RAS 2821

RELATED CORRESPONDENCE

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC (Independent Spent Fuel Storage Installation)	)	ASLBP No. 97-732-02-ISFSI
	)	February 28, 2001

STATE OF UTAH'S TENTH SET OF DISCOVERY REQUESTS DIRECTED TO THE APPLICANT

Pursuant 10 CFR §§ 2.740, 2.741, and 2.742, Intervenor, and applicable order of the Licensing Board, State of Utah, hereby requests that Private Fuel Storage, LLC ("PFS") answer the following Interrogatories and Requests for Admissions separately, fully, in writing, and under oath within 10 days[1] after service of this discovery request and produce documents requested below within 15 days after service of this request. The numbering of interrogatories, specific to a contention, begins after the highest numbered interrogatory propounded for that contention in the State's previous discovery.

I. INSTRUCTIONS

1. Scope of Discovery. These interrogatories and requests for admissions and production of documents are directed to Private Fuel Storage, LLC and any of the utility companies that own or comprise the members of PFS (collectively "PFS" or "Applicant"). The interrogatories cover all information in the possession, custody

[1] Counsel for the State and PFS have agreed that the party responding to Interrogatories and Requests for Admissions during the formal discovery period may timely file a response within eight (8) working days after receipt of the Discovery Request.

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SECY-02

and control of PFS and/or its owner members, including information in the possession of 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.

2. Lack of Information. If you currently lack information to answer any Interrogatory completely, please state:

a. The responsive information currently available;

b. The responsive information currently unavailable;

c. Efforts which you intend to make to secure the information currently unavailable; and

d. When you anticipate receiving the information currently unavailable.

3. Supplemental Responses. Each of the following requests is a continuing one pursuant to 10 C.F.R. § 2.740(e) and the State hereby demands that, in the event that at any later date PFS obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and production of documents, PFS 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:

a. the identity and location of persons having knowledge of discoverable matters;

b. 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

c. new information which makes any response hereto incorrect.

4. 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.

If you withhold any document covered by this request under a claim of privilege, immunity, or for any other reason, please furnish a list identifying each document for which the privilege, immunity, or other reason is asserted, together with the following information: date, author and affiliation, recipient and affiliation, persons to whom copies were furnished and the job title and affiliation of any such persons, the subject matter of the documents, the basis for asserting the privilege, immunity, or other reason, and the name of the person on whose behalf the privilege, immunity, or other reason is asserted.

5. 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 production which follows:

1. "PFS," "Applicant," "you," and "your" 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.

2. 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.

3. "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.

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

(a) 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;

(b) 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;

(c) 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.

(d) 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.

5. "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.

6. "ER" shall mean the Environmental Report prepared by Private Fuel Storage, LLC as part of its license application for the NRC.

7. "SAR" shall mean the Safety Analysis Report as prepared by Private Fuel Storage, LLC as part of its license application for the NRC.

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

9. "ITP" or "ITF" shall mean, respectively, the intermodal transfer point or intermodal transfer facility, located next to the Union Pacific mainline approximately 1.8 miles west of Rowley Junction (also called Timpie) and Skull Valley Road, Utah.

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

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

12. Words herein of any gender include all other genders, and the singular form of

words encompasses the plural.

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

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

III. GENERAL DISCOVERY

To the extent that the Applicant has not already answered the general interrogatories and general document requests in the State's first set of discovery requests, please answer the following:

A. GENERAL INTERROGATORIES

Pursuant to agreement between the State and PFS, 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, 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.

GENERAL INTERROGATORY NO. 2. To the extent that PFS has not previously produced documents relevant to any Utah admitted contention, identify all such documents not previously produced. PFS may respond to this request by notifying the State that PFS has updated its repository of documents relevant to admitted contentions at Parsons, Behle and Latimer.

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 PFS 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 PFS 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.

B. GENERAL DOCUMENT REQUESTS

The State requests the Applicant to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant during informal discovery:

REQUEST NO 1. All documents in your possession, custody or control that are identified, referred to or used in any way in responding to all of the above general interrogatories and the following interrogatories and requests for admissions relating to specific contentions.

REQUEST NO. 2. To the extent that PFS has not already produced documents to date, all documents in your possession, custody or control relevant to each Utah admitted contention, and to the extent possible, segregated by contention and separated from already produced documents.

REQUEST NO. 3. All documents (including experts' opinions, workpapers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that you intend to use at the hearings on each Utah admitted contention.

IV. UTAH CONTENTION O

A. REQUESTS FOR ADMISSIONS - Utah Contention O

REQUEST FOR ADMISSION NO. 1. Do you admit that groundwater and surface waters located within the boundaries of the proposed facility are hydrologically connected?

REQUEST FOR ADMISSION NO. 2. Do you admit that groundwater under the proposed facility is hydrologically connected with groundwaters located outside the facility?

