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RELATED CORRESPONDENCE

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US NRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE
PUBLIC
AFFAIRS

In the Matter of:)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel)	
Storage Installation))	August 31, 2000

**STATE OF UTAH'S SEVENTH SET OF DISCOVERY REQUESTS
DIRECTED TO THE NRC STAFF**

Pursuant to the Board's Orders dated April 22, 1998 (LBP-98-7), June 29, 1998 and August 20, 1998, and 10 CFR §§ 2.720, 2.740, 2.742, and 2.744, Intervenor, State of Utah, hereby requests that the Staff of the Nuclear Regulatory Commission ("Staff" or "NRC") answer the following Interrogatories and Requests for Admissions separately, fully, in writing, and under oath within 10 days after service of this discovery request.

As required by 10 CFR § 2.744(a), this discovery request is being served on the NRC Executive Director for Operations. In addition, pursuant to § 2.720(h), the State submits that this discovery is necessary to a proper decision in this proceeding and that answers to the interrogatories are not reasonably obtainable through any other sources.

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories and requests for admissions are directed to NRC Staff and any of the Staff's contractors or agents (collectively "NRC" or "Staff"). The interrogatories cover all information in the possession, custody and control of NRC Staff, including information in the possession of officers, employees, agents, servants,

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representatives, attorneys, or other persons directly or indirectly employed or retained by NRC Staff, or anyone else acting on their behalf or otherwise subject to NRC Staff's 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 CFR § 2.740(e) and the State hereby demands that, in the event that at any later date NRC Staff obtains or discovers any additional information which is responsive to these interrogatories and request for admissions, NRC Staff 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.

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 admission which follows:

A. "NRC," "Staff," "you" and "your" refers to the officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by the Staff of the U.S. Nuclear Regulatory Commission, or anyone else acting on its behalf or otherwise subject to the Staff's control.

B. "PFS," or "Applicant," 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.

C. 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.

D. "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.

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

1. 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;
2. 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;

3. 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.

4. 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.

F. “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.

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

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

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

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

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

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

III. GENERAL DISCOVERY

To the extent that the Staff now has updated information for, or has not already answered the general interrogatories in the State's first set of discovery requests, please answer or supplement the following:

GENERAL INTERROGATORIES

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 and requests for admissions. Specifically note for which interrogatories and requests for admissions 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. Identify all documents relevant to any Utah admitted contention upon which NRC Staff intends to rely in litigating each Utah contention.

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 NRC Staff 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 NRC Staff 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.

IV. DISCOVERY REQUESTS

CONTENTION Z - No Action

A. Requests for Admissions - Utah Contention Z

REQUEST FOR ADMISSION NO. 1 - UTAH Z. Do you admit that calculations supporting *Utility At-Reactor Spent Fuel Storage Costs For the Private Fuel Storage Facility Cost-Benefit Analysis* Revision 2, ERI 2025-0001, April 2000, are treated by NRC as proprietary. See DEIS¹ at Section 8.1.1 PFS's Model and Assumptions; and letter from John L. Donnell to NRC dated April 14, 2000 (re: submittal of Revised Cost Benefit Analysis).

REQUEST FOR ADMISSION NO. 2 - UTAH Z. Do you admit that the public does not have access to the full range of information relied on by PFS and the Staff in describing PFS's assumptions and calculations with respect to projection of the generation

¹ NUREG -1714, *Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah*, June 2000.

of spent nuclear fuel, storage requirements, and storage costs.

REQUEST FOR ADMISSION NO. 3 - UTAH Z. Do you admit that the DEIS does not comply with NUREG-1555, Environmental Standard Review Plan (March 2000)?

REQUEST FOR ADMISSION NO. 4 - UTAH Z. Do you admit that the DEIS does not consider the costs to the State of Utah from the transportation of spent nuclear fuel from reactor sites to the proposed PFS facility in Utah?

REQUEST FOR ADMISSION NO. 5 - UTAH Z. Do you admit that the DEIS does not consider the costs to the corridor states from the transportation of spent nuclear fuel from reactor sites to the proposed PFS facility in Utah?

REQUEST FOR ADMISSION NO. 6 - UTAH Z. Do you admit there are no significant environmental impacts from constructing new or expanded at-reactor spent nuclear fuel (“SNF”) storage facilities? See DEIS at xli (Waste Confidence Decision).

