

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of:	)	Docket No. 72-22-ISFSI
	)	
PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	May 13, 1999

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STATE OF UTAH'S SECOND SET OF DISCOVERY REQUESTS  
DIRECTED TO THE APPLICANT  
*[Redacted Version]*

Pursuant to the Board's Orders dated April 22, 1998 (LBP-98-7), and Orders dated June 29, 1998 and August 20, 1998, 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 days<sup>1</sup> after service of this discovery request and produce documents requested below within 15 days after service of this request.

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories and requests for admissions and 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

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<sup>1</sup> 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.

"Applicant"). The interrogatories 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, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on their behalf or otherwise subject to their control.

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

1. The responsive information currently available;
2. The responsive information currently unavailable;
3. Efforts which you intend to make to secure the information currently unavailable; and
4. When you anticipate receiving the information currently unavailable.

C. Supplemental Responses. Each of the following requests is a continuing one pursuant to 10 C.F.R. § 2.740(e) and the State hereby demands that, in the event that at any later date PFS obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and production of documents, PFS shall supplement its responses to this request promptly and sufficiently in advance of the adjudicatory hearing.

Such supplementation shall include, but not be limited to:

1. the identity and location of persons having knowledge of discoverable matters;
2. 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
3. new information which makes any response hereto incorrect.

D. Objections. If you object to or refuse to answer any interrogatory under a claim of privilege, immunity, or 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 so as to permit the administrative judges in this matter to ascertain the validity of such assertion.

If you withhold any document covered by this request under a claim of privilege, immunity, or for any other 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.

E. Estimates. Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known, to call for estimates. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

## II. DEFINITIONS

Each of the following definitions, unless otherwise indicated, applies to and shall be a part of each interrogatory and request for production which follows:

1. "PFS," "Applicant," "you," and "your" refers to Private Fuel Storage, LLC and the PFS members and their officers, employees, agents, servants, representatives, attorneys, 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. The term "documents" means the originals as well as copies of all written, printed, typed, recorded, graphic, photographic, and sound reproduction matter however 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.

3. "All documents referring or relating to" means all documents that in whole or in part constitute, contain, embody, reflect, identify, state, interpret, discuss, describe, explain, apply to, deal with, evidence, or are in any way pertinent to a given subject.

4. The words "describe" or "identify" shall have the following meanings:

(a) In connection with a person, the words "describe" or "identify" mean to state the name, last known home and business address, last known home and business telephone number, and last known place of employment and job title;

(b) In connection with a document, the words "describe" or "identify" mean to give a description of each document sufficient to uniquely identify it among all of the documents related to this matter, including, but not limited to, the

name of the author of the document, the date, title, caption, or other style by which the document is headed, the name of each person and entity which is a signatory to the document, the date on which the document was prepared, signed, and/or executed, any relevant bates numbers on the document, the person or persons having possession and/or copies thereof, the person or persons to whom the document was sent, all persons who reviewed the document, the substance and nature of the document, the present custodian of the document, and any other information necessary to adequately identify the document;

(c) In connection with an entity other than a natural person (e.g., corporation, partnership, limited partnership, association, institution, etc.), the words "describe" or "identify" mean to state the full name, address and telephone number of the principal place of business of such entity.

(d) In connection with any activity, occurrence, or communication, the words "describe" or "identify" mean to describe the activity, occurrence, or communication, the date of its occurrence, the identify of each person alleged to have had any involvement with or knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence, or communication.

5. "Date" shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation thereof (including by relationship to other events), and the

basis for such approximation.

6. "ER" shall mean the Environmental Report prepared by Private Fuel Storage, LLC as part of its license application for the NRC.

7. "SAR" shall mean the Safety Analysis Report as prepared by Private Fuel Storage, LLC as part of its license application for the NRC.

8. "EIS RAI Response" shall mean PFS's February 18, 1999 response to NRC Staff's December 18, 1998, Request for Additional Information relating to Environmental Impact Statement.

9. "Second Round Safety RAI Response" shall mean PFS's February 10, 1999 response to NRC Staff's January 21, 1999, Request for Additional Information on the License Application.

10. "ISFSI" shall mean the PFS proposed Independent Spent Fuel Storage Installation located in the northwest corner of the Skull Valley Goshute Indian Reservation, Utah.

11. "ITP" or "ITF" shall mean, respectively, the intermodal transfer point or intermodal transfer facility, located next to the Union Pacific mainline approximately 1.8 miles west of Rowley Junction (also called Timpie) and Skull Valley Road, Utah.

12. The word "discussion" shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

13. The word "person" shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.

14. Words herein of any gender include all other genders, and the singular form of words encompasses the plural.

15. The words "and" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."

16. The discovery sought by this request encompasses material contained in, or which might be derived or ascertained from, the personal files of PFS employees, representatives, investigators, and agents.

