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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC (Independent Spent Fuel Storage Installation)	)	ASLBP No. 97-732-02-ISFSI
	)	December 29, 2000

STATE OF UTAH'S DISCOVERY RESPONSE SUPPLEMENTING AND WITHDRAWING PORTIONS OF THE STATE'S OBJECTIONS AND RESPONSES TO APPLICANT'S SECOND, FOURTH, AND FIFTH SETS OF DISCOVERY REQUESTS

The State supplements and withdraws its responses[1] to the Applicant's second, fourth, and fifth sets of discovery[2] as specifically described below, with respect to the acquisition and processing of seismic reflection data for PFSF seismic lines PFSF-98-A, PFSF-98-B, PFSF-98-C, and PFSF-98-D, as identified in Bay Geophysical Associates, Inc.'s Final Report, *High Resolution Seismic Shear Wave Reflection Profiling for the Identification of Faults at the Private Fuel Storage Facility, Skull Valley, Utah* (January 1999). This response is supported

[1] State's Objections and Response to Applicant's Second Set of Discovery Requests with respect to Groups II and III Contentions (June 28, 1999) ["State's Response 2nd Set"]; State of Utah's Objections and Responses to Applicant's Fourth Set of Discovery Requests to Intervenors State of Utah and Confederated Tribes (January 31, 2000) ["State's Response 4th Set"]; and State of Utah's Objections and Responses to Applicant's Fifth Set of Discovery Requests to Intervenors State of Utah and Confederated Tribes (January 31, 2000) ["State's Response 5th Set"].

[2] Applicant's Second Set of Formal Discovery Requests to Intervenors State of Utah and Confederated Tribes (May 13, 1999); Applicant's Fourth Set of Formal Discovery Requests to Intervenors State of Utah and Confederated Tribes (January 14, 2000); and Applicant's Fifth Set of Formal Discovery Requests To Intervenors State of Utah and Confederated Tribes (January 19, 2000).

Template = SECY-026

SECY-02

by the attached Declaration of M. Lee Allison, PhD.

1. State's Response 2nd Set, Interrogatory No. 1 - Utah L.

The State withdraws its response to subsection 3, "Inappropriate Processing of Seismic Reflection Data," beginning at the bottom of page 21 through the top of page 23.

In subsection 5, "Fault Displacements," the State withdraws the words "processed and" from the third sentence, at the bottom of page 23.

In subsection 6, "Procedures and Quality Assurance," the State withdraws the second sentence of the first full paragraph on page 25, beginning, "The seismic reflection . . ." and ending "cannot be assessed."

In subsection 8, "Lack of Resolution of Features," the State withdraws the last paragraph (bottom of page 27), beginning, "In addition, . . ." and ending "completely overlooked."

2. State's Response 4th Set, Interrogatory No. 2 - Utah L.

In the second paragraph (page 34), the State withdraws its response beginning at ": the four shear wave . . ." through pages 35, 36, 37, and 38 to the end of the first partial paragraph (top of page 39), which ends, ". . . therefore is invalid."

On page 39 in the section titled "Interpretation of Seismic Reflection Lines," the State withdraws the words "are dominated by noise and" in the first sentence, so that the sentence now reads: "The Bay Geophysical seismic lines cannot be reasonably interpreted." The State also withdraws the second and third sentences in the first paragraph of this section, beginning "State consultants . . ." and ending ". . . Bay Geophysical's results."

The State supplements its response in the third full paragraph on page 39 by adding

the words "laterally consistent reflectors" in place of the word "reflections," and withdrawing the last three words, "on shot gathers," in the first sentence, so that the sentence now reads: "State consultants found there are no laterally consistent reflectors above about 80 ms (about 25 feet) on Line A that could be interpreted with confidence." The State also withdraws the third paragraph's last sentence, which begins, "Most of the shallow. . ." and ends ". . . not real data."

The State also withdraws the fourth paragraph (bottom of page 39 and top of page 40) of its response to the section "Interpretation of Seismic Reflection Lines," beginning with "Given the shortcomings . . ." and ending ". . . shallowest recorded levels."

The State withdraws the first clause in the first sentence of the first full paragraph on page 40, which states, "Due to the poor quality of the existing data, . . ." Its response should therefore start, "New seismic reflection lines . . .."

3. State's Response 5th Set, Admission Request No. 20 - Utah L.

In the second sentence (page 13), the State supplements its response by adding the words "laterally consistent" between "have no" and "shallow," so that the second sentence now reads: "These lines have no laterally consistent shallow geologic reflectors."