REQUEST FOR ADMISSION NO. 3. Do you admit that groundwater under the proposed facility is hydrologically connected with groundwaters located outside the Skull Valley reservation?

REQUEST FOR ADMISSION NO. 4. Do you admit that there is little or no recharge to the groundwater under the site or elsewhere near the center of Skull Valley?

REQUEST FOR ADMISSION NO. 5. Do you admit that the recharge to the groundwater under the site is less than the volume of groundwater proposed to be extracted by PFS at the site?

REQUEST FOR ADMISSION NO. 6. Do you admit that the recharge to the groundwater near the center of Skull Valley is less than the volume of groundwater currently extracted by existing water users from the groundwater located near the center of Skull Valley?

REQUEST FOR ADMISSION NO. 7. Do you admit that all of the water resources located within the boundaries of the proposed PFS facility are the property of the public of the State of Utah?

REQUEST FOR ADMISSION NO. 8. Do you admit that some of the water resources located within the boundaries of the proposed PFS facility are the property of the public of the State of Utah?

REQUEST FOR ADMISSION NO. 9. Do you admit that all of the water resources located within the boundaries of the proposed PFS facility are the property of the

public of the State of Utah?

REQUEST FOR ADMISSION NO. 10. Do you admit that all of the water resources located outside the boundaries of the Skull Valley reservation and within the Valley are the property of the public of the State of Utah?

REQUEST FOR ADMISSION NO. 11. Do you admit that some of the water resources located within the boundaries of the proposed PFS facility are subject to the jurisdiction of the water rights laws of the State of Utah, including Utah Code Title 73 chapters 1 - 6 inclusive?

REQUEST FOR ADMISSION NO. 12. Do you admit that all of the water resources located within the boundaries of the proposed PFS facility are subject to the jurisdiction of the water rights laws of the State of Utah, including Utah Code Title 73 chapters 1 - 6 inclusive?

REQUEST FOR ADMISSION NO. 13. Do you admit that all of the water resources located in Skull Valley but outside the boundaries of the Skull Valley reservation are subject to the jurisdiction of the water rights laws of the State of Utah, including Utah Code Title 73 chapters 1 - 6 inclusive?

REQUEST FOR ADMISSION NO. 14. Do you admit that water appropriated by existing water users may not be transferred to PFS without approval by the State of Utah, State Engineer, Division of Water Rights?

REQUEST FOR ADMISSION NO. 15. Do you admit that all of the water resources located in Skull Valley but outside the boundaries of the Skull Valley reservation are subject to the jurisdiction of the water rights laws of the State of Utah, including Utah

Code Title 73 chapters 1 - 6 inclusive?

REQUEST FOR ADMISSION NO. 16. Do you admit that the volume of groundwater PFS proposes to extract or acquire for the operation of its facility will result in a net loss of available local water resources for use in the future?

REQUEST FOR ADMISSION NO. 17. Do you admit that the possible beneficial uses to which appropriated groundwater can be put depends upon the quality of the appropriated water?

REQUEST FOR ADMISSION NO. 18. Do you admit that groundwater quality which is adversely impacted the presence various hazardous substances, elements, chemicals, or biological agents may materially impair or preclude any beneficial use of that water?

REQUEST FOR ADMISSION NO. 19. Do you admit that PFS proposes to store and use at its facility various hazardous substances, elements, and chemicals, which have the potential to adversely effect the quality of groundwater at the facility if they come in contact with that groundwater?

REQUEST FOR ADMISSION NO. 20. Do you admit that PFS proposes to store and use at its facility various hazardous substances which have the potential to adversely effect the quality of surface water at the facility if they come in contact with that surface water?

REQUEST FOR ADMISSION NO. 21. Do you admit that some of the hazardous substances PFS proposes to store and use at the facility have the potential to harm human health, wildlife, or the environment?

REQUEST FOR ADMISSION NO. 22. Do you admit that the proposed use of

water by PFS, alone and in combination with other Skull Valley water users, may impair the current and future agricultural use of Skull Valley?

REQUEST FOR ADMISSION NO. 23. Do you admit that the proposed use of water by PFS, alone and in combination with other Skull Valley water users, may impair current and future residential use of Skull Valley?

REQUEST FOR ADMISSION NO. 24. Do you admit that the proposed use of water by PFS, alone and in combination with other Skull Valley water users, may impair current and future business development of Skull Valley?

B. INTERROGATORIES - Utah Contention O

INTERROGATORYNO. 8. For each source of water, identify the legal basis and fully explain how PFS intends to obtain the legal right to use the water it proposes to use at its facility.

INTERROGATORY NO. 9. Fully explain the technical and economic reasons why the proposed use of water by PFS, alone and in combination with other Skull Valley water users, will not impair potential current and future uses of Skull Valley, e.g., uses such as agricultural, residential, and business development.

INTERROGATORY NO. 10. Fully explain the scientific and engineering data and reasoning for determining that spills, releases or disposal of wastes and wastewaters at the facility will not migrate into the groundwater under the proposed facility.

