

IN THE MATTER OF PRIVATE FUEL STORAGE - DAVID C. SCHEN

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1 UNITED STATES OF AMERICA
 2 NUCLEAR REGULATORY COMMISSION
 3
 4 In the Matter of) Docket No. 72-22
) ASLBP No. 97-732-02-ISFSI
 5 PRIVATE FUEL STORAGE)
 L.L.C.)
 6)
 (Private Fuel Storage) DEPOSITION OF:
 7 Facility) DAVID C. SCHEN
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 9
 10 The deposition of DAVID C. SCHEN, a witness in
 11 the above-entitled cause, taken before LANETTE
 12 SHINDURLING, Registered Professional Reporter and Notary
 13 Public in and for the State of Utah, at the law offices
 14 of PARSONS, BEWLE & LATIMER, 201 South Main, Suite 1800,
 15 Salt Lake City, Utah, on the 25th day of May, 1996,
 16 commencing at 9:20 a.m.
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1 APPEARANCES:
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 3 FOR THE INTERVENOR:
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 11
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1 P R O C E E D I N G S
 2 DAVID C. SCHEN,
 3 called as a witness, for and on behalf of the Applicant,
 4 being first duly sworn, was examined and testified as
 5 follows:
 6 EXAMINATION
 7 BY MR. GAUKLER:
 8 Q. Would you please state your full name for the
 9 record?
 10 A. David C. Schen.
 11 Q. David, my name is Paul Gaukler. This morning
 12 I'm going to be asking some questions to try to
 13 understand the State's position on various matters which
 14 I understand you are involved. I'll try to make my
 15 questions as clear as possible, but if at any time you
 16 don't understand my question will you please ask me to
 17 clarify it?
 18 A. I will.
 19 Q. What is your current position and employer?
 20 A. I'm employed by the State of Utah, Division of
 21 Forestry, Fire and State Lands. It's one of seven
 22 divisions within the Department of Natural Resources.
 23 Q. And what are your responsibilities as division
 24 manager?
 25 A. My responsibilities include oversight of our

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1 natural resource programs. That includes program
 2 coordinators for about seven major programs.
 3 Q. And what programs are those?
 4 A. These include Landowner Assistance Programs,
 5 Forest Health, Urban Forestry, the Lone Peak
 6 Conservation Center.
 7 Q. What is it?
 8 A. Where is it?
 9 Q. What is it.
 10 A. It's comprised of trees and shrub seedling
 11 nurseries and fire fighting resources. Our Fire
 12 Management Program and our Mineral Leasing Program.
 13 Q. So fire management is one of the seven
 14 programs that you coordinate?
 15 A. That's one of the programs within my work
 16 unit.
 17 Q. And please describe for me the Fire Management
 18 Program.
 19 A. Our responsibilities are arrived at through
 20 law. State law charges the Division with protecting
 21 about 15 million acres of State and private lands. The
 22 responsibility on private lands is shared with the
 23 counties.
 24 Q. And do you have any responsibility for BLM
 25 land?

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1 this.

2 Q. So that still would be your statement of your
3 opinion today, that the wildfires would not present any
4 specific problem with respect to the spent fuel itself
5 stored in the sealed canisters?

6 A. I don't feel I have adequate information to
7 respond either way to that, to confirm or deny that
8 statement at this point.

9 Q. But you haven't changed your opinion in terms
10 of what you stated here since May 1997, right?

11 A. Well, that was my reaction at that time.

12 Q. Is that still your reaction today?

13 MR. NELSON: Objection, it's been asked and
14 answered. You can go ahead and respond.

15 THE WITNESS: Pardon?

16 MR. NELSON: You can go ahead and respond if
17 you want to.

18 THE WITNESS: It's still my opinion that the
19 two greatest risks to the fire fighters would be the
20 wildland fire itself and the potential for some exposure
21 to radioactive materials in some form, but I do not feel
22 that I have the technical expertise to say whether or
23 not the method of storage would minimize the risk of
24 exposure to radioactive materials.

25 Q. (BY MR. GAUKLER) Where would the

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1 volatilization of radioactive materials come from?

2 A. That's a good question. I don't have the
3 answer to that.

4 Q. It would have to come from the spent fuel rods
5 sealed inside the canisters would it not?

6 A. It would seem that it would have to, yes.

7 Q. You go on to say here that, the last paragraph
8 on page 2, you say that "Fuel breaks would provide an
9 effective protective barrier to the principal storage
10 site." I take it you believe that to be a true and
11 correct statement at that time?

12 A. I do.

13 Q. And you believe that to be a true and correct
14 statement at this time?

15 A. I do believe that fuel breaks can provide a
16 barrier that can be used effectively to protect a site.
17 They don't do so unto themselves.

18 Q. What do you mean, they don't do so unto
19 themselves?

20 A. Fire can cross fuel breaks from wood burning
21 embers. So they provide a degree of protection, but not
22 full protection.

23 Q. But if you had a fuel break around the entire
24 area of interest then that would provide a protection
25 for that area of interest, correct?

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1 A. It would provide protection, but not guarantee
2 that a fire wouldn't cross that barrier.

3 Q. Cross the barrier in what sense?

4 A. In the sense that it would not preclude
5 burning material from being carried by currents of air
6 across the barrier and igniting materials on the other
7 side of the barrier.

