

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-ISFSI
)	
(Independent Spent Fuel)	
Storage Installation))	

NRC STAFF'S ADDITIONAL RESPONSES TO "STATE OF UTAH'S SEVENTH SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF"

INTRODUCTION

On August 31, 2000, the State of Utah ("State") filed the "State of Utah's Seventh Set of Discovery Requests Directed to the NRC Staff" ("Request"), concerning the application for an Independent Spent Fuel Storage Installation ("ISFSI") filed by Private Fuel Storage, L.L.C. ("PFS" or "Applicant"). Pursuant to the Atomic Safety and Licensing Board's "Memorandum and Order (Ruling on Contention Utah Z Discovery Production Requests)," dated November 9, 2000, the NRC Staff ("Staff") hereby files its responses to the Requests for Admission Nos. 1 and 7, and Requests for Document Production Nos. 10, 11, 14, and 16 of the State's Request, as follows.

DISCOVERY REQUESTS - UTAH CONTENTION Z (NO ACTION ALTERNATIVE)

1. 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).

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.

STAFF RESPONSE. Yes.

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.

STAFF RESPONSE. No.

2. Document Requests - Utah Contention Z

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. 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. 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.

STAFF RESPONSE. Documents in response to these requests will be provided or identified, to the extent that they are not (a) otherwise publicly available or (b) privileged or exempt from disclosure under 10 C.F.R. § 2.790. The Staff notes that publicly available documents that may be responsive to these requests include documents that are on the docket in this proceeding and available to the State, such as portions of the Environmental Report that is part of PFS's application and the Applicant's responses to the Staff's Requests for Additional Information.

Inasmuch as those documents are readily available to the State, they will not be provided or identified by the Staff.

Respectfully submitted,

Robert M. Weisman/**RA**/
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th day of November 2000

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AFFIDAVIT OF SCOTT C. FLANDERS

I, Scott C. Flanders, having first been duly sworn, do hereby state as follows:

1. I am employed as an Environmental Project Manager in the Spent Fuel Project Office, which is a division of the Office Nuclear Material Safety and Safeguards at the U. S. Nuclear Regulatory Commission. A statement of my professional qualifications is attached hereto.

2. I have reviewed the foregoing "NRC Staff's Additional Responses to the State of Utah's Seventh Set of Discovery Requests Directed to the NRC Staff," as they pertain to Contention Utah Z (No Action Alternative) and verify that they are true and correct to the best of my knowledge, information and belief.

/RA/

Scott C. Flanders

Sworn to before me this
20th day of November 2000

Circe E. Martin */RA/*

Notary Public

03/01/03

My Commission expires: _____

Scott C. Flanders
Statement of Professional Qualifications

Mr. Flanders is currently a senior project manager with the U.S. Nuclear Regulatory Commission (NRC). He has been employed by the NRC for nine years, during which time he has served in both technical and project management capacities. He has conducted nuclear power plant inspections, and prepared safety evaluations and environmental assessments. Mr. Flanders was the Environmental Project Manager for the Watts Bar Supplemental Final Environmental Statement (NUREG-0498, Supplement 1), and is currently responsible for preparation of the draft and final environmental impact statements related to the Private Fuel Storage, L.L.C. independent spent fuel storage installation.

EDUCATION

B.S. in Mechanical Engineering, University of Maryland, College Park, MD, 1990
M.B.A. Candidate, American University, Washington D.C. (2001)

PROFESSIONAL COURSES

Writing Environmental Impact Statements/Environmental Assessments
NEPA Compliance
Environmental Regulation

PROFESSIONAL EXPERIENCE

From 1993 to 1999, Mr. Flanders was a Project Manager in the NRC Office of Nuclear Reactor Regulation.

From 1998 to 1999, he served as the Project Manager for the Shearon Harris Nuclear Power Plant. In this role, he was responsible for coordinating and performing the technical review of all licensee submittals including amendments, exemptions, ASME relief requests, and responses to NRC generic communications. He also conducted reviews and inspections under 10 C.F.R. § 50.59, and FSAR reviews under 10 C.F.R. § 50.71(e); prepared input to licensee SALP reports; and served as the primary liaison between the NRC and the licensee.

From 1995 to 1998, Mr. Flanders served as the agency's lead Project Manager for the Westinghouse Owners Group (WOG) and the Baltimore Gas and Electric Company (BGE) license renewal activities. He participated in the review of the license renewal activities for the WOG and BGE, including both technical and environmental issues. In this role, he also reviewed system and component technical reports related to pressurized water reactor containments, reactor pressure vessels, and component supports.

Mr. Flanders served as co-author of a paper entitled, "The United States Regulatory Approach For Ensuring The Safety Of Existing Nuclear Power Plants, IAEA-SM-342/46"; and as co-author of a paper on license renewal, which was presented at the American Nuclear Society 1994 annual meeting.

From 1994 to 1995, Mr. Flanders led a 20 person government and contractor environmental team responsible for reviewing the operational environmental impacts of the Watts Bar Nuclear Plant, and preparing a supplemental final environmental impact statement. He was responsible for developing project schedules, organizing and managing plant and site inspections, preparing written correspondence, providing environmental policy recommendations to upper level management, and organizing and participating in public meetings;, and he served as the primary liaison between the NRC and the license applicant.

From 1993 to 1995, Mr. Flanders served as an environmental reviewer. In this role, Mr. Flanders participated in several environmental reviews, including the following:

Prepared an environmental assessment for the renewal of the Georgia Tech Research Reactor, including an evaluation of environmental impacts such as heat dissipation and radiological waste.

Prepared a technical evaluation for a Callaway license amendment that involved changes to the licensee's environmental protection plan and Appendix B technical specifications, including maintenance of historic archaeological sites on the Callaway site.

Assisted in the development of portions of the Generic Environmental Impact Statement (GEIS) for license renewal, including over 104 environmental issues; also prepared responses to public comments on the GEIS.

Served as a member of the team that developed the agency's policy for addressing need for power and alternatives issues for license renewal environmental reviews, in support of the Part 51 rulemaking for license renewal.

Served as a principal contributor to the development of the NRC policy regarding the review of Severe Accident Mitigation Design Alternatives (SAMDA) for license renewal.

Assisted in the development of revision 1 to NRR Office Letter 906, "Procedural Guidance for Preparing Environmental Assessments and Considering Environmental Issues."

From 1991 to 1993, Mr. Flanders participated in the Office of Nuclear Reactor Regulation Reactor Engineer Intern Program. During this program, he completed an extensive on-the-job training program that included: 13 weeks of reactor technology training (courses included nuclear physics, nuclear technology, radiation protection, and plant operations), and 7 weeks of training in NRC and government policy. Mr. Flanders also rotated through several NRC offices with individual responsibilities that included preparation of safety evaluations reports and license amendments, performing power plant inspections, assessing operating plant events, and briefing NRC senior management on plant events and complex regulatory issues.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ADDITIONAL RESPONSES TO 'STATE OF UTAH'S SEVENTH SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF'" in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 20th day of November, 2000:

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