C. DOCUMENT REQUESTS - Utah Contention O

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

the Applicant:

DOCUMENT REQUEST NO. 1. All documents, data or other information related to, or considered by PFS in making, the responses to the State of Utah's interrogatories regarding Contention O.

DOCUMENT REQUEST NO. 2. All documents, data or other information related to any impact, or lack thereof, of the PFS facility in relation to Contention "O," including but not limited to the information and data considered in drafting the PFS Environmental Report, the DEIS, or other similar documents generated by PFS regarding the subject matter of Contention O.

DOCUMENT REQUEST NO. 3. All documents, information, and data, including any computer modeling of groundwater flow, arising from or regarding the onsite test well, including construction logs, pumping test data and the results thereof.

DOCUMENT REQUEST NO. 4. All documents, data, or other information regarding the quality and quantity of groundwater under the proposed PFS facility.

DOCUMENT REQUEST NO. 5. All documents, data or other information regarding the extraction of groundwater from a five mile radius surrounding the center of the proposed PFS facility, including but not limited to water rights, well ownership, locations and operation, groundwater pumping rates, historical and recent groundwater elevation data, and groundwater quality data and analyses.

DOCUMENT REQUEST NO. 6. Provide all documents, or other information, that are in any way relevant to Utah Contention O.

V. UTAH CONTENTION V

A. REQUESTS FOR ADMISSION - Utah Contention V

REQUEST FOR ADMISSION NO. 1. Do you admit that the Applicant has not, in any of the documents analyzing or describing environmental impacts resulting from the operation of trains containing HI-STORM 100 spent fuel casks en route to Skull Valley, specified the meaning of the term "controlled conditions" as used in association with the American Association of Railroads' Interchange Rules, which allow for a six axle car weighing as much as 472,500 pounds to be operated under controlled conditions?

REQUEST FOR ADMISSION NO. 2. Do you admit that the Applicant has not, in any of the documents analyzing or describing environmental impacts resulting from the operation of trains containing HI-STORM 100 spent fuel casks en route to Skull Valley, considered to analyzed any additional impacts that may result from operating under "controlled conditions"?

B. INTERROGATORIES - Utah Contention V

INTERROGATORY NO. 1. Specify Applicant's understanding of the term "controlled conditions" as used in Request for Admission Number 3, Utah Contention V.

INTERROGATORY NO. 2. Provide examples, and the basis for these examples, of special operating procedures typical of trains operating under "controlled conditions."

INTERROGATORY NO. 3. Provide a list of all reactors that are able to accommodate in the reactor bays the railroad cars with 3 or 4 axle trolleys that PFS intends to use to transport the HI-STAR 100 casks.

C. DOCUMENT REQUESTS - Utah Contention V

The State of Utah requests that the Applicant produce the following documents directly or

indirectly within its possession, custody or control to the extent not previously produced by the Applicant:

DOCUMENT REQUEST NO. 1. All documents used by PFS to establish the meaning of "controlled conditions" used by the AAR in its Interchange Rules.

DOCUMENT REQUEST NO. 2. All documents used by PFS to determine potential transportation restrictions for trains operating under "controlled conditions."

DOCUMENT REQUEST NO. 3. All documents created or used PFS or its contractors that describe and/or calculate the design and performance of railroad cars with 3 or 4 axle trolleys that PFS intends to use to transport the HI-STAR 100 casks.

DOCUMENT REQUEST NO. 4. All documents created or used by PFS or its contractors that calculate the accident rate for railroad cars with 3 or 4 axle trolleys that PFS intends to use to transport the HI-STAR 100 casks.

DOCUMENT REQUEST NO. 5. All documents related to whether reactors are able to accommodate in the reactor bays the railroad cars with 3 or 4 axle trolleys that PFS intends to use to transport the HI-STAR 100 casks.

DOCUMENT REQUEST NO. 6. Provide all documents, or other information, that are in any way relevant to Utah Contention V.

VI. UTAH CONTENTION Z (NO ACTION ALTERNATIVE)

A. REQUESTS FOR ADMISSION - Utah Contention Z

REQUEST FOR ADMISSION NO. 1. Do you admit that regardless of whether the proposed PFS facility is built, some utility companies with operating reactors will not

store their spent nuclear fuel at the PFS facility?

REQUEST FOR ADMISSION NO. 2. Do you admit that if a specific utility company does not choose to store its spent nuclear fuel at the proposed PFS facility then not building the proposed PFS facility would not increase the probability of shutdown of that specific utility's operating reactor(s) before expiration of its operating license?

REQUEST FOR ADMISSION NO. 3. Do you admit that if a specific utility company does not choose to store its spent nuclear fuel at the proposed PFS facility then not building the proposed PFS facility would not increase the probability of loss of electrical power generation from the premature shutdown of that specific utility's operating reactor(s) before expiration of its operating license?