8 Q. But there would have to be materials that
9 could be ignited on the other side of the barrier for
10 that to be a problem, correct?

11 A. That's correct.

12 Q. What responsibility have you had for fighting
13 wildfires throughout your various positions in your
14 career? I guess the simplest way would be to look at
15 your resume and start--

16 A. Which point in my career?

17 Q. Let's start from the beginning, okay? Page 3
18 of your resume you talk about being a RC&D Forester and
19 a Bear River Forester.

20 A. I didn't have any responsibility other than--
21 any direct responsibility as an RC&D Forester, but as
22 the area forester in Logan I had responsibility for
23 supervising what we call our district fire wardens, and
24 they are the parties at the county level that we hire
25 jointly with the county to help train and organize and

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1 supervise volunteer fire fighters when they respond to
2 fires under our jurisdiction.

3 I also had the responsibility for negotiating
4 agreements with the counties in my area. I had
5 responsibilities for negotiating documents similar to
6 the Annual Operating Plan we have talked about that
7 covered that geographic area and had responsibility for
8 assisting wardens on, you know, our staff on the fires
9 within the area and providing management of those
10 incidents when they needed assistance.

11 Q. The Bear River area forest, where is that
12 located?

13 A. That area at that time was a three county area
14 comprising Cache, Rich and Box Elder counties.

15 Q. If you look at Exhibit 3, are they shown
16 anywhere in Exhibit 3?

17 A. No, they're not.

18 Q. Where would they be in reference to the map on
19 Exhibit 3?

20 A. North.

21 Q. So they would be north--

22 A. North and northeast.

23 Q. So basically they're north/northeast of Salt
24 Lake City?

25 A. The western end of Box Elder County borders

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ada, the northern end of Box Elder, Cache and Rich counties border the State of Idaho, and the eastern end or east side of Box Elder County borders Wyoming.

Q. So it's north--

A. It's north, north and northeast of this location.

Q. North to northeast of this location, okay.

When you say "of this location" you're referring to--

A. Oh, yeah. Look down, do you see the little state map in this quadrant?

Q. Yes.

A. If you just take a look at those three northern counties, those are Box Elder, Cache and Rich going from west to east.

Q. Okay. The three counties going across the northern part of Utah. I see. What type of vegetations in those areas, primarily?

A. It varies. The western part of Box Elder County is very similar to Tooele County's vegetation plant communities. And in Rich, the eastern side of Rich County is high desert fuels, but sagebrush, grasslands, pinion, juniper, woodland, but moister sites. And in the mountains bordering-- well, in the high mountain areas of Box Elder County as well as the Wellsville range and Bear River Mountain range and

bordering Rich and Cache County you can find high elevation alpine timber types. So there's a great variety of plant communities and fuels.

Q. Going to your next position, northern regional manager, did you have any responsibilities with respect to the fire fighting?

A. My responsibilities included-- in that position I had three areas, administrative areas within my region. That included basically all the counties in the northern half of the state from-- if you look at this little map on Exhibit 3, the south end of Tooele County, in a line generally going from Colorado to Nevada, from the south end of Tooele County north, we had offices in Salt Lake, Logan and Vernal, and the area foresters in those three offices had responsibilities such as I described I had in my position as Bear River area forester. So they were responsible for those day-to-day things, activities. I had responsibility for assisting them negotiate agreements, primarily the Annual Operating Plans, but my responsibilities were associated with overall management of that program for that geographic area as well as other programs that the division administered at the time.

Q. As opposed to actually being involved in fighting or managing the fighting of particular fires?

A. That's correct.

Q. Then your position from 1982 to November 1995 as forest stewardship coordinator?

A. My direct responsibilities during that period of time did not include administration of aspects of the Fire Management Program as administered by the State.

Q. Have you ever conducted experiments or test burns with respect to wildfires?

A. I have conducted prescribed fires.

Q. And what are prescribed fires?

A. Those are fires that we intentionally set to achieve some management, land management objective. And I have set fires as part of a wildland fire suppression operation to control wildfires as a tool to control the spread of the wildfire itself. I wouldn't necessarily refer to those as experiments. Sometimes they worked, though, sometimes they didn't.

Q. So basically the objective of the prescribed burning was to kind of control the vegetation in an area for some particular reason?

A. To modify the plant community. Typically it was to reduce the sagebrush and the pinion, juniper component and allow native grass and shrub species to recover.

Q. Why would you want to do that? Is there any

purpose with respect to wildfires for doing that?

A. The purpose, typically we were doing that as assistance to private landowners who were involved in ranching and raising livestock and their objectives included increasing the volume of forage suitable for their livestock on that property and in some cases it also included restoring the yield of water and streams and springs that was a side benefit. But primarily they were targeting, you know, changing the plant communities to include more grasses.

Q. Have you ever conducted test burns to measure temperatures of wildfires, for example?

A. No.

Q. Have you ever conducted test burns to different fuel loadings to identify the intensity of wildfires with different type of fuel loadings?

A. No.

Q. Do you believe that wildfires pose a significant hazard to the Private Fuel Storage facility and the spent fuel storage area?

A. I believe that wildfires do present a hazard to the proposed facility.

Q. And how much of a hazard do you see it presenting?

A. Based on my knowledge, I do believe that