### III. GENERAL DISCOVERY

To the extent that the Applicant has not already answered the general interrogatories and general document requests in the State's first set of discovery requests, please answer the following:

#### A. GENERAL INTERROGATORIES

Pursuant to agreement between the State and PFS, these general interrogatories apply to all Utah admitted contentions, are in addition to the ten interrogatories per contention allowed by the Board's Order dated April 22, 1998 (LBP-98-7), and are continuing in accordance with 10 CFR § 2.740(e).

GENERAL INTERROGATORY NO. 1. State the name, business address, and job title of each person who was consulted and/or who supplied information for



responding to interrogatories, requests for admissions and requests for the production of documents. Specifically note for which interrogatories, requests for admissions 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 admission 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.

GENERAL INTERROGATORY NO. 2. To the extent that PFS has not previously produced documents relevant to any Utah admitted contention, identify all such documents not previously produced. PFS may respond to this request by notifying the State that PFS has updated its repository of documents relevant to admitted contentions at Parsons, Behle and Latimer.

GENERAL INTERROGATORY NO. 3. For each admitted Utah contention, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom PFS expects to call as a witness at the hearing. For purposes of answering this interrogatory, the educational and scientific experience of expected witnesses may be provided by a resume of the person attached to the response.

GENERAL INTERROGATORY NO. 4. For each admitted Utah

contention, identify the qualifications of each expert witness whom PFS expects to call at the hearing, including but not limited to a list of all publications authored by the witness within the preceding ten years and a listing 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.

GENERAL INTERROGATORY NO. 5. For each admitted Utah contention, describe the subject matter on which each of the witnesses is expected to testify at the hearing, describe the facts and opinions to which each witness is expected to testify, including a summary of the grounds for each opinion, and identify 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 his or her testimony.

**B. GENERAL DOCUMENT REQUESTS**

The State requests the Applicant to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant during informal discovery:

REQUEST NO 1. All documents in your possession, custody or control that are identified, referred to or used in any way in responding to all of the above general interrogatories and the following interrogatories and requests for admissions relating to specific contentions.

REQUEST NO. 2. To the extent that PFS has not already produced documents to date, all documents in your possession, custody or control relevant to each Utah admitted contention, and to the extent possible, segregated by contention and separated from already produced documents.

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 at the hearings on each Utah admitted contention.

**IV. UTAH CONTENTION B (License Needed for Intermodal Transfer Facility)**

**A. REQUESTS FOR ADMISSIONS - Utah Contention B**

REQUEST FOR ADMISSION NO. 1. Do you admit that PFS has not yet developed design plans or blueprints for the ITF.

REQUEST FOR ADMISSION NO. 2. Do you admit that PFS has no contracts or formal arrangements, either in draft or final form, for the operation of the ITF.

REQUEST FOR ADMISSION NO. 3. Do you admit that PFS has no analysis of the number of casks that will come into Rowley Junction for intermodal transfer to the proposed PFS facility other than a mathematical computation based on the initial 20 year license term or 40 year initial and renewal terms and the maximum number of casks allowed under the proposed NRC Part 72 license (i.e., 4,000 casks divided by 20

years would yield 200 casks per year; or if divided by 40 years, then 100 casks per year.)

REQUEST FOR ADMISSION NO. 4. Do you admit that during the 20 year initial license term PFS will retain the option of operating both the ITF and the Low rail spur option.

**B. INTERROGATORIES - Utah Contention B.**

INTERROGATORY NO. 4. Describe the operational procedures and the proposed infrastructure at the ITF for the handling of a rail shipment arriving at the ITF for intermodal transfer to the proposed ISFSI that may contain up to five casks, six spacer cars, one crew car and two engines, and also describe the length of the siding required for such a shipment and how the ITF could accommodate such a shipment.

See Response to EIS RAI, "Transportation," Question 1-2 at 1.

**C. DOCUMENT REQUESTS - Utah Contention B**

The State requests the Applicant to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant during informal discovery:

REQUEST NO. 1. Any documents relating to PFS's long term plans for the continued use of the ITF over the 20 year license term.

REQUEST NO. 2. Any document in draft or final form of any contract or formal arrangement or proposal for the operation of the ITF.

REQUEST NO. 3. Any documents analyzing the number of incoming shipments to the ITF, the maximum number of railcars and engines that may be contained in a shipment and the ability of the ITF to handle and accommodate all expected shipments.

V. UTAH CONTENTION E (Financial Assurance)

A. REQUESTS FOR ADMISSIONS - Utah Contention E

REQUEST FOR ADMISSION NO. 1. Do you admit that the cost of shipment of Spent Nuclear Fuel (" SNF ") abroad for reprocessing and disposal compares favorably to shipment of the SNF to PFS's proposed site.