REQUEST FOR ADMISSION NO. 4. Do you admit the current available capacity in most spent fuel pools can be increased by re-racking the spent fuel pools?

REQUEST FOR ADMISSION NO. 5. Do you admit the current available capacity in more than half of the spent fuel pools can be increased by re-racking the spent fuel pools?

REQUEST FOR ADMISSION NO. 6. Do you admit that the rate of spent nuclear fuel generation at operating reactors would be reduced if the utility company increased the average burn up of the fuel assemblies used?

REQUEST FOR ADMISSION NO. 7. Do you admit that regardless of whether the proposed PFS facility is built, spent nuclear fuel will continue to accumulate and be stored at operating reactors?

REQUEST FOR ADMISSION NO. 8. Do you admit that the amount of land required to store spent nuclear fuel at the generating reactor site in a dry ISFSI is less than

two acres?

REQUEST FOR ADMISSION NO. 9. Do you admit that the amount of land required to store spent nuclear fuel at the generating reactor site in a dry ISFSI would be a negligible portion of the land owned by the utility where the reactor is located?

REQUEST FOR ADMISSION NO. 10. Do you admit that on-site dry ISFSIs could be physically located on the land currently owned by the utility at each power plant site?

REQUEST FOR ADMISSION NO. 11. Do you admit that PFS has not performed a detailed analysis, specific to each operating reactor site, of the amount of land necessary to build an on-site ISFSI at each operating reactor site?

REQUEST FOR ADMISSION NO. 12. Do you admit that PFS has not performed a detailed analysis, specific to each operating reactor site, of the available land necessary to build an on-site ISFSI at each operating reactor site?

REQUEST FOR ADMISSION NO. 13. Do you admit that consistent with NRC's Waste Confidence Decision spent nuclear fuel generated at any reactor can be safely stored without significant environmental impacts for at least 30 years beyond the licensed life for operation of that reactor at on-site ISFSIs?

REQUEST FOR ADMISSION NO. 14. Do you admit that the Commission concluded that the proposed rulemaking allowing storage of spent nuclear fuel in storage casks reactor sites "will not have a significant incremental effect on the quality of the human environment?" *See, 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, NUREG-1714 (June 2000) at 6-44.

REQUEST FOR ADMISSION NO. 15. Do you admit that PFS agrees with the Commission's conclusion as stated in the above request.

REQUEST FOR ADMISSION NO. 16. Do you admit that PFS agrees with NRC's assessment of environmental impacts of at-reactor storage of spent nuclear fuel in NRC's *Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites*, 55 Fed. Reg. 29190, July 18, 1990?

REQUEST FOR ADMISSION NO. 17. Do you admit that PFS agrees with NRC's assessment of environmental impacts of at-reactor storage of spent nuclear fuel in NRC's *Environmental Assessment of 10 CFR Part 72 "Requirements for the Independent Storage of Spent Fuel and High-Level Radioactive Waste,"* NUREG-1092, August 1984?

REQUEST FOR ADMISSION NO. 18. Do you admit that building on-site ISFSIs would create no significant impacts to geology, soils, or on-site minerals beyond the impacts already discussed in the existing NEPA documentation for each reactor?

REQUEST FOR ADMISSION NO. 19. Do you admit that building on-site ISFSIs would create no significant impacts to geology, soils, or on-site minerals beyond the impacts already discussed in the existing NEPA documentation for each reactor?

REQUEST FOR ADMISSION NO. 20. Do you admit that potential impacts to surface water from building on-site ISFSIs would be small based on the previous and current use of surface water at the power reactor facility (i.e., reactor cooling and wet pool storage requirements)?

REQUEST FOR ADMISSION NO. 21. Do you admit that potential impacts to groundwater from building on-site ISFSIs would be small based on the previous and current use of groundwater at the power reactor facility (i.e., reactor cooling and wet pool storage requirements)?

REQUEST FOR ADMISSION NO. 22. Do you admit that potential existing plant disturbance at each site from building on-site ISFSIs would be small based if the ISFSI was built within the owner-controlled area of the existing reactor site?

REQUEST FOR ADMISSION NO. 23. Do you admit that based on existing NEPA documentation for each reactor site, the potential existing plant disturbance from building an ISFSI in the vicinity of the reactor site would be small?

REQUEST FOR ADMISSION NO. 24. Do you admit that potential animal habitat disturbance at each site from building on-site ISFSIs would be small based if the ISFSI was built within the owner-controlled area of the existing reactor site?

REQUEST FOR ADMISSION NO. 25. Do you admit that based on existing NEPA documentation for each reactor site, the potential animal habitat disturbance from building an ISFSI in the vicinity of the reactor site.

REQUEST FOR ADMISSION NO. 26. Do you admit that regardless of whether the proposed PFS facility is built, some utility companies with shutdown reactors will not store its spent nuclear fuel at the PFS facility?

