

July 3, 2003

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In the Matter of
Private Fuel Storage, L.L.C.
(Independent Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI

Dear Mr. Soper:

I am writing in response to your letter to me dated June 12, 2003, in which you request copies of several documents in connection with the litigation of aircraft crash consequences in the Private Fuel Storage, L.L.C. ("PFS") license proceeding.

First, you renew a prior request by the State of Utah ("State") for a copy of an aircraft crash study submitted to the Nuclear Regulatory Commission ("NRC" or "Commission") by the Nuclear Energy Institute ("NEI"). I responded to that request in my letter to you dated June 10, 2003, in which I stated that NEI had submitted its report "to the Chairman of the Commission as safeguards information," and that "any request by Counsel for the State of Utah for a copy of that study should be submitted directly to the Commission." In a further letter dated June 12, 2003, you submitted your request directly to the Chairman of the NRC. Accordingly, your request is now pending before the Commission, and no further action by the NRC Staff ("Staff") is appropriate or necessary at this time.

Second, you request copies of three additional documents, which you state are referenced in NUREG-1536, *Standard Review Plan for Dry Cask Storage Systems* (Jan. 1997). These are as follows:

1. SAND80-2124, Wilmot, Edwin L., *Transportation Accident Scenarios for Commercial Spent Fuel*, Sandia National Laboratories, February 1981.
2. Davis, P.R., Strenge, D.L., Mishima, J., *Accident Analysis for Continued Storage*, October 27, 1998.
3. [NRC], Reg. Guide 1.145, *Atmospheric Dispersement [sic] Models for Potential Accident Consequence Assessments at Nuclear Power Plants*, February 1989.

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In your letter, you assert that the State "has been unable to obtain a copy of these documents either from ADAMS or from other sources." In this regard, I wish to advise you as follows:

1. The SAND80-2124 report was referred to extensively in the State's contentions, filed on November 24, 1997, and portions of the report were attached as Exhibit 20 to those contentions; the report is specifically cited in Contention Utah C, admitted by the Licensing Board in April 1998; it was cited in the "State of Utah's Request for Admission of Late-Filed Amended Utah Contention C," dated June 23, 1999; it was discussed in the "State of Utah's Response to Applicant's Motion for Summary Disposition on Utah Contention K/Confederated Tribes Contention B," dated January 30, 2001; and it was cited in a letter to the Commission by State expert witness Dr. Marvin Resnikoff dated February 16, 2001. Inasmuch as both the State and its expert appear to be in possession of this document, I see no reason for the Staff provide a further copy of the document to you.
2. Your letter states that the paper by Davis, *et al.*, was referenced in NUREG-1536. I have found no reference to the Davis paper therein -- which is not surprising inasmuch as NUREG-1536 predates the Davis paper. In an E-mail message earlier this week, you confirmed to me that the paper was not referenced in NUREG-1536 but, instead, was cited in and attached (in part) to the PFS aircraft crash report. This paper appears to have been prepared for use by the U.S. Department of Energy ("DOE") in its development of the environmental impact statement for the proposed Yucca Mountain repository. After September 11, 2001, it was removed from the DOE public website for security reasons. I have asked DOE to inform me whether the paper may be publicly released. If you wish, you may contact DOE directly to attempt to obtain a copy of the document.
3. Regulatory Guide 1.145 is publicly available, and may be obtained from the NRC document distribution center or the NRC's online ADAMS document collection at ML003740205. Please note that the latest version of the document appears to be dated November 1982, as corrected and reissued in February 1983.

Please do not hesitate to contact me if I may provide similar assistance or guidance to you in the future.

Sincerely,

/RA/

Sherwin E. Turk
Counsel for NRC Staff

cc: Service List