

UNITED STATES OF AMERICA  
BEFORE THE  
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited Liability  
Company;

(Independent Spent Fuel Storage  
Installation).

Docket No. 72-22  
ASLBP No. 97-732-02-  
ISFSI  
MAY 10, 1999

**SOUTHERN UTAH WILDERNESS ALLIANCE'S (SUWA) FIRST SET OF  
DISCOVERY REQUESTS DIRECTED TO THE APPLICANT**

Pursuant to Board Orders dated April 22, 1998, June 29, 1998 and August 20, 1998, and the relevant regulations, Intervenor, Southern Utah Wilderness Alliance (SUWA) request Private Fuel Storage, LLC ("PFS") to answer the following interrogatories separately, fully, in writing, and under oath within 10 days after service of this discovery request and produce documents requested below within 15 days after service of this request.

**INTRODUCTION**

Scope of Discovery: These interrogatories and requests for production of documents are directed to Private Fuel Storage, LLC and any of the utility companies that own or comprise the members of PFS (collectively "PFS" or "Applicant"). These interrogatories and requests for production of documents cover all information in the possession, custody and control of PFS and/or its owner members, including information in the possession of officers, employees, agents, representatives, attorneys, and/or other

persons directly or indirectly employed or retained by them, or anyone else acting on their behalf or otherwise subject to their control.

2. Lack of Information: If you currently lack information to answer any interrogatory completely, please state:

- a. The responsive information currently available;
- b. The responsive information currently unavailable;
- c. Efforts which you intend to make to secure the information currently unavailable; and
- d. When you anticipate receiving the information currently unavailable.

3. Supplemental Responses: Each of the following requests is deemed continuing in nature pursuant to 10 C.F.R. § 2.740(e). Therefore, in the event that PFS subsequently obtains or discovers any additional information which is responsive to these interrogatories and requests for production of documents, PFS shall supplement its responses to this request promptly and well in advance of the adjudicatory hearing.

Such supplementation shall include, but not be limited to:

- a. the identity and location of persons having knowledge of discoverable matters;
- b. the identity of each person expected to be called as an expert witness at any hearing, the subject matter on which she/he is expected to testify, and the substance of her/his testimony; and,
- c. new information which makes any response hereto incorrect.

4. Objections: If PFS objects to or refuses to answer any interrogatory for any other

reason, please indicate the basis for asserting the objection, privilege, immunity or other reason, the person on whose behalf the objection, privilege, immunity, or other reason is asserted, and describe the factual basis for asserting the objection, privilege, immunity, or other reason in sufficient detail to permit the administrative judges in this matter to assess the validity of such assertion.

If PFS withholds any document covered by this request for any 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.

#### **DEFINITION**

The term "documents" means the originals as well as copies of all written, electronically stored, printed, typed, recorded, graphic, photographic, and sound reproduction no matter how 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, telegrams, telexes, wiring instructions, 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, working papers,

computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, 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.

## **INTERROGATORIES**

**Interrogatory No. 1.** Please state the name, business address, and job title of each person who was consulted and/or who supplied information in responding to these interrogatories and requests for the production of documents. Specifically note for which interrogatories and requests for production each such person was consulted and/or supplied information.

If the information or opinions of anyone who was consulted in connection with your response to an interrogatory or request for production of documents differs from your written answer to the discovery request, please describe in detail the differing information or opinions, and indicate why such differing information or opinions are not your official position as expressed in your written answer to the request.

**Interrogatory No. 2.** Please give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person PFS expects to call as a witness or expert witness and the subject matter about which each witness or expert

witness will testify at the hearing with regard to SUWA's admitted contention. For each expert witness, please include a list of all publications she or he authored within the preceding ten years and a list of any other cases in which the witness has testified as an expert at a trial, hearing or by deposition within the preceding four years. Please describe the subject matter on which each of the witnesses is expected to testify at the hearing by detailing the facts and opinions to which each witness is expected to testify, including a summary of the grounds for each opinion, and identifying the documents (including all pertinent pages or parts thereof), data or other information which each witness has reviewed and considered, or is expected to consider or to rely on for her or his testimony.