REQUEST FOR ADMISSION NO. 27. Do you admit that if a specific utility company with a shutdown reactor does not choose to store its spent nuclear fuel at the proposed PFS facility then not building the proposed PFS facility would not increase the

delays in reactor decommissioning at that facility?

REQUEST FOR ADMISSION NO. 28. Do you admit that the additional, incremental radiation that would emanate into the environment from on-site ISFSIs must comply with NRC dose limits to minimize offsite impacts?

REQUEST FOR ADMISSION NO. 29. Do you admit that each at-reactor ISFSIs would store less than 4,000 metric tons of uranium of spent nuclear fuel?

REQUEST FOR ADMISSION NO. 30. Do you admit that each at-reactor ISFSIs would store less than 400 metric tons of uranium of spent nuclear fuel?

REQUEST FOR ADMISSION NO. 31. Do you admit that PFS has not performed a detailed analysis of the environmental impacts that could occur from the premature shutdown of each specific operating reactor due to a lack of available spent nuclear fuel storage capacity?

REQUEST FOR ADMISSION NO. 32. Do you admit that a shutdown reactor could be decommissioned if its spent nuclear fuel was transferred to an on-site dry ISFSI with a site specific license?

REQUEST FOR ADMISSION NO. 33. Do you admit that a significant portion of the land associated with a shutdown reactor could be decommissioned and returned to green field status if its spent nuclear fuel was transferred to an on-site dry ISFSI with a site specific license?

REQUEST FOR ADMISSION NO. 34. Do you admit that PFS has not performed a detailed analysis of the amount of land necessary to build an on-site site specific ISFSI at each shutdown reactor site?

REQUEST FOR ADMISSION NO. 35. Do you admit that any ongoing environmental impacts caused by the storage of spent nuclear fuel at a shutdown reactor could be substantially reduced if the spent nuclear fuel was transferred to an on-site dry ISFSI with a site specific license?

REQUEST FOR ADMISSION NO. 36. Do you admit that regardless of whether the proposed PFS facility is built, some utility companies with will construct at-reactors ISFSIs?

REQUEST FOR ADMISSION NO. 37. Do you admit that if a specific utility company does not choose to store its spent nuclear fuel at the proposed PFS facility then not building the proposed PFS facility would not itself increase the need to construct additional at-reactor ISFSIs?

REQUEST FOR ADMISSION NO. 38. Do you admit that environmental impacts from construction of an on-site ISFSI at individual reactors would likely be less than the impacts for the proposed PFS facility because the amount of land disturbed would be much less than 99 acres?

REQUEST FOR ADMISSION NO. 39. Do you admit that environmental impacts from construction of on-site ISFSI at individual reactors would likely be less than the impacts for the proposed PFS facility because the amount of concrete and asphalt would be much than at the PFS site?

REQUEST FOR ADMISSION NO. 40. Do you admit that PFS has not entered into any written contracts with any non-PFS member customer to store spent nuclear fuel at the proposed PFS facility. This request, and Requests for Admission Nos 41 through 43, are

relevant because such written contracts or verbal agreements would provide support for the premise that the proposed PFS facility would decrease the probability of premature shutdown as operating reactors?

REQUEST FOR ADMISSION NO. 41. Do you admit that PFS has no verbal agreement with any non-PFS customer to store spent nuclear fuel at the proposed PFS facility. See also Request for Admission No. 40.

REQUEST FOR ADMISSION NO. 42. Do you admit that PFS has not entered into any written contracts with any PFS member to store spent nuclear fuel at the proposed PFS facility. See also Request for Admission No. 40.

REQUEST FOR ADMISSION NO. 43. Do you admit that PFS has no verbal agreement with any PFS member to store spent nuclear fuel at the proposed PFS facility. See also Request for Admission No. 40.

REQUEST FOR ADMISSION NO. 44. Do you admit that the PFS member, Xcel Energy (formerly Northern State Power Company) spent fuel pools at Prairie Island may increase current storage capacity by re-racking the spent fuel pools?

REQUEST FOR ADMISSION NO. 45. Do you admit that Xcel Energy could increase the average burn up of its fuel assemblies used at its Prairie Island reactors to reduce the rate of spent nuclear fuel generation?

REQUEST FOR ADMISSION NO. 46. Do you admit that the dry ISFSI located at Xcel Energy's (formerly Northern State Power) Prairie Island facility is licensed as a site specific facility?

REQUEST FOR ADMISSION NO. 47. Do you admit environmental impacts of

constructing a dry ISFSI at Xcel Energy's Prairie Island facility will not be avoided by building the PFS facility?

REQUEST FOR ADMISSION NO. 48. Do you admit that the dry storage ISFSI at Prairie Island is physically capable of storing much more than seventeen casks?

REQUEST FOR ADMISSION NO. 49. Do you admit that Xcel Energy's Monticello facility has sufficient spent fuel pool storage capacity until the end of its current operating license in 2010?

