

RAS 2498

~~RELATED CORRESPONDENCE~~

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	December 5, 2000

**STATE OF UTAH'S SUPPLEMENTAL RESPONSE TO APPLICANT'S FIRST SET OF DISCOVERY REQUESTS FOR CONTENTION UTAH K**

The State now supplements its April 14 and 29, 1999 discovery responses to Applicant's First Set of Formal Discovery Requests to [the State] (April 2, 1999), specifically General Interrogatory Nos. 1, 3, and 5, and Interrogatory No. 3 for Contention Utah K/Confederated Tribes B, Inadequate Consideration of Credible Accidents.

**I. STATE'S SUPPLEMENTAL RESPONSES TO GENERAL INTERROGATORIES**

**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.

**STATE'S SUPPLEMENTAL RESPONSE TO GENERAL INTERROGATORY NO. 1.**

The State hereby incorporates its response to General Interrogatory No. 1 dated April 14, 1999 into this supplemental response, and identifies Lt. Colonel Hugh Horstman,

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U.S. Air Force (Ret.) as the person who assisted in answering these supplemental responses. His job titles are Pilot and adjunct professor; his address is 2346 E. Kayscreek Dr., Layton, UT 84040; and his declaration, dated December 3, 2000,<sup>1</sup> is attached hereto.

**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 the State 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.

**STATE'S AMENDED RESPONSE TO GENERAL INTERROGATORY NO. 3.**

As verbally expressed to PFS on November 20, 2000, the State provides notification that it does not expect to call as a witness John L. Matthews, Major General USAF (Ret.), as it had indicated in the State's Amended Responses to Applicant's First Set of Formal Discovery Requests (April 29, 1999). The State reiterates that its expert witness, Lt. Col. Hugh L. Horstman (U.S. Air Force, Ret.), named April 6, 2000, will testify for the State at the hearing on Utah K. His resume, describing his educational and scientific experience, has already been filed in this proceeding.<sup>2</sup>

**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

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<sup>1</sup> After Lt. Col. Horstman's declaration was signed, the State noted that it contained an incorrect date: "April 14 and 29, 2000" in the declaration should read "April 14 and 29, 1999."

<sup>2</sup> See State of Utah's Fifth Supplementary Response to Applicant's First Set of Discovery Requests (April 6, 2000) [State's 5<sup>th</sup> Response to 1<sup>st</sup> Set], with resume of Lt. Col. Hugh L. Horstman (U.S. Air Force, ret.).

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.

**STATE'S AMENDED RESPONSE TO GENERAL INTERROGATORY NO. 5.**

In addition to aircraft crashes as stated in State's 5<sup>th</sup> Response 1<sup>st</sup> Set, Lt. Colonel Horstman will testify on issues relating to military and aviation activities, including cruise missile testing, as these issues relate to Contention Utah K.

**II. STATE'S SUPPLEMENTAL RESPONSES TO INTERROGATORY FOR UTAH K/CONFEDERATED TRIBES B - INADEQUATE CONSIDERATION OF CREDIBLE ACCIDENTS**

**INTERROGATORY NO. 3 - UTAH K.** Identify and fully explain the scientific, technical, statistical and/or other bases on which the State claims that each of the activities and/or materials identified in response to interrogatories 1 and 2 above would pose a significant hazard to the PFS ISFSI and/or ITP.

**STATE'S SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3 -**

**UTAH K.** Many key assumptions relied upon by the Applicant in its aircraft crash hazard impact analysis<sup>3</sup> are unsupportable. In calculating the probability of an aircraft crash, the Applicant estimates or assumes number of flights, the crash rates, the ability of a pilot to avoid the proposed PFS facility, and flight path.

The Applicant relies upon FY98 data for sorties in Sevier B Military Operating Area (MOA). However, a number of additional F-16s were recently stationed at Hill Air Force Base which will increase the number of expected sorties. The Applicant also underestimates the use of the Mosher Recovery, and the number of flights to Michael Army Airfield,

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<sup>3</sup>*Aircraft Crash Impact Hazard at the Private Fuel Storage Facility*, Revision 4 (August 10, 2000), submitted by John Donnell to the NRC by transmittal letter dated August 11, 2000.

Dugway Proving Ground.

The Applicant incorrectly uses an F-16 crash rate based on years 1989-1999. The Applicant fails to account for increases in accident rates towards the end of the life of an aircraft. Additionally, it is highly likely that a new fighter aircraft will replace the F-16s during the 40 plus years that the PFS facility will be located under the Sevier B MOA. Thus, the Applicant also fails to account for high accident rates at the beginning of the life of a new aircraft.

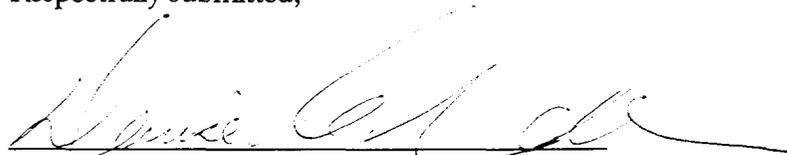
The Applicant incorrectly assumes a random flight path distribution through Skull Valley. The Applicant further incorrectly states that assuming a random distribution is conservative because F-16s normally fly down the east side of the valley. The Applicant fails to consider that fighters typically fly in formation and their selected flight paths may significantly change if the PFS facility is built. Additionally, the Applicant does not consider that the aircraft may be pointed directly at the PFS facility due to various maneuvers.

The Applicant overestimated the probability that an F-16 pilot would be able to steer the aircraft away from the proposed PFS facility. As the Applicant notes, the ability of a pilot to steer the aircraft is, in part, dependent upon adequate time. However, the Applicant does not account for the variation in pilot experience which may impact whether a pilot has adequate time.

Additionally, the Applicant assumes all sorties will have adequate visibility to allow pilots to control the fighter during an emergency. However, the Applicant did not account for actual weather conditions and whether the pilot could in fact zoom the aircraft or see the proposed PFS facility in time to steer the aircraft away.

DATED this 5th day of December 2000.

Respectfully submitted,

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

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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S SUPPLEMENTAL RESPONSE TO APPLICANT'S FIRST SET OF DISCOVERY REQUESTS FOR UTAH CONTENTION K was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 5<sup>th</sup> day of December, 2000:

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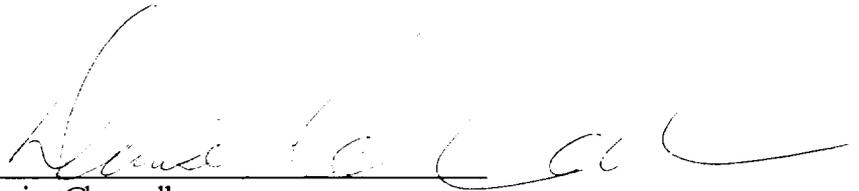
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Denise Chancellor  
Assistant Attorney General  
State of Utah

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	December 3, 2000

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**DECLARATION OF HUGH HORSTMAN**

I, Lt. Colonel Hugh Horstman, U.S. Airforce (ret.) hereby declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the statements contained in State of Utah's Supplemental Responses to Applicant's First Set of Formal Discovery Requests dated April 14 and 29, 2000 with respect to Utah Contention K/Confederated Tribes B (inadequate consideration of credible accidents), are true and correct to the best of my knowledge, information and belief.

Executed this 3rd day of December, 2000.

By:   
Lt. Colonel Hugh Horstman  
U.S. Airforce (ret.)