REQUEST FOR ADMISSION NO. 7 - UTAH Z. Do you admit that regardless of the PFS proposal, fuel will continue to accumulate in existing at-reactor storage facilities? See DEIS at xli.

B. Document Requests - Utah Contention Z

To the extent that responsive documents are publicly available, instead of producing the documents to the State, the Staff may describe such documents.

DOCUMENT REQUEST NO. 1 - UTAH Z: Please provide all documents that relate to “sites where expansion of onsite storage cannot be accommodated either economically or because of physical constraints,” as described in section 2.2.5 No-Action Alternative of the DEIS at 2-43.

DOCUMENT REQUEST NO. 2 - UTAH Z: Please provide all documents that the Staff has written or compiled relevant to the no action alternative for the PFS ISFSI application.

DOCUMENT REQUEST NO. 3 - UTAH Z: Please provide all documents that the Staff has written or compiled relevant to the no action alternative for any Part 72 ISFSI application other than the PFS application.

DOCUMENT REQUEST NO. 4 - UTAH Z: Please provide all documents that describe or otherwise address the need for SNF storage at nuclear reactor sites.

DOCUMENT REQUEST NO. 5 - UTAH Z: Please provide all documents that describe or otherwise address the cost of storing SNF at nuclear reactor sites.

DOCUMENT REQUEST NO. 6 - UTAH Z: Please provide all documents that describe or otherwise address the cost of storing SNF at an on-site ISFSI.

DOCUMENT REQUEST NO. 7 - UTAH Z: Please provide all documents that describe or otherwise address the cost of licensing an on-site ISFSI.

DOCUMENT REQUEST NO. 8 - UTAH Z: Please provide all documents that describe or otherwise address the benefits to the State of Utah from not choosing the no action alternative.

DOCUMENT REQUEST NO. 9 - UTAH Z: Please provide all documents that relate in any way to identifying the specific nuclear power plants which would terminate the “power generating activities before operating license expiration” if the proposed PFS facility is not licensed. DEIS at xlii, lines 43-44.

DOCUMENT REQUEST NO. 10 - UTAH Z: Please provide all documents that

relate in any way to quantifying air pollutants that may be released from the increased use of fossil fuel fired power plants if the proposed PFS facility is not licensed. DEIS at xlii, lines 44-46.

DOCUMENT REQUEST NO. 11 - UTAH Z: Please provide all documents that relate in any way to identifying the permanently shut down reactors which could be decommissioned sooner if the PFS facility is licensed? See DEIS at 1-6, line 17.

DOCUMENT REQUEST NO. 12 - UTAH Z: Please provide all documents that relate in any way to reactors that are in the process of obtaining an on-site Part 72 license.

DOCUMENT REQUEST NO. 13 - UTAH Z: Please provide all documents that relate in any way to quantifying the savings to utilities from shipping fuel off site to PFS so that the permanently shut down reactors may decommission the reactor site sooner. See DEIS at 1-6.

DOCUMENT REQUEST NO. 14 - UTAH Z: Please provide all documents that relate in any way to the earlier use of land for other activities because permanently shut down reactors may decommission the reactor site sooner. See DEIS at 1-6.

DOCUMENT REQUEST NO. 15 - UTAH Z: Please provide all documents that relate in any way to identifying specific utilities for which PFS would provide an economic alternative to at-reactor storage. See DEIS at 1-6.

DOCUMENT REQUEST NO. 16 - UTAH Z: Please provide all documents that relate in any way to identifying all reactor sites that have physical limitations that would prevent building or expanding an at-reactor ISFSI. See DEIS at 1-11.

DATED this 31st day of August, 2000.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S SEVENTH SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 31st day of August, 2000:

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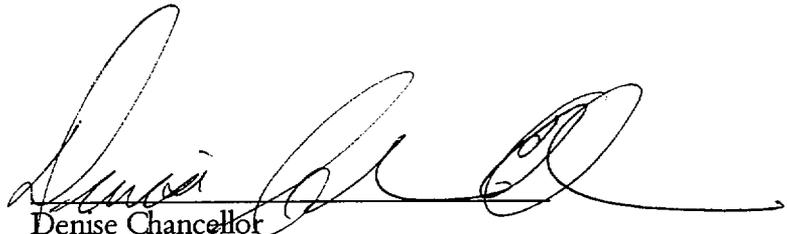
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A handwritten signature in black ink, appearing to read "Denise Chancellor", written over a horizontal line.

Denise Chancellor
Assistant Attorney General
State of Utah