REQUEST FOR ADMISSION NO. 50. Do you admit that PFS member, Southern Nuclear Operating Company has completed construction of a dry ISFSI at its Hatch reactor facility?

REQUEST FOR ADMISSION NO. 51. Do you admit that environmental impacts of constructing a dry ISFSI at the Southern Nuclear Operating Company's Hatch facility will not be avoided by building the PFS facility?

REQUEST FOR ADMISSION NO. 52. Do you admit that Southern Nuclear Operating Company is currently operating a dry cask storage facility at its Hatch reactor facility?

REQUEST FOR ADMISSION NO. 53. Do you admit that shutdown of Southern Nuclear Operating Company's Hatch reactors prior to expiration of its operating license would not occur if the PFS facility was not built?

REQUEST FOR ADMISSION NO. 54. Do you admit that Southern Nuclear Operating Company will not store its spent nuclear fuel at the proposed PFS facility?

REQUEST FOR ADMISSION NO. 55. Do you admit that PFS member, Southern

California Edison is currently pursuing an at-reactor dry ISFSI license?

REQUEST FOR ADMISSION NO. 56. Do you admit that Southern California Edison plans to store its spent nuclear fuel from its San Onofre reactor, Unit 1 on-site in a dry ISFSI?

REQUEST FOR ADMISSION NO. 57. Do you admit that Southern California Edison plans to store its spent nuclear fuel from its San Onofre reactor, Unit 2 on-site in a dry ISFSI?

REQUEST FOR ADMISSION NO. 58. Do you admit that Southern California Edison plans to store its spent nuclear fuel from its San Onofre reactor, Unit 3 on-site in a dry ISFSI?

REQUEST FOR ADMISSION NO. 59. Because Southern California Edison Company has already committed to constructing an on-site dry ISFSI, do you admit that environmental impacts of constructing a dry ISFSI at the San Onofre facility will not be avoided by building the PFS facility?

REQUEST FOR ADMISSION NO. 60. Do you admit that shutdown of Southern California Edison Company's San Onofre reactors prior to expiration of its operating license would not occur if the PFS facility was not built?

REQUEST FOR ADMISSION NO. 61. Do you admit that Southern California Edison will not store its spent nuclear fuel at the proposed PFS facility?

REQUEST FOR ADMISSION NO. 62. Do you admit that PFS member, GPU Nuclear Corporation no longer owns its Three Mile Island Unit 1 nuclear power plant?

REQUEST FOR ADMISSION NO. 63. Do you admit that GPU Nuclear

Corporation no longer owns its Oyster Creek nuclear power plant?

REQUEST FOR ADMISSION NO. 64. Do you admit that all the spent nuclear fuel from GPU Nuclear Corporation's Three Mile Island Unit 2 is stored at U.S. Department of Energy, Idaho National Engineering and Environmental Laboratory (INEEL)?

REQUEST FOR ADMISSION NO. 65. Do you admit that GPU Nuclear Corporation will not store spent nuclear fuel at the PFS facility?

REQUEST FOR ADMISSION NO. 66. Do you admit that PFS member, Consolidated Edison Company of New York has entered into an agreement to sell its Indian Point 2 reactor?

REQUEST FOR ADMISSION NO. 67. Do you admit that once Consolidated Edison Company of New York completes the sale its Indian Point 2 reactor it will no longer have any operating reactors?

REQUEST FOR ADMISSION NO. 68. Do you admit that the early release of reactor sites under the DECON decommissioning alternative does not necessarily outweigh the benefits of the dose savings achieved by the SAFSTOR alternative?

REQUEST FOR ADMISSION NO. 69. Do you admit that the radioactivity levels will continue to decrease as spent nuclear fuel is stored at the reactor site?

REQUEST FOR ADMISSION NO. 70. Do you admit that the radioactivity levels from Co-60 will significantly decrease in the next eight years?

REQUEST FOR ADMISSION NO. 71. Do you admit that the if spent nuclear fuel stored at the proposed PFS site is in fact transported to a federal repository, that the number of spent nuclear fuel handling operations would be significantly reduced if the spent nuclear

fuel was transported directly to the federal repository from the reactor site?

REQUEST FOR ADMISSION NO. 72. Do you admit that the radioactive exposure during spent nuclear fuel shipping would be significantly decrease if spent nuclear fuel continued to be stored on-site until a federal repository is available?

REQUEST FOR ADMISSION NO. 73. Do you admit that the radioactive exposure during spent nuclear fuel handling to nuclear employees would be significantly less if spent nuclear fuel continued to be stored on-site until a federal repository is available?

REQUEST FOR ADMISSION NO. 74. Do you admit that PFS has not analyzed the decrease in incident-free doses to cask handlers if the spent nuclear fuel is stored on-site until a federal repository is available?

REQUEST FOR ADMISSION NO. 75. Do you admit that the radiological consequences of a transportation accident releasing radiation would be significantly smaller if spent nuclear fuel continued to be stored on-site until a federal repository is available?

