based on its review of revised and new information relating to information in the following references: PFS, 2001; Geomatrix Consultants, Inc. 2001a, 2001b, 2001c and 2001d; Northland Geophysical, L.L.C., 2001; Stone and Webster 2001 a, b, c, d; Donnell 2001; Parkyn 2001 (hereafter "new or revised information"). See SSER No. 2 at 7.

DOCUMENT REQUEST NO. 4. All calculations, analyses, or other documents that the Staff may rely upon or otherwise use at the hearing set to begin in April 2002 that support the Staff's conclusion based on its review of revised and new information relating to information in the following references: PFS, 2001; Geomatrix Consultants, Inc. 2001a, 2001b, 2001c and 2001d; Northland Geophysical, L.L.C., 2001; Stone and Webster 2001 a,

b, c, d; Donnell 2001; Parkyn 2001. *See* SSER No. 2 at 7.

DOCUMENT REQUEST NO. 5. All calculations, analyses or other documents that add to, change or supplement the Stamatakos report (Stamatakos, et al., 1999).

DOCUMENT REQUEST NO. 6. Any documents relating to the Staff's survey of "state-of-the art literature; [analysis of] the basis of current NRC regulations, and [performance of] independent analyses of geophysical data and sensitivity studies of model alternatives and consideration of uncertainties" with respect to new or revised information. *See* SSER at 15; *see also* Request No. 3 above.

DOCUMENT REQUEST NO. 7. All calculations, analyses, or other documents prepared by or for the Staff that relate to the Staff's conclusion "that there is sufficient information on shear wave velocity profiles in the soil strata and ground motion attenuation modeling for use in other sections of the SAR to develop the design bases of the proposed Facility, perform additional safety analysis, and demonstrate compliance with the regulatory requirements of 10 CFR 72.90(b-d), 72.92(a-c), 72.98(b), 72.98(c)(3), and 72.122(b) with respect to this issue." *See* SSER No. 2 at 27.

DOCUMENT REQUEST NO. 8. A copy of the "slip tendency analysis of the Skull Valley fault systems performed by the staff." *See* SSER No. 2 at 18.

DOCUMENT REQUEST NO. 9. The Staff's "sensitivity calculations" which led the Staff to "determine[] that the mean frequency of exceedance of ground motions changes by less than a factor of two." *See* SSER No. 2 at 21.

DOCUMENT REQUEST NO. 10. All calculations, analyses, or other documents prepared by or for the Staff relating to the Staff's conclusions that although the facility site-

specific seismic loads are higher than the seismic loads considered in the HI-STORM 100 FSAR, “resulting loads on the MPC and fuel assemblies remain bounded by the loads considered in the HI-STORM 100 FSAR.” See SSER No. 2 § 5.1.1.4 at 1.

DOCUMENT REQUEST NO. 11. All calculations, analyses, or other documents relating to the Staff’s conclusion that “sliding of the pads would not constitute a safety hazard because pad sliding tends to increase the stability of the casks (against sliding or tip over). SSER No. 2 at 45.

DOCUMENT REQUEST NO. 12. All calculations, analyses, or other documents relating to the Staff’s conclusion that “there are no safety-related external connections to the pads or casks that may rupture or be misaligned as a result of pad sliding.” See SSER No. 2 at 45.

DOCUMENT REQUEST NO. 13. All calculations, analyses, or other documents relating to the Staff’s conclusions “that the proposed cask-pad design is acceptable considering the potential for instability resulting from sliding of the pads under dynamic loading.” SSER No. 2 at 45.

DOCUMENT REQUEST NO. 14. All calculations, analyses, or other documents relating to the Staff’s conclusion that “the proposed cask-pad design is acceptable considering the potential for bearing-capacity failure under dynamic loading.” See SSER No. 2 at 46.

DOCUMENT REQUEST NO. 15. All calculations, analyses, or other documents relating to the Staff’s conclusion that either of the Applicant’s “strength-parameter values (i.e., c_u value of 3.18 ksf, or friction angle of 30° with zero cohesion) is accepted as

representing the average strength of layer 1 soil for the purpose of determining the allowable bearing pressure for the Canister Transfer Building foundation.” See SSER No. 2 at 47.

DOCUMENT REQUEST NO. 16. All calculations, analyses, or other documents relating to the Staff’s conclusion that the “applicant’s evaluation regarding the estimated allowable bearing pressure under static loading” is acceptable. See SSER No. 2 at 47.

DOCUMENT REQUEST NO. 17. All calculations, analyses, or other documents relating to the Staff’s conclusion that “the proposed design of the Canister Transfer Building foundation is acceptable considering the potential for bearing-capacity failure under static loading.” See SSER No. 2 at 48.

DOCUMENT REQUEST NO. 18. All calculations, analyses, or other documents relating to the Staff’s conclusions that the Applicant’s “stability analysis [of the CTB foundation] is acceptable.” See SSER No. 2 at 48.

DATED this 17th day of January, 2002.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S SEVENTEENTH 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 17th day of January, 2002:

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(original and two copies)

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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

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



MARK L. SHURTLEFF
ATTORNEY GENERAL

RAY HINTZE
Chief Deputy - Civil

RYAN MECHAM
Chief of Staff

KIRK TORGENSEN
Chief Deputy - Criminal

January 17, 2002

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 Seventeenth Set of Discovery Requests Directed to the NRC Staff, dated January 17, 2002.

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

Sincerely,



Denise Chancellor
Assistant Attorney General

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