

RAS 2767

**RELATED CORRESPONDENCE**

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**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**APPLICANT'S SIXTH SET OF FORMAL DISCOVERY REQUESTS TO  
INTERVENOR STATE OF UTAH**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") hereby makes the following formal discovery requests of the State of Utah. Note that the numbering of the interrogatories for each contention begins after the highest numbered interrogatory filed on the contention in PFS's previous discovery requests.

General Definitions and Instructions

1. The term "document" means the complete original or a true, correct, and complete copy and any non-identical copies, whether different by reason of any notation or otherwise, of any written or graphic matter of any kind, no matter how produced, recorded, stored, or reproduced (including electronic, mechanical or electrical records or representation of any kind) including, but not limited to, any writing, letter, telegram, meeting minute or note, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, data processing card, printout, microfilm or microfiche, index, diary entry, note of interview

Template = SECY-035

SECY-02

or communication, or any data compilation including all drafts of all such documents. The phrase “data compilation” includes, but is not limited to, any material stored on or accessible through a computer or other information storage or retrieval system, including videotapes and tape recordings.

2. The “State of Utah” means any branch, department, agency, division or other organized entity, of the State of Utah, as well as any of its officials, directors, agents, employees, representatives, and its attorneys.

3. “Consultant” means any person who provides professional, scientific, or technical input, advice and/or opinion to the State whether that person is employed specifically for this case or is a regular State employee or official.

4. “PFSF” and “PFS ISFSI” means the Private Fuel Storage Facility.

5. “Draft Environmental Impact Statement” and “DEIS” means 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, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, NUREG-1714 (June 2000).

## **I. 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.

## **II. UTAH CONTENTION O—HYDROLOGY**

### **A. Interrogatories -- Utah O**

With respect to the claims raised in Utah O:

8. Identify and fully explain each specific respect, including the scientific and technical bases therefor, in which the State claims that Section 4.2 (and any other relevant sections) of the Draft Environmental Impact Statement (DEIS) is deficient in assessing:
  - a. Contaminant pathways from the sewer/wastewater system; routine facility operations; and construction activities.
  - b. The potential for overflow and effluent characteristics of the detention pond.
  - c. The potential for groundwater and surface water contamination.
  - d. The effects of PFS water usage on other well users and the aquifer.
  - e. The potential for contamination of downgradient hydrological resources.

### **B. Document Requests – Utah O**

The applicant requests the State of Utah to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the State:

1. All documents, data or other information related to the claims made by the State within the scope of Utah O that the hydrological impact of the PFS facility has been inadequately considered in the PFS Environmental Report or the DEIS.

### **III. UTAH CONTENTION V—TRANSPORTATION**

#### **A. Requests for Admission – Utah V**

1. Do you admit that the weight limit imposed, under the American Association of Railroads Interchange Rules, on rail cars operating on railroad tracks within the United States is based on the number of axles possessed by the car and the size of the axle journal?
2. Do you admit that the rail cars used by PFS will have either six or eight axles?
3. Do you admit that American Association of Railroads' Interchange Rules allow for a six axle car weighing as much as 472,500 pounds to be operated under controlled conditions?
4. Do you admit that the weight referred to in the previous interrogatory is not actually a "limit," but in fact a "capacity guideline?"

#### **B. Interrogatories – Utah V**

With respect to the claims raised in Utah V:

2. Identify and fully explain each specific respect, including the scientific and technical bases therefor, in which the State claims that the Draft Environmental Impact Statement does not adequately consider the weight of the loaded shipping casks in determining the environmental impacts of transporting spent nuclear fuel to the PFS facility.

#### **C. Document Requests – Utah V**

The applicant requests the State of Utah to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the State:

1. All documents, data or other information related to the claims made by the State within the scope of Utah V that the weight of the loaded shipping casks has been inadequately considered (in the PFS Environmental Report or the DEIS) in determining the environmental impacts of transporting spent nuclear fuel to the PFS facility.