REQUEST FOR ADMISSION NO. 76. Do you admit that there is no nuclear power plant located beneath airspace designated as a military operating area?

B. INTERROGATORIES - Utah Contention Z

INTERROGATORY NO. 1. To the extent the Applicant does not admit Request for Admissions Nos. 4-6, 8-10, 13, 18-25, 28-34, 38-46, 48-50, 53, 54, 56-61, 65, 67, 68, 71-76 above, fully explain the bases, including the technical, scientific, statistical, or other bases, for the denial.

INTERROGATORY NO. 2. Identify any and all environmental impacts and fully explain the scope, severity (including unit of measure) and the bases (e.g., scientific,

technical, statistical, or otherwise) of the environmental impacts for each site in which the Applicant claims the impacts from the construction and operation of on-site dry ISFSIs would be avoided by constructing and operating the proposed PFS facility.

INTERROGATORY NO. 3. Identify any and all environmental impacts and fully explain the scope, severity (including unit of measure) and the bases (e.g., scientific, technical, statistical, or otherwise) of the environmental impacts that would occur from the pre-mature shutdown of each operating reactor in which the Applicant claims the impacts would be avoided by constructing and operating the proposed PFS facility.

INTERROGATORY NO. 4. Identify any and all environmentally advantageous and disadvantageous impacts and fully explain the scope, severity (including unit of measure) and the bases (e.g., scientific, technical, statistical, or otherwise) of the environmental impacts at each site that would occur if a shutdown reactor transferred its spent nuclear fuel to an on-site dry ISFSI and released the returned the remaining nuclear plant property for other uses after decommissioning.

INTERROGATORY NO. 5. To the extent the Applicant does not admit Request for Admissions Nos. 42 through 45, identify each customer by name and reactor site.

INTERROGATORY NO. 6. Describe the specific quantity of spent nuclear fuel each PFS member or customer identified in the Applicant's response to Interrogatory No. 5 above, plans to store at the proposed PFS facility before 2010 and projected shipment dates.

INTERROGATORY NO. 7. Identify the options available to increase current on-site spent nuclear fuel storage capacity and fully describe the specific environmental impacts associated with each alternative for each reactor site identified in the Applicant's response to

Interrogatory No. 5 above.

C. DOCUMENT REQUESTS - Utah Contention Z

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

DOCUMENT REQUEST NO. 1. To the extent the Applicant does not admit Request for Admissions Nos.11, 12, 29, 32, provide all documents related to the detailed analysis.

DOCUMENT REQUEST NO. 2. To the extent the Applicant does not admit Request for Admissions Nos. 13-15, 17, 18, 40-45, 48-49, 68-75 provide all documents which support the bases of the denial.

DOCUMENT REQUEST NO. 3. Provide all documents which relate to the Applicant's responses to Interrogatories Nos. 1 through 10 above.

DOCUMENT REQUEST NO. 4. Provide all documents, or other information, that are in any way relevant to Utah Contention Z.

VII. UTAH CONTENTION AA

A. REQUESTS FOR ADMISSION - Utah Contention AA

REQUEST FOR ADMISSION NO. 1. Do you admit that the following statement from the DEIS is accurate:

> Although 18 of the 38 sites remained after the Phase 1 screening process, the PFS Board of Managers focused the meeting on the eight sites that were furthest along by virtue of information provided by the potential hosts.

DEIS, at 7-4.

B. INTERROGATORIES - Utah Contention AA

INTERROGATORY NO. 1. PFS has identified "costs" as a technical factor that it considered during its siting process. ER, page 8.1-9c. Please describe how this criterion was used, including a description of any sites that were eliminated in whole or in part based on this criterion.

INTERROGATORY NO. 2. As described in Request for Admission No. 1, the DEIS indicates that ten sites dropped out of consideration due to a lack of information. Please describe what information was missing for these sites.

INTERROGATORY NO. 3. As described in Request for Admission No. 1, the DEIS indicates that ten sites dropped out of consideration due to a lack of information. Please describe what efforts were made to obtain this missing information.

C. DOCUMENT REQUESTS - Utah Contention AA

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

DOCUMENT REQUEST NO. 1. All documents from which the summarized information in Appendices 8A and 8B of the Environmental Report were derived.

DOCUMENT REQUEST NO. 2. All documents relating to PFS's evaluation of a site during the site selection process, including documents relating to its reasons for eliminating a site from further siting consideration during that process.

DOCUMENT REQUEST NO. 3. All documents that relate to the Nuclear Waste

Negotiator's failed attempt to find a host for an MRS site, including any documents that explain the reasons for a site's elimination from that process.

DOCUMENT REQUEST NO. 4. All documents containing information about costs that would be associated with the development of any of the original 38 candidate sites.

DOCUMENT REQUEST NO. 5. Any minutes, handouts or other papers provided at or developed during the May 22, 1996 PFS Board of Managers meeting at which candidates were discussed and evaluated. *See* ER, page 8.1-4.