REQUEST FOR ADMISSION NO. 2. Do you admit that the proposed PFS ISFSI would be the most cost effective alternative for interim storage of SNF for utilities that wish to close their nuclear plants.

REQUEST FOR ADMISSION NO. 3. Do you admit that the ERI (Supko) Study previously provided (PFS document bates no. 07732 - 07891, marked by PFS as confidential, from PFS File No. 066.1 entitled Contention 18 - Utah Z) is the only comparison of costs of alternatives to the proposed PFS facility in the possession of PFS.

REQUEST FOR ADMISSION NO. 4. Do you admit that there is no reasonable assurance that the Yucca Mountain or any other federal facility will be available for disposal of all the SNF shipped to PFS's proposed facility within the

period of the license applied for here.

**B. DOCUMENT REQUESTS - Utah Contention E**

DOCUMENT REQUEST NO. 1. Please provide a copy of the draft

[REDACTED - PROPRIETARY INFORMATION]<sup>2</sup>

DOCUMENT REQUEST NO. 2. Please provide a copy of all correspondence related to any proposed, draft, or actual agreement with

[REDACTED - PROPRIETARY INFORMATION]

DOCUMENT REQUEST NO. 3. Please provide a copy of documents containing information related to the cost of transfer or possible transfer of SNF to

[REDACTED - PROPRIETARY INFORMATION]

DOCUMENT REQUEST NO. 4. Mr. Parkyn declares in paragraph 5 of his affidavit, dated September 11, 1998, filed with the NRC pursuant to 10 CFR § 2.790, that "disclosure to competitors" of the material in question would "place PFS at a significant competitive disadvantage in negotiations with potential customers." Please provide copies of all documents identifying or describing current and potential commercial competitors to PFS in the market for the services PFS proposes to offer.

DOCUMENT REQUEST NO. 5. If you deny Request for Admission No. 3, please provide the other studies.

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<sup>2</sup> Please refer to the explanation regarding the withholding of PFS proprietary information on page 22 of the State's First Set of Discovery Requests Directed to the Applicant, dated April 9, 1999.

DOCUMENT REQUEST NO. 6. The PFS Business Plan (January 1997 Revision), at PFS document bates no. 07898, listed

[REDACTED - PROPRIETARY INFORMATION]

"Correspondence" to include written, faxed or e-mail communications to and from the entities listed.

DOCUMENT REQUEST NO. 7. Between April 22 and April 30, 1997, a letter

[REDACTED - PROPRIETARY INFORMATION]

"Correspondence" to include written, fax or e-mail communications to and from the entities listed.

DOCUMENT REQUEST NO. 8. Please provide copies of PFS's proposed service agreements for members and non-members.

DOCUMENT REQUEST NO. 9. The License Application, Section 1.6 (Revision 0), lists sources or potential sources of capital and operating funds. Please provide a copy of all of the following documents:

1. Executed "subscription agreements";
2. Executed "service agreement";
3. Prospectus or other similar descriptive material for every "debt security"

offered or contemplated to be offered.

DOCUMENT REQUEST NO. 10. Please provide a copy of all the financial documents issued by PFSLLC to "members" since the creation of PFSLLC. For those documents that have already been provided, please simply provide a listing. These documents include but are not limited to:

1. Monthly "Reports" as, for example, that shown at PFS document bates no. 5797, marked by PFS as confidential, from PFS File No. 061.1 entitled Contention 3 - Utah E/Castle Rock 7/Confederated Tribes F.

2. Budget documents for every period for which they were issued.

3. The documents showing the financial contribution of each member, partner, or other entity providing any type of financial contribution, revenue, income, capital contribution, or subscription, for every period since the formation of PFS.

This specifically includes documents showing the contributions of past members which are no longer members.

DOCUMENT REQUEST NO. 11. Please provide a Current Marketing Plan.

If the current version of the plan has already been provided it need not be provided again, but please state that it has already been provided and provide any updates or



amendments or additions not previously provided.

DOCUMENT REQUEST NO. 12. Please provide a Current Business Plan.

If the current version of the plan has already been provided it need not be provided again, but please state that it has already been provided and provide any updates or amendments or additions not previously provided.

DOCUMENT REQUEST NO. 13. Please provide documents presenting a calculation or estimation of the tonnage of SNF which would have to be committed to PFS under various transportation scenarios to reach the break even point for the operation.

DOCUMENT REQUEST NO. 14. Please provide documents showing the proposed or estimated charge for storage of SNF at the PFS facility for members and non-members.

DOCUMENT REQUEST NO. 15. Other than the April 1997 marketing letter, please provide a copy of all marketing materials sent to potential customers.

DOCUMENT REQUEST NO. 16. Please provide all documents showing the current estimated cost of providing liability insurance for the ISFSI and also for SNF transportation.

