

21050

RELATED CORRESPONDENCE

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '99 DEC -8 P5:09

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC)	
(Independent Spent Fuel)	ASLBP No. 97-732-02-ISFSI
Storage Installation))	
)	December 1, 1999

**STATE OF UTAH'S FIFTH SET OF DISCOVERY REQUESTS
DIRECTED TO THE APPLICANT AND SKULL VALLEY BAND OF
GOSHUTES
[Redacted Version]**

Pursuant to the Board's Orders dated April 22, 1998 (LBP-98-7), and Orders dated June 29, 1998, August 20, 1998, September 20, 1999, and 10 CFR §§ 2.740, 2.741, and 2.742, Intervenor, State of Utah, hereby requests that Private Fuel Storage, LLC ("PFS") answer the following Interrogatories and Requests for Admissions separately, fully, in writing, and under oath within 10 days¹ after service of this discovery request and produce documents requested below within 15 days after service of this request. These discovery requests relate to Utah Contention GG, Failure to Demonstrate Cask-Pad Stability During Seismic Event for TranStor Casks.

¹ Counsel for the State and PFS have agreed that the party responding to Interrogatories and Requests for Admissions during the formal discovery period may timely file a response within eight (8) working days after receipt of the Discovery Request.

PDR A DOCK

DS03

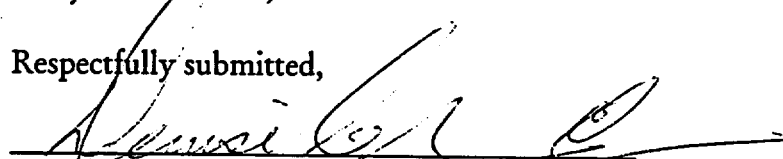
The State has obtained certain information from Holtec International under a confidentiality agreement. The agreement provides that the State may use information obtained under the agreement in an NRC proceeding provided the State files a proprietary pleading relevant to that information. In this discovery request to the Applicant, the State references information obtained under the State-Holtec Confidentiality Agreement. Accordingly, the State files this discovery request as a proprietary pleading; however, the State makes no representation whether or not any of this information should be treated as confidential. The State and the Applicant have agreed that the Applicant will file a justification of the proprietary or confidentiality claim with the Staff or the Board or, alternatively, relinquish its proprietary claim. If the Applicant relinquishes a claim of confidentiality the Applicant will serve the relevant portion of the State's proprietary discovery requests on those parties who are not now being served with the State's proprietary requests.

As noted in the Certificate of Service, the proprietary portion of the State's discovery request will not be served on those parties whom the State understands have not entered into a confidentiality agreement with Holtec International or who are not otherwise privy to this information.

PAGES 3 THROUGH 13 AND PART OF 14 HAVE BEEN REDACTED.

DATED this 1st day of December, 1999.

Respectfully submitted,



Denise Chancellor, Assistant Attorney General
Fred G Nelson, Assistant Attorney General
Connie Nakahara, Special Assistant Attorney General
Diane Curran, Special Assistant Attorney General
Laura Lockhart, Assistant Attorney General
Attorneys for State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor, P.O. Box 140873
Salt Lake City, UT 84114-0873
Telephone: (801) 366-0286, Fax: (801) 366-0292

RELATED CORRESPONDENCE

DOCKETED
USNRC

CERTIFICATE OF SERVICE

'99 DEC -8 P5:09

I hereby certify that a copy of STATE OF UTAH'S FIFTH SET OF
DISCOVERY REQUESTS DIRECTED TO THE APPLICANT AND SKULL
VALLEY BAND OF GOSHUTES [*Redacted Version*] was served on the persons listed
below by electronic mail (unless otherwise noted) with conforming copies by United
States mail first class,² this 1st day of December, 1999:

Emile L. Julian, Assistant for
Rulemakings and Adjudications
Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
E-mail: hearingdocket@nrc.gov
(original and two copies)

G. Paul Bollwerk, III, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Dr. Jerry R. Kline*
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

Dr. Peter S. Lam*
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

Sherwin E. Turk, Esq.*
Catherine L. Marco, Esq.*
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Jay E. Silberg, Esq.*
Ernest L. Blake, Jr., Esq.*
Paul A. Gaukler, Esq.*
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: ernest_blake@shawpittman.com
E-Mail: paul_gaukler@shawpittman.com

² Those parties marked with an asterisk are not being served with the paper copy of this redacted pleading.

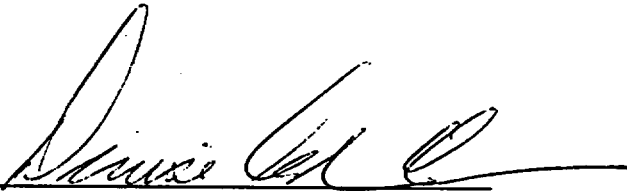
John Paul Kennedy, Sr., Esq.
1385 Yale Avenue
Salt Lake City, Utah 84105
E-Mail: john@kennedys.org

Joro Walker, Esq.
Land and Water Fund of the Rockies
2056 East 3300 South Street, Suite 1
Salt Lake City, Utah 84109
E-Mail: joro61@inconnect.com

Danny Quintana, Esq.
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
E-Mail: quintana@xmission.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(electronic copy only)

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U. S. Nuclear Regulatory Commission
Washington, DC 20555
(United States mail only)



Denise Chancellor
Assistant Attorney General
State of Utah