#### **IV. UTAH CONTENTION W-- FLOODING AT THE INTERMODAL TRANSFER POINT**

##### **A. Interrogatories – Utah W**

With respect to the claims raised in Utah W:

1. Identify and fully explain each specific respect, including the scientific and technical bases therefor, in which the State claims that Sections 5.2.1.2 and 5.2.2.2 (and any other relevant sections) of the Draft Environmental Impact Statement inadequately discuss the potential for and impact of flooding at the Intermodal Transfer Point during construction and operation.

##### **B. Document Requests – Utah W**

The applicant requests the State of Utah to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the State:

1. All documents, data or other information related to the claims made by the State in Utah W that the potential for and impact of flooding at the Intermodal Transfer Point has been inadequately considered in the PFS Environmental Report or the DEIS.

#### **V. UTAH CONTENTION Z-- NO ACTION ALTERNATIVE**

##### **A. Requests for Admission – Utah Z**

1. Do you admit that the DEIS identifies the “no action” alternative as leaving spent nuclear fuel “near facility” at individual reactors until a permanent repository is ready?
2. Do you admit that the DEIS has selected an appropriate “no action” alternative?
3. Do you admit that the DEIS discusses the advantages and disadvantages of the no-action alternative?
4. Do you admit that the DEIS discusses the advantages of not transporting spent fuel rods to the PFSF?
5. Do you admit that the DEIS discusses the risk of accidents from cask handling and related activities?

6. Do you admit that the DEIS does not contain the following statement: “The construction of additional onsite ISFSIs at plant sites will result in more sites disturbed and greater environmental impact than constructing one site in a remote, desert environment?”
7. Do you admit that the DEIS discusses the NRC’s conclusion that the storage of spent fuel at reactor sites will not have a significant incremental effect on the quality of the human environment?

**B. Interrogatories – Utah Z**

With respect to the claims raised in Utah Z:

4. Identify and fully explain each advantage and disadvantage of the no-action alternative that the State claims is not discussed in the DEIS and describe fully the scientific, technical or other bases for each such claimed advantage or disadvantage.
5. Identify and fully explain each advantage of not transporting spent fuel rods to the PFSF that the State claims is not discussed in the DEIS and describe fully the scientific, technical or other bases for each such claimed advantage.
6. Identify and fully explain each risk from cask handling accidents and related activities that the State claims is not discussed (or is not adequately discussed) in the DEIS and describe fully the scientific, technical or other bases for each such claimed risk.
7. Identify and fully explain each aspect of storing spent fuel near the reactors that the State claims is not discussed (or is not adequately discussed) in the DEIS and describe fully the scientific, technical or other bases for each such claim.

**C. Document Requests—Utah Z**

The applicant requests the State of Utah to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the State:

1. All documents, data or other information related to the claims made by the State within the scope of Utah Z that the no action alternative has been inadequately considered in the PFS Environmental Report or the DEIS.

## **VI. UTAH CONTENTION AA – RANGE OF ALTERNATIVES**

### **A. Requests for Admission – Utah AA**

1. Do you admit that the DEIS discussed the site selection process used by PFS?
2. Do you admit that the DEIS discussed the site selection criteria used by PFS?
3. Do you admit that the DEIS discussed the candidate sites remaining at each point in the selection process?
4. Do you admit that the requirements of 10 C.F.R. Part 72, Subpart E, apply to the site proposed in an application for a license pursuant to 10 C.F.R. Part 72?
5. Do you admit that the requirements of 10 C.F.R. Part 72, Subpart E, do not apply to sites not proposed in an application for a license pursuant to 10 C.F.R. Part 72?
6. Do you admit that the requirements of 10 C.F.R. Part 72, Subpart E, do not apply to the NRC Staff's DEIS?