DOCUMENT REQUEST NO. 17. Please provide copies of all correspondence on the topic of insurance coverage or indemnification under the Price-Anderson Act for both the ISFSI and transportation of SNF to and from the site.

DOCUMENT REQUEST NO. 18. Please provide copies of reports or studies in PFS's possession by utilities or others dealing with the economics of the SNF disposal market.

DOCUMENT REQUEST NO. 19. Please provide copies of reports, studies or other documents dealing with marketing issues and/or the financial viability of the PFS ISFSI proposal.

DOCUMENT REQUEST NO. 20. Please provide documents presenting PFS's current estimate of the cost of shipping SNF from utilities to PFS including shipment by rail mixed freight, rail dedicated trains, and by heavy-haul truck, with and without the local rail spur option. For cost estimates please provide documents supporting the cost figures used.

DOCUMENT REQUEST NO. 21. Please provide a readable copy of PFS document bates nos. 3516 to 3627, either in larger print or on disk. (This document, marked by PFS as confidential, is a spread sheet for operating and maintenance costs for rail route and heavy haul options, dated January 12, 1998, from PFS File No. 030.1 entitled Contention 3 - Utah E/Castle Rock 7/Conf. Tribes F.)

DOCUMENT REQUEST NO. 22. In its response to EIS RAI Question 15-3, PFS asserted that "the cost of the additional 30% travel distance for the fuel to use the Fremont County site added \$28 million to the transportation costs in the base case and \$66 million in the fully utilized facility." Please provide the documentary support for

the numerical values provided in your response to EIS RAI Question 15-3.

**VI. UTAH CONTENTION K (Inadequate Consideration of Credible Accidents)**

**A. REQUEST FOR ADMISSIONS - Utah Contention K**

REQUEST FOR ADMISSION NO. 1. Do you admit that PFS has not conducted any air modeling to characterize the dispersion of plumes; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume; and the kick out (pressure) from static test firing of rocket motors at the Alliant Techsystems Rocket Test Facility that may impact the proposed ISFSI site.

REQUEST FOR ADMISSION NO. 2. Do you admit that PFS has not conducted any air modeling to characterize the dispersion of plumes; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume; and overpressure and force from an accidental detonation of rocket motors at the Alliant Techsystems Rocket Test Facility that may impact the proposed ISFSI site.

REQUEST FOR ADMISSION NO. 3. Do you admit that the 5,760 acre buffer zone needed around the Alliant Techsystems Rocket Test Facility - as described in the March 28, 1976 Environmental Impact Analysis, for the Rocket Motor Test Site on the Skull Valley Reservation, conducted by the Bureau of Indian Affairs, Utah Bates No. UT-19369 - will overlap part of the PFS buffer grazing area around the proposed ISFSI site.

REQUEST FOR ADMISSION NO. 4. Do you admit that the 5,760 acre

buffer zone needed around the Alliant Techsystems Rocket Test Facility will overlap the proposed ISFSI restricted area.

REQUEST FOR ADMISSION NO. 5. Do you admit that Bay 3 at the Alliant Techsystems Rocket Test Facility has an approved explosive limit of 1.2 million pounds of Class 1.1 explosive material and that the buffer zone around the Rock Test Facility for explosive quantities of 1.2 million lbs. is 15,409 feet.

REQUEST FOR ADMISSION NO. 6. Do you admit that part of the PFS buffer grazing area property line around the proposed ISFSI site is less than 15,409 feet from Bay 3 at the Alliant Techsystems Rocket Test Facility.

REQUEST FOR ADMISSION NO. 7. Do you admit that the restricted area of the proposed ISFSI site is less than 15,409 feet from Bay 3 at the Alliant Techsystems Rocket Test Facility.

REQUEST FOR ADMISSION NO. 8. Do you admit that PFS has not conducted any air modeling around the proposed ISFSI site to characterize the dispersion of plumes; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume in the event of a chemical, biological, or radioactive release from Dugway Proving Ground.

REQUEST FOR ADMISSION NO. 9. Do you admit that PFS has not conducted any air modeling around the proposed ISFSI site or the ITF to characterize the dispersion of plumes; the type and concentration of constituents, including

particulates, in the plume; the opacity of the plume; and the overpressure and force from a potential explosion of rocket motors or other explosives or propellant in transit on Interstate 80 to the Utah Test and Training Range, Dugway Proving Ground, or the Alliant Techsystems Tekoi Rocket Test Facility.

REQUEST FOR ADMISSION NO. 10. Do you admit that PFS has not conducted any air modeling to characterize the dispersion of plumes from wild land fires; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume; and the impact on electronic equipment and power sources at the proposed ISFSI.