In the last sentence of the first paragraph, the State withdraws the text beginning "or because . . ." to the end of the sentence, and revises the whole sentence to read: "Moreover, it is difficult to determine if additional faults are extant because of the lack of continuity of shallow data."

4. State's Response 5th Set, Admission Request No. 21 - Utah L.

The State denies this admission request as previously stated, but withdraws the

remainder of its response beginning with the sentence (bottom of page 13), "The faults identified by . . ." to the end of the paragraph (top of page 14). The State supplements this response by adding: "*See* response to Admission Request No. 20."

5. State's Response 5th Set, Admission Request No. 22 - Utah L.

The State denies this admission request as previously stated, but withdraws the second sentence (page 14), which begins "As described . . ." and ends "processing of the data." The State supplements this response by adding: "*See* response to Admission Request No. 20."

6. State's Response 5th Set, Admission Request No. 23 - Utah L.

The State withdraws the text beginning with "to the extent. . ." in the third sentence on page 14 to the end of the paragraph on page 15, so that in its response to this admission request, the State retains the first two sentences and the third now reads: "Notwithstanding this objection, Admission Request No. 23 is denied."

7. State's Response 5th Set, Admission Request No. 24 - Utah L.

In the first paragraph (beginning on page 15), the State withdraws the text beginning with sentence four, "'Smoothing' is often used . . ." to the end of the paragraph, and also withdraws the last paragraph of this response (at the top of page 16).

8. State's Response 5th Set, Admission Request No. 25 - Utah L.

The State withdraws its entire response (page 16) and substitutes the following response: "Admitted with respect to seismic lines PFSF-98-A, PFSF-98-B, PFSF-98-C, and PFSF-98-D."

9. State's Response 5th Set, Admission Request No. 26 - Utah L.

The State withdraws the text beginning with second full sentence (which starts "'Trimming' is an accepted . . .") on page 17 to the end of the paragraph (which ends, "*See* footnote 1."), so that the State retains the first three sentences of its response at the bottom of page 16 (beginning "The State objects . . .") and top of page 17 (ending ". . . denied in part.").

10. State's Response 5th Set, Admission Request No. 27 - Utah L.

The State withdraws its entire response (page 18), and substitutes the following response: "Admitted with respect to seismic lines PFSF-98-A, PFSF-98-B, PFSF-98-C, and PFSF-98-D."

11. State's Response 5th Set, Admission Request No. 35 - Utah L.

In the second paragraph (page 21), the State withdraws the second sentence, beginning "PFS thus far. . ." and ending ". . . Skull Valley." The State also withdraws the fourth, fifth, and sixth sentences of the second paragraph (pages 21-22), beginning, "In addition . . ." to the end of the paragraph.

12. State's Response 5th Set, Admission Request No. 36 - Utah L.

The State supplements its response by substituting the word "line" for "lines" in the fourth sentence on page 22. The State also withdraws the third and fifth sentences (page 22). The third sentence begins, "Subsequent reprocessing . . ."; and the fifth sentence begins, "The noise mistakenly . . ."

DATED this 29th day of December, 2000.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S DISCOVERY RESPONSE SUPPLEMENTING AND WITHDRAWING PORTIONS OF THE STATE'S OBJECTIONS AND RESPONSES TO APPLICANT'S SECOND, FOURTH, AND FIFTH SETS OF DISCOVERY REQUESTS was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 29th day of December, 2000:

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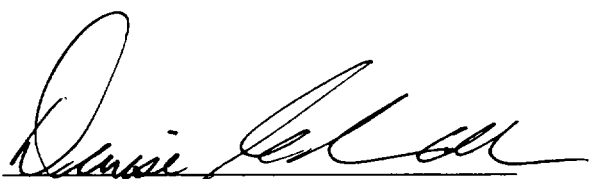

Denise Chancellor
Assistant Attorney General
State of Utah

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC (Independent Spent Fuel Storage Installation)	)	ASLBP No. 97-732-02-ISFSI
	)	December 29, 2000

DECLARATION OF M. LEE ALLISON, Ph.D.

I, M. Lee Allison, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the statements contained in State of Utah's Discovery Response Supplementing and Withdrawing Portions of the State's Objections and Responses to Applicant's Second, Fourth, and Fifth Sets of Discovery Requests relating to Utah Contention L, are true and correct to the best of my knowledge, information and belief.

Executed this 29th day of December, 2000

By: M. Lee Allison

M. Lee Allison, Ph.D.
Director
Kansas Geological Survey

Douglas County
ANNETTE M. DELANEY
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 4-13-04
Annette M. Delaney