### **B. Interrogatories – Utah AA**

With respect to the claims raised in Utah AA:

4. Identify and fully explain each deficiency and omission that the State claims exists with respect to the DEIS discussion of the site selection process used by PFS and describe fully the scientific, technical or other bases for each such claimed deficiency or omission.
5. Identify and fully explain each deficiency and omission that the State claims exists with respect to the DEIS discussion of the site selection criteria used by PFS and describe fully the scientific, technical or other bases for each such claimed deficiency or omission.
6. Identify and fully explain each deficiency and omission that the State claims exists with respect to the DEIS discussion of the candidate sites remaining at each point in the site selection process and describe fully the scientific, technical or other bases for each such claimed deficiency or omission.
7. Identify and fully explain the basis for the State's claim that 10 C.F.R. Part 72, Subpart E, siting evaluation criteria must be explicitly considered during the site selection process.

8. Identify and fully explain the basis for the State's claim that 10 C.F.R. Part 72, Subpart E, siting evaluation criteria apply to the NRC Staff's DEIS.
9. Identify and fully explain each deficiency and omission that the State claims exists with respect to the DEIS discussion of alternative sites, including any obviously superior sites, and describe fully the scientific, technical or other bases for each such claimed deficiency or omission, to include identifying specifically the range of alternatives to the proposed action that the State considers reasonable.

**C. Document Requests—Utah AA**

The applicant requests the State of Utah to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the State:

1. All documents, data or other information related to the claims made by the State within the scope of Utah AA that the consideration or discussion of alternative sites and the site selection process in the PFS Environmental Report or the DEIS is inadequate.

**VII. UTAH CONTENTION DD—ECOLOGY AND SPECIES**

**A. Requests for Admission—Utah DD**

1. Do you admit that any survey for the presence of Skull Valley Pocket Gophers would also need to be conducted at an approved site prior to construction, even if it had been conducted prior to licensing?
2. Do you admit that Applicant has addressed how it will handle the presence of any gopher mounds within the proposed PFSF site?
3. Do you admit that populations of Pohl's milkvetch and/or small spring parsley would benefit from a decrease in wildfires in Skull Valley?
4. Do you admit that Applicant has indicated it will conduct another survey for the presence of Pohl's milkvetch and small spring parsley at the proposed site prior to the commencement of any construction?

**B. Interrogatories -- Utah DD**

With respect to the claims raised in Utah DD:



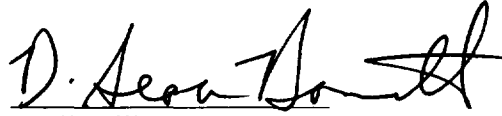
7. Identify fully and describe the impacts upon the food chain related to the following species that the State claims have not been assessed, including the State's scientific, technical, or other bases for each such claimed impact.
  - a. peregrine falcons nesting on the Timpie Springs Waterfowl Management Area
  - b. private domestic animals (livestock)
  - c. bees
  - d. the domestic plant (farm produce) species in the area
8. Identify and fully describe each potential source of harm supporting the State's claim that rail construction or other project activities may damage wetlands and/or reduce populations of peregrine falcon prey species, including the State's scientific, technical, or other bases for such claimed harm.
9. Identify fully each impact, within the scope of Contention Utah DD, that the State claims has not been addressed or evaluated by the Draft Environmental Impact Statement and describe fully the State's scientific, technical, regulatory or other bases for each such claimed impact.

**C. Document Requests – Utah DD**

The applicant requests the State of Utah to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the State:

1. All documents or other information supporting or otherwise relating to the State's assertions in its responses to Interrogatory Nos. 7-9 above.
2. Any documents mentioned in Utah's prior discovery responses on Utah DD, but not produced to date.
3. Annual Report of Tooele County Bee Inspection, 1997, by Vance Keel, and any subsequent Annual Report of Tooele County Bee Inspection.
4. All documents, data or other information related to the claims made by the State that the discussion of the impact on ecology and species within the scope of Utah DD in the PFS Environmental Report or the DEIS is inadequate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Sean Barnett", with a stylized flourish at the end.

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Dated: February 15, 2001

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
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	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the "Applicant's Sixth Set of Formal Document Requests to Intervenor State of Utah" were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 15<sup>th</sup> day of February 2001.

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