REQUEST FOR ADMISSION NO. 11. Do you admit that PFS has not conducted any analysis with supporting facts, theories, formulas, or calculations, to determine the impact of transportation, or activities associated with military or industrial facilities on the proposed ITF.

REQUEST FOR ADMISSION NO. 12. Do you admit that PFS has not performed any calculations to determine at what distance debris from an aeronautical crash could (a) project an 8 inch diameter rigid cylinder or a 1 inch diameter steel sphere into a storage cask at the ISFSI at a speed in excess of 126 miles per hour, or (b) project an 1,800 kilogram object into a storage cask at the ISFSI. See e.g., Topical Safety Analysis Report, HI\_STORM 100 Cask System, HI951312, Table 2.2.5 (NRC Docket No. 72-1014).

REQUEST FOR ADMISSION NO. 13. During a wild fire or facility fire, do you admit that PFS is not planning to provide personnel to secure spent fuel on the storage pads and in the canister transfer building separate and apart from the personnel who may be involved in fighting wild land fires or facility fires?

**B. INTERROGATORIES - Utah Contention K**

INTERROGATORY NO. 1. Describe the analysis and evidence, including but not limited to supporting facts, sources from which supporting facts were obtained, theories, formulas, assumptions, and calculations, by which Private Fuel Storage supports its claims that past, present, or potential activities at Alliant Techsystems Rocket Motor Test Facility, Dugway Proving Ground, Envirocare, Safety Kleen Aptus Hazardous and Toxic Waste Incinerator, Safety Kleen Clive Hazardous Waste Storage Facility, Grassy Mountain Hazardous Waste Landfill, or the Utah Test and Training Range (North or South range) could not affect the operation of the ISFSI or ITF.

INTERROGATORY NO. 2. Describe the analysis and evidence, including but not limited to supporting facts, theories, formulas, calculation, and the actual probability, by which Private Fuel Storage supports its claim that air launched missiles or ground weapons which are fired from, or the intended target is located at either Dugway Proving Ground or Utah Test and Training Range south range, could not affect the proposed ISFSI or ITF when incidents are known to have occurred in the

area. An example of the types of incidents PFS should address is the December 1997 incident when a cruise missile missed its target at Dugway Proving Ground and destroyed a research trailer located over two miles away from the target.

INTERROGATORY NO. 3. Describe the basis for limiting consideration of potential impacts of military and industrial facilities to five miles from the proposed ISFSI (with the exception of a brief discussion PFS devoted to activities conducted at Dugway Proving Ground) when the activities conducted from the surrounding military and industrial facilities may easily traverse the five mile area around the ISFSI site.

INTERROGATORY NO. 4. Describe one or more incidents, including type, impact, and location from the proposed ISFSI, in which PFS believes a credible accident could affect the ISFSI.

INTERROGATORY NO. 5. Describe the basis on which the Applicant believes a five mile overflight restriction, which would limit military and other aviation activity, would, could or needs to be placed around (a) the proposed ISFSI, and (b) the ITF, and describe any steps the Applicant has taken, or plans to take, to apply for any overflight restrictions on air space above the proposed ISFSI or ITF.

INTERROGATORY NO. 6. Describe factual information, analyses, calculations, or reports that address whether any frequency used by military or other aircraft will interfere with or cause false alarms with security, electrical, alarm or

computer systems at the ISFSI facility or the ITF, whether the radio frequencies used by PFS will affect overflying military or other aircraft, and whether electronic energy from military or other aircraft could trip radio controlled units at the PFS facility or ITF

**C. DOCUMENTS REQUESTS - Utah Contention K**

The State of Utah requests the Applicant to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant during informal discovery.

DOCUMENT REQUEST NO. 1. All documents, notes and draft documents, relating to all potential impact analyses, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the activities or material at, or emanating from the Alliant Techsystems Tekoi Rocket Motor Test Facility would not affect the proposed PFS ISFSI.

DOCUMENT REQUEST NO. 2. All documents, notes and draft documents, relating to all potential impact analyses, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the activities or material at, or emanating from Dugway Proving Ground would not affect the proposed PFS ISFSI or ITF.



DOCUMENT REQUEST NO. 3. All documents, notes and draft documents, relating to the potential impact analyses, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the activities or material at, or emanating from the Utah Test and Training Range South range would not affect the proposed PFS ISFSI or ITF.

DOCUMENT REQUEST NO. 4. All documents, notes memoranda and draft documents, which document the facts referenced in the Applicant's February 10, 1999 response to Safety Request for Additional Information No. 2, SAR 8-3.