DOCUMENT REQUEST NO. 6. Provide all documents, or other information, that are in any way relevant to Utah Contention AA.

VIII. UTAH CONTENTION DD

A. REQUESTS FOR ADMISSION - Utah Contention DD

REQUEST FOR ADMISSION NO. 1. Do you admit that PFS has not analyzed, for birds or other animals exposed to radiation through close proximity to the casks, environmental impacts resulting from their subsequent dispersion from the PFS site?

REQUEST FOR ADMISSION NO. 2. Do you admit that PFS has not analyzed, for birds or other animals exposed to radiation through close proximity to the casks, environmental impacts resulting from their being eaten by predators, including impacts resulting from predators eating multiple irradiated prey?

REQUEST FOR ADMISSION NO. 3. Do you admit that PFS has not committed to implement mitigation measures in the event it encounters nests for non-raptor bird

species?

REQUEST FOR ADMISSION NO. 4. PFS has indicated that "[i]f any permanent signs of wildlife are found, actions will be taken immediately to remove the animals." ER, at 4.2-3. Does PFS admit that it does not intend to remove birds perching or nesting on top of casks under this policy if the birds are not expected to accrue does in excess of PFS facility's 100 rem/yr criteria for wildlife?

C. DOCUMENT REQUESTS - Utah Contention DD

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

DOCUMENT REQUEST NO. 3. To the extent PFS denies Requests for Admission Nos. 1 and 2, all documents relating to PFS's analyses.

DOCUMENT REQUEST NO. 4. To the extent PFS denies Request for Admission No. 3, please provide all documents describing or otherwise relating to PFS's commitment.

DOCUMENT REQUEST NO. 5. All documents relating to results from any plant surveys conducted and not already produced, including any report resulting from the March 5, 1999 request for additional scope of work from Don Butman to Ronald Kass.

DOCUMENT REQUEST NO. 6. All documents relating to any raptor surveys (or more general surveys that included a raptor survey) conducted and not already produced.

DOCUMENT REQUEST NO. 7. All documents relating to plans for wildlife and plant surveys that will be conducted prior to construction.

DOCUMENT REQUEST NO. 8. PFS makes several statements about impacts of

the project on peregrine falcon prey species, including:

> "Impacts on local populations will be minimal because of the relatively small area of impact, the commonness of this habitat type in surrounding areas, and the high reproductive potential for any of these resident species.

ER, at 4.1-4.

> "Threatened or endangered species that may occasionally occur in the area, including bald eagle or peregrine falcon, will not be affected by vegetation removal since only a small portion of available prey habitat is affected . . . ."

ER, at 4.1-6.

> "Construction activities at the intermodal transfer point area are unlikely to affect the falcon's forage base because of the small amount of land to be altered in this area."

ER 4.3-4.

Please provide all documents used by PFS to make or support these conclusions.

DOCUMENT REQUEST NO. 9. All documents used by PFS to make or support this conclusion:

> Migratory peregrines are also not likely to be affected by increased construction traffic.

ER, at 4.1-7.

DOCUMENT REQUEST NO. 10. All documents used by PFS to prepare or support its analysis of "Effects of Radiation on Wildlife" at Section 4.2.9.2 (ER, at 4.2-19 through 4.2-25).

DOCUMENT REQUEST NO. 11. Provide all documents, or other information, that are in any way relevant to Utah Contention DD.

DATED this 28th day of February, 2001.

Respectfully submitted,

Denise Chancellor, Assistant Attorney General
Fred G Nelson, Assistant Attorney General
Connie Nakahara, Special Assistant Attorney General
Diane Curran, Special Assistant Attorney General
Laura Lockhart, Assistant Attorney General
Attorneys for State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor, P.O. Box 140873
Salt Lake City, UT 84114-0873
Telephone: (801) 366-0286, Fax: (801) 366-0292

CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S TENTH SET OF DISCOVERY REQUESTS DIRECTED TO THE APPLICANT was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 28th day of February, 2001:

Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
E-mail: hearingdocket@nrc.gov
(*original and two copies*)

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Jay E. Silberg, Esq.
Ernest L. Blake, Jr., Esq.
Paul A. Gaukler, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: ernest_blake@shawpittman.com
E-Mail: paul_gaukler@shawpittman.com

John Paul Kennedy, Sr., Esq.
1385 Yale Avenue
Salt Lake City, Utah 84105
E-Mail: john@kennedys.org

Joro Walker, Esq.
Land and Water Fund of the Rockies
2056 East 3300 South Street, Suite 1
Salt Lake City, Utah 84109
E-Mail: joro61@inconnect.com

Danny Quintana, Esq.
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
E-Mail: quintana@xmission.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(electronic copy only)

Office of the Commission Appellate
Adjudication
Mail Stop: O14-G-15
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Denise Chancellor
Assistant Attorney General
State of Utah