

May 18, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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 THIRD SET OF FORMAL DISCOVERY REQUESTS  
TO INTERVENORS STATE OF UTAH AND CONFEDERATED TRIBES**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") hereby makes the following formal discovery requests of the State of Utah and the Confederated Tribes.

General Definitions and Instructions

1. The term "document" means the complete original or a true, correct, and complete copy and any non-identical copies, whether different by reason of any notation or otherwise, of any written or graphic matter of any kind, no matter how produced, recorded, stored, or reproduced (including electronic, mechanical or electrical records or representation of any kind) including, but not limited to, any writing, letter, telegram, meeting minute or note, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, data processing card, printout, microfilm or microfiche, index, diary entry, note of interview

or communication, or any data compilation including all drafts of all such documents. The phrase "data compilation" includes, but is not limited to, any material stored on or accessible through a computer or other information storage or retrieval system, including videotapes and tape recordings.

2. "Record" means any document or other recordation concerning any incidents or events in Requests for Admissions 13-30 herein for Utah K.

3. The "State of Utah" means any branch, department, agency, division or other organized entity, of the State of Utah, as well as any of its officials, directors, agents, employees, representatives, and its attorneys.

4. "Confederated Tribes" means the Confederated Tribes of the Goshute Reservation, any of its officials, directors, agents, employees, representatives, and its attorneys.

5. "Consultant" means any person who provides professional, scientific, or technical input, advice and/or opinion to the State or Confederated Tribes whether that person is employed specifically for this case or is a regular State or Confederated Tribes employee or official.

6. "PFSF" and "PFS ISFSI" means the Private Fuel Storage Facility.

**I. BOARD CONTENTION 7 (UTAH K/CONFEDERATED TRIBES B)  
CREDIBLE ACCIDENTS**

**A. Requests for Admissions**

1. Do you admit that the document entitled, "Waste Received at Commercial Permitted Facilities In/Out of State by Tons," (Bates No. UT-05267 to UT-05284) indicates the amount of waste received by the Aptus/Aragonite, Envirocare, Clive, and Grassy Mountain hazardous waste facilities in Fiscal Years 1986 through 1997?
2. Do you admit that the document entitled, "Spill Reports - 1994," (Bates No. UT-37743 to UT-37744) indicates the hazardous material spill reports received by Utah Department of Environmental Quality, Division of Hazardous Waste in 1994?
3. Do you admit that the document entitled, "Spill Reports - 1995," (Bates No. UT-37740 to UT-37742) indicates the hazardous material spill reports received by Utah Department of Environmental Quality, Division of Hazardous Waste in 1995?
4. Do you admit that the document entitled, "1996 Spill Report," (Bates No. UT-37722 to UT-37739) indicates the hazardous material spill reports received by Utah Department of Environmental Quality, Division of Hazardous Waste in 1996?
5. Do you admit that the document entitled, "1997 Spill Report," (Bates No. UT-37708 to UT-37721) indicates the hazardous material spill reports received by Utah Department of Environmental Quality, Division of Hazardous Waste in 1997?

6. Do you admit that the document entitled, "1998 Spill Report," (Bates No. UT-37701 to UT-37707) indicates the hazardous material spill reports received by Utah Department of Environmental Quality, Division of Hazardous Waste in 1998?

7. Do you admit that the documents entitled, "Utah Division of Solid and Hazardous Waste, Spill Reports 1998," (Bates No. UT-37550 to UT-37556) are spill reports received by Utah Department of Environmental Quality, Division of Hazardous Waste in 1998?

8. Do you admit that the documents entitled, "Utah Division of Solid and Hazardous Waste, Spill Reports 1997," (Bates No. UT-37544 to UT-37549) are spill reports received by Utah Department of Environmental Quality, Division of Hazardous Waste in 1997?

9. Do you admit that the documents entitled, "Utah Division of Environmental Response and Remediation, Incident Notification," (Bates No. UT-37758 to UT-37782) are records of the incident notifications received by Utah Department of Environmental Quality, Division of Environmental Response and Remediation of hazardous materials transportation spills in Tooele County from 1990 to 1998?

10. Do you admit that the UTTR, South Area approaches no closer than within 18 miles of the PFSF?

11. Do you admit that most of the Air Force targets for training with air-delivered munitions on the UTTR, South Area are located at Wildcat Mountain?

12. Do you admit that Wildcat Mountain is more than 25 miles from the PFSF?

13. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any military aircraft flying to or from the UTTR that has released a weapon (e.g., missile, bomb, or rocket) outside the area in which the weapon was intended to be released?

14. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any military aircraft having released live ordnance over Skull Valley?

15. Do you admit that the State's and its consultants have no knowledge of any record in their possession, or otherwise, of any incident on Dugway Proving Ground involving chemical munitions or agents having harmed anyone off of Dugway Proving Ground, other than the 1968 sheep incident?

16. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident on Dugway Proving Ground involving biological munitions or agents having harmed anyone off of Dugway Proving Ground?

17. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident in which a chemical or biological munition on Dugway Proving Ground spontaneously exploding?

18. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident involving the transportation of chemical munitions or agents to or from Dugway Proving Ground in which a person was harmed by exposure to chemical agent?

19. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident involving the transportation of biological munitions or agents to or from Dugway Proving Ground in which a person was harmed by exposure to biological agent?

20. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident involving the transportation of hazardous materials, other than chemical munitions, chemical agents, biological munitions, or biological agents, to or from Dugway Proving Ground in which a person was harmed by exposure to such hazardous material?

21. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident involving the transportation of hazardous materials to or from the Aptus hazardous waste incinerator in which a person was harmed by exposure to such hazardous material?

22. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident involving the transportation of hazardous materials to or from the Clive hazardous waste incinerator in which a person was harmed by exposure to such hazardous material?

23. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident involving the transportation of hazardous materials (including radioactive materials) to or from the Envirocare low-level radioactive waste and mixed waste landfill in which a person was harmed by exposure to such material?

24. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident involving the transportation of hazardous materials to or from the Grassy Mountain hazardous waste (including radioactive materials) landfill in which a person was harmed by exposure to such such material?

25. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident in which a rocket motor at the Tekoi Rocket Engine Test Facility exploded while being test fired?

26. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident in which a rocket motor at the Tekoi Rocket Engine Test Facility escaped its test stand while being test fired?

27. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident in which a rocket motor being transported to the Tekoi Rocket Engine Test Facility exploded or ignited while in transit?

28. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident in which a rocket motor being transported to the former Bacchus Works rocket engine test facility exploded or ignited while in transit?

29. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident in which electromagnetic emissions from a ground facility caused the crash of an aircraft flying within 10 miles of such facility?

30. Do you admit that the State and its consultants have no knowledge of any record in their possession, or otherwise, of any incident in which the smoke plume from a fire or explosion prevented the correct operation of any electronic device more than two miles from the fire or explosion?

**B. Interrogatories**

1. To the extent that the State denies any of the Requests for Admission Nos. 13-30, indicate each record that provides the basis for each of your denials, such indication to include the Request for which it is the basis for denying, the full title and author of each record, the State office currently possessing each record, or person or

entity in possession of such record, and the Utah Bates No. for each record (if the State has produced the record in this proceeding).

## II. BOARD CONTENTION 9 (UTAH M) PROBABLE MAXIMUM FLOOD

### A. Interrogatories

1. Identify what the State contends is the appropriate ground cover, and the corresponding Curve Number or  $n$  coefficient, to be used in the calculation of the Probable Maximum Flood ("PMF") for the PFS site, and fully explain the scientific and technical basis therefor.
2. Identify what the State contends is the appropriate time of concentration for calculating the PMF for the PFS site and fully explain the scientific and technical basis therefor.

Respectfully submitted,



Jay E. Silberg

Ernest L. Blake, Jr.

Paul A. Gaukler

SHAW, PITTMAN, POTTS & TROWBRIDGE

2300 N Street, N.W.

Washington, DC 20037

(202) 663-8000

Dated: May 18, 1999

Counsel for Private Fuel Storage L.L.C.

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**

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

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the "Applicant's Third Set of Formal Document Requests to Intervenors State of Utah and Confederated Tribes 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 13th day of May 1999.

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) and [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)

\* Susan F. Shankman  
Deputy Director, Licensing & Inspection  
Directorate, Spent Fuel Project Office  
Office of Nuclear Material Safety &  
Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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)

Catherine L. Marco, Esq.  
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.  
Confederated Tribes of the Goshute  
Reservation and David Pete  
1385 Yale Avenue  
Salt Lake City, Utah 84105  
e-mail: [john@kennedys.org](mailto:john@kennedys.org)

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
2001 S Street, N.W.  
Washington, D.C. 20009  
e-mail: [DCurran.HCSE@zzapp.org](mailto:DCurran.HCSE@zzapp.org)

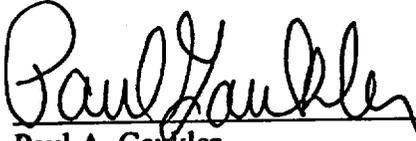
\* By U.S. mail only

\* 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  
165 South Main, Suite 1  
Salt Lake City, UT 84111  
e-mail: [joro61@inconnect.com](mailto:joro61@inconnect.com)

Danny Quintana, Esq.  
Skull Valley Band of Goshute Indians  
Danny Quintana & Associates, P.C.  
50 West Broadway, Fourth Floor  
Salt Lake City, Utah 84101  
e-mail: [quintana@xmission.com](mailto:quintana@xmission.com)

  
Paul A. Gaukler