DOCUMENT REQUEST NO. 5. All documents, notes and draft documents, relating to the potential impact analysis, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the material transported to or from the Alliant Techsystems Rocket Motor Test Facility, Dugway Proving Grounds, Envirocare, Safety Kleen Aptus Hazardous and Toxic Waste Incinerator, Safety Kleen Clive Hazardous Waste Storage Facility, Grassy Mountain Hazardous Waste Landfill, or the Utah Test and Training Range North or South range would not affect the proposed PFS ISFSI or ITF.

**VII. CONTENTION L (Geotechnical)**

**A. REQUEST FOR ADMISSIONS - Utah Contention L**

**REQUEST FOR ADMISSION NO. 1.** Do you admit that PFS has no plans to install either on site or off site strong ground motion monitoring at or near the proposed ISFSI site.

**REQUEST FOR ADMISSION NO. 2.** Do you admit that the only Category 1 alert response by PFS to a seismic event is to obtain the magnitude of the earthquake from the National Earthquake Information Center.

**REQUEST FOR ADMISSION NO. 3.** Do you admit that following a seismic event, in the absence of an on-site strong ground motion monitor, PFS could not verify that the design basis ground motion of the facility had not been exceeded and that the ISFSI could continue to safely operate.

**B. DOCUMENT PRODUCTION REQUESTS--Utah Contention L**

**DOCUMENT REQUEST NO. 1.** Please produce the Holtec document transmitted from Maria C. Pepe of Holtec to Wen S. Tseng of CEC and titled "Storage Pad Seismic Response Acceleration Time History," dated May 20 and 22, 1997.

VIII. CONTENTION M (Probable Maximum Flood)

A. INTERROGATORIES - Utah Contention M.

INTERROGATORY NO. 1. Supply the exact lowest elevation of the proposed ISFSI site and describe surveys or other methods by which PFS determined the exact lowest elevation.

INTERROGATORY NO. 2. Describe the dimensions of the berms that PFS claims are "higher than the overtopping water level [and] will be able to protect the PFSF site from flooding..." Enclosure to Commitment Resolution Information, PFS Response to RAI 2-3 (second round), Flooding Analysis, at 2, submitted by PFS to NRC under cover letter dated March 25, 1999.

INTERROGATORY NO. 3. Explain the impacts and potential damage to the access road and to ISFSI operations if, as admitted by PFS, during a probable maximum flood event, the "PMF would over-top the embankment ... by an overflow depth of 3.2 ft." See, Zeng, V.N. and Liang, G.H.C. (Stone & Webster Engineering Corp.), March 10, 1999, *PFSF Flood Analysis with Proposed Access Road and Rail Road*, Calculation No. 0599602 G(B)-17, Rev. 0, at 8, submitted by PFS to NRC under cover letter dated March 25, 1999.

INTERROGATORY NO. 4. Explain the impacts and potential damage to the rail road and to ISFSI operations if, as admitted by PFS, during a probable maximum flood event, the "PMF flood would over-top the rail" by 2.1 feet. See *id.* at 11 and 13.

**B. DOCUMENT REQUESTS - Utah Contention M.**

DOCUMENT REQUEST NO. 1. All documents and calculations relating to PFS's determination of the exact lowest elevation of the proposed ISFSI site.

DOCUMENT REQUEST NO. 2. All documents supporting your response Interrogatory 2, berm dimensions.

DOCUMENT REQUEST NO. 3. All documents supporting your response to Interrogatory 3-4.

**VIII. CONTENTION N (Flooding at Rowley Junction)**

**A. REQUESTS FOR ADMISSIONS - Utah Contention N.**

REQUEST FOR ADMISSION NO. 1. Admit that PFS failed to identify, document, and evaluate the significance of potential flooding events affecting the design of the intermodal transfer facility.

**B. INTERROGATORIES - Utah Contention N.**

INTERROGATORY NO. 1. Specify the correct property description for the new Intermodal Transfer Point 1.8 miles west of Rowley Junction and north of Interstate 80 referred to in PFS's August 28, 1998 license amendment application.

INTERROGATORY NO. 2. Supply the exact elevation of the new ITF site and describe surveys or other methods by which PFS determined the exact elevation.

INTERROGATORY NO. 3. Describe the difference in the elevation between the location of new ITF and the mudflats that PFS states exist on both sides of

the new ITF location and describe how PFS determined the difference in elevation. See, e.g., Preliminary Plan of Development ["POD"], Right of Way Application U-76986, PFS ITF at § 4.2.16, submitted to the NRC in a letter dated February 18, 1999, as Attachment 1-3(b) to EIS RAI 1-3 (hereinafter "POD, RAI 1-3(b)").

**INTERROGATORY NO. 4.** Describe the elevation of the ITF site after final construction grade, the basis for determining the elevation, and describe the exact location of the ITF septic system and drain field and the elevation at which they will be installed.