Interrogatory No. 3: Please explain how and why PFS chose its current transportation alternatives (the Low Rail Spur and the Skull Valley Road Transportation Corridor), including the exact alignment for the Low Rail Spur and explain which transportation alternatives relative to the proposed storage facility were considered and rejected and why.

Interrogatory No. 4: Please explain whether, to what extent and in what manner PFS examined the wilderness and/or roadless and/or primitive character of the North Cedar Mountains roadless area, as depicted by exhibit 2 attached to SUWA's Request for Hearing and Petition to Intervene (November 18, 1998) (the "North Cedar Mountains roadless area"), when it determined the current alignment of the Low Rail Spur and/or alternatives to that alignment or means of transporting casks to the proposed storage site.

Interrogatory No. 5: You state that "[I]t is anticipated that the low [sic] corridor rail spur will be utilized by others in the Skull Valley and will not be dismantled and removed." ER at

4.6.4. Please explain the basis for this statement and discuss your assessment of the future uses of the rail spur and provide your opinion of the likelihood that these uses will indeed occur.

### **DOCUMENT REQUESTS**

SUWA requests that PFS produce the following documents directly or indirectly within its possession, custody or control:

REQUEST NO. 1: All documents that are identified, referred to or used in any way in responding to any of the above interrogatories.

REQUEST NO. 2: All documents pertaining to SUWA's admitted contention

REQUEST NO. 3. All documents (including experts' opinions, workpapers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that you intend to use or rely upon at the hearing on SUWA's admitted contention.

REQUEST NO. 4: All documents pertaining to and/or that were relied upon to prepare Chapter 4 , section 4 (4.4) and section 5 (4.5) of the PFS Environmental Report, including documents that substantiate the following claims made in that document: 1) there are no known wetlands or other environmentally sensitive areas along the 32 mile rail spur (4.4.1); 2) there are no unique vegetation habitat features in areas proposed for vegetation removal (4.4.2); 3) that a survey for wildlife within 0.5 mile of the rail spur is sufficient to protect relevant wildlife (4.4.2); 4) the impact to the local population of large animal species from construction and operation of the Low Rail Spur is expected to be minimal (4.4.2); and, 5) that there is a low level of recreational use of the area around the proposed Low Rail Spur (4.4.8).

**REQUEST NO. 5:** All documents pertaining to the need for, impacts of and potential success of the 40 ft wide rail spur corridor, to be constructed around the Low Rail Spur and cleared of vegetation for the purposes of preventing fires.

**REQUEST NO. 6:** All documents pertaining to the condition or health of the public land within Skull Valley generally and over which the Low Rail Spur will traverse specifically, particularly with regard to the impacts of grazing on this land and any cumulative impacts of the PFS proposal on wildlife.

**REQUEST NO. 7:** Any documents pertaining to the vegetative composition of the land within Skull Valley generally and the land over which the Low Rail Spur will traverse.

**REQUEST NO. 8:** Any documents pertaining to any mitigation measures which will be implemented if and when kit fox, burrowing owl, northern harrier or ferruginous hawk nests or dens are discovered within the construction zone of the rail spur and the likelihood of success of these mitigation measures.

**REQUEST NO. 9:** Any documents pertaining to the impact of fugitive dust emissions during construction on visibility, wildlife, recreation, plant life and wildlife habitat.

**REQUEST NO. 10:** Any documents pertaining to fugitive dust emissions from the construction and operation of the fire buffer zone to be maintained in conjunction with the Low Rail Spur.

**REQUEST NO. 11:** Any documents pertaining to the impact of noise from operation and construction of the Low Rail Spur on wildlife and humans within the North Cedar Mountains roadless area.

*Joro Walker/RC*

**JORO WALKER**  
Land and Water Fund of the Rockies  
165 South Main Street, Suite 1  
Salt Lake City, Utah 84111  
(801) 355-4545

*R. Condit*

**RICHARD CONDIT**  
Land and Water Fund of the Rockies  
2260 Baseline Road, Suite 200  
Boulder, Colorado 80302  
(303) 444-1188 ext. 219

**Attorneys for Southern Utah Wilderness Alliance**