**INTERROGATORY NO. 5.** Describe how PFS will protect its 80 x 200 foot pre-engineered metal building, the gantry crane, its rail siding, rail cars, heavy haul trucks, spent nuclear fuel casks that may be located on site, and the septic system and drain field from flooding at historic high levels by the Great Salt Lake taking into account swamping of the area by seiche and waves during storms when lake water surges above the high lake level. See, e.g., POD, RAI 1-3(b) at 2.

**INTERROGATORY NO. 6.** Explain the basis and duration of PFS's need for two transportation routing options to bring the spent fuel to the ISFSI, i.e., the Low rail line and the new ITF/Skull Valley Road heavy haul route.

**C. DOCUMENT REQUESTS - Utah Contention N.**

**DOCUMENT REQUEST NO. 1.** All documents and calculations relating to PFS's determination of the exact elevation of the new ITF site and adjacent mudflats.

DOCUMENT REQUEST NO. 2. All documents and calculations relating to PFS's determination of any changes in elevation after completion of activities needed to prepare the ITF site, including clearing and grading of the site.

DOCUMENT REQUEST NO. 3. All documents, calculations, blueprints and engineering drawings relating to PFS's plans to protect its ITF facility, including the septic system and drain field, from flooding and swamping during historic high lake levels, high wind tides and high waves.

VIII. CONTENTION R (Emergency Planning)

A. REQUESTS FOR ADMISSIONS -- Utah Contention R

REQUEST FOR ADMISSION NO. 1. Admit that the PFS will not have an on-site fire brigade during off-normal hours.

REQUEST FOR ADMISSION NO. 2. Admit that PFS's five member fire brigade will be taking on fire duties as collateral duties to other duties at the PFS site.

REQUEST FOR ADMISSION NO. 3. Admit that PFS does not have available on site, or at the Skull Valley Reservation, two different types of fire trucks, one suitable for fighting structural fires and the other suitable for fighting wild land fires (i.e. a Type I truck and a Type IV truck).

REQUEST FOR ADMISSION NO. 4. Admit that PFS does not have fire fighting equipment and supplies on site to fight fires ignited by electrical, chemical, or petroleum sources.

REQUEST FOR ADMISSION NO. 5. Admit that PFS does not intend to apply to the Utah State Engineer for the right to appropriate ground water from wells on the Skull Valley Indian reservation.

REQUEST FOR ADMISSION NO. 6. Admit that for water wells that PFS will develop (or have developed on its behalf) on the Skull Valley Indian reservation, PFS does not intend to use a Utah licensed well driller to drill such water wells.

**B. INTERROGATORIES -- Utah Contention R**

INTERROGATORY NO. 1. Describe the typical number of PFS personnel on site per shift during both normal hours and during off-normal hours, the duties assigned to each person per shift during normal hours and during off-normal hours, and the number of shifts during normal hours and during off-normal hours.

INTERROGATORY NO. 2. Describe all duties by shift, both fire fighting duties and non-fire fighting duties, that are assigned to persons who are members of the PFS fire brigade, broken down by shift, into duties assigned during normal hours and duties assigned during off-normal hours and describe the arrangement for contacting fire brigade personnel during off-normal hours and location in which fire brigade members are expected to live and a justification for a 90 minute response time for each fire brigade member to return to the ISFSI site for fire fighting duties. See Applicant's Response to Safety RAI No. 2, EP-7

INTERROGATORY NO. 3. In addition to the water supply that may be carried by fire trucks mentioned in Applicant's Response to Safety RAI No. 2, EP-7, describe all on-site fire equipment and supplies and describe the range of fire suppression methods PFS intends to employ at the site, including specifics about the location, size, construction methods and materials, and maintenance of any fire brakes.

INTERROGATORY NO. 4. To the extent that PFS does not admit any or all request for admissions No. 1 through No. 5 above, please provide the basis for any and all denials.

**C. DOCUMENT PRODUCTION REQUESTS -- Utah Contention R**

DOCUMENT REQUEST NO. 1. All documents, diagrams and specification of any fire truck that PFS will use or rely upon to fight fires at or affecting the ISFSI site.

DOCUMENT REQUEST NO. 2. All documents relating to fire fighting training, qualifications and standards to which PFS fire brigade member will be trained and certified and the requirements for updating training, qualifications and certification.

DOCUMENT REQUEST NO. 3. All documents, diagrams and specifications that relate to the number, placement, construction, and capacity of any water well PFS intends to drill or have drilled on the Skull Valley Indian reservation.



DOCUMENT REQUEST NO. 4. All documents, diagrams, blueprints and specifications that relate to quantity, location, and type of flammable or toxic materials located on site, including the type of materials used in interior and external building structures.

DOCUMENT REQUEST NO. 5. All documents that describe the location, availability and type of fire fighting equipment and supplies, including breathing apparatus, that will be kept at the PFS ISFSI site.

DOCUMENT REQUEST NO. 5. All documents that relate the recall of fire brigade personnel back to the ISFSI site, the location of where such personnel may be housed, and the amount of time it will take such personnel to return to the site.

**IX. CONTENTION S (Decommissioning)**

**A. REQUEST FOR ADMISSIONS - Utah Contention S.**

REQUEST FOR ADMISSION NO. 1. Do you admit that, if a temporary or permanent federal repository is not available for all the SNF shipped to PFS within the 20 year license being applied for in this proceeding, PFS has no contingency plan other than to apply for a license renewal.

REQUEST FOR ADMISSION NO. 2. Do you admit there is no "reasonable assurance" of license renewal at the end of the 20 year term of the license being applied for in this proceeding.

REQUEST FOR ADMISSION NO. 3. Do you admit there is no reasonable assurance that SNF shipped to PFS could be returned to the reactor that produced it in the event that a federal repository is either not open or is unable to take all the SNF at PFS at or before the end of PFS's 20 year license.

**B. DOCUMENT REQUESTS - Utah Contention S.**

DOCUMENT REQUEST NO. 1. Please provide all documents addressing PFS's plan for the disposal of the SNF stored at the proposed ISFSI in the event that - for whatever reason - a federal repository is not able to receive all the SNF shipped to the PFS ISFSI within the 20 year license period, and the license is not renewed.

**X. CONTENTION DD (Ecology and Species)**

**A. INTERROGATORIES - Utah Contention DD**

INTERROGATORY NO. 5. Describe the effect that the operation and maintenance of the proposed ISFSI, including the electric line to be constructed parallel to the site access road, the operation and maintenance of the ITF and the operation and maintenance of the Low rail spur may have on the prey base for the peregrine falcon, including but not limited to, species such as shorebirds (e.g., snowy plover and mountain plover), swifts, swallows, and waterfowl and the peregrine's secondary prey source, including the bobolink, burrowing owl, caspian tern, long-billed curlew, and short-eared owl.

**Y. UTAH CONTENTION SECURITY C (Local Law Enforcement)**

**A. REQUEST FOR ADMISSIONS -- Utah Contention Security C**

**REQUEST NO. 1.** Do you admit that PFS has no formal or written arrangements or agreements with the Tooele County, or its subdivisions, for the Tooele County Sheriff's Office to provide law enforcement response or support services for incidents that occur at the proposed ISFSI site.

**REQUEST NO. 2** Do you admit that PFS has no formal or written arrangements or agreements with any local law enforcement agency to provide law enforcement response or support services for incidents that occur at the proposed ISFSI site.

**B. DOCUMENT PRODUCTION REQUEST -- Utah Contention Security C.**

**REQUEST NO. 1** Please produce any and all documents, including meeting notes and draft agreements, that relate to Tooele County, or its associated subdivisions, agreeing--or not agreeing--to provide law enforcement response and service to the PFS ISFSI site.

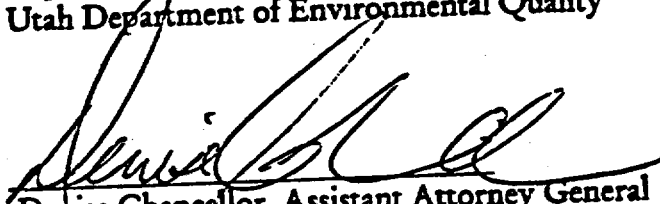
**REQUEST NO. 2** Please produce any and all documents, including meeting notes and draft agreements, that relate any local law enforcement agency agreeing--or not agreeing--to provide law enforcement response or service to the PFS ISFSI site.

DATED this 13th day of May, 1999.

Respectfully submitted,

STATE OF UTAH

By \_\_\_\_\_  
Brent Bradford  
Deputy Director  
Utah Department of Environmental Quality

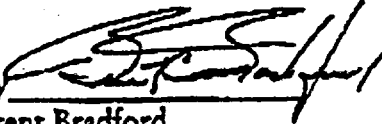


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DATED this 13th day of May, 1999.

Respectfully submitted,

STATE OF UTAH

By 

Brent Bradford  
Deputy Director  
Utah Department of Environmental Quality

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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S SECOND SET OF DISCOVERY REQUESTS DIRECTED TO THE APPLICANT [*Redacted Version*] was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 13th day of May, 1999:

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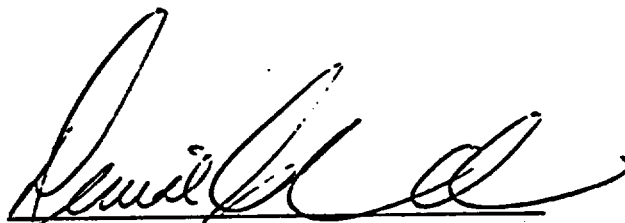
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