

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSIONDOCKETED
USNRC

01 MAR 15 A10:02

Private Fuel Storage, a Limited Liability
Company;(Independent Spent Fuel Storage
Installation).

Docket No. 72-22

ASLBP No. 97-732-02

ISFSI

March 8, 2001

OFFICE OF SECRETARY
-RULEMAKINGS AND
ADJUDICATIONS STAFF**SOUTHERN UTAH WILDERNESS ALLIANCE (SUWA'S) SUPPLEMENTAL
RESPONSES TO APPLICANT'S FIRST SET OF DISCOVERY REQUESTS
AND INITIAL RESPONSES TO APPLICANT'S SECOND
SET OF DISCOVERY REQUESTS.**

Southern Utah Wilderness Alliance (SUWA) files the following supplemental responses to Applicant's (Private Fuel Storage L.L.C. (PFS)) First Set of Interrogatories and Document Requests directed to SUWA and to PFS's Second Set of Formal Discovery Requests to Intervenor SUWA:

I. Supplemental Responses to First Set of Requests:

SUWA has no further updates to its responses to Applicant's First Set of Discovery Requests at this time. However, as soon as any relevant information becomes available, SUWA will promptly disclose it to PFS.

II. Responses to Second Set of Discovery Requests.**A. Responses to Interrogatories**

Interrogatory No. 7: State the size and precise location of any sensitive wetlands or other areas sensitive to the environmental effects of the Low Corridor rail line that SUWA asserts exist within two miles to the east of the "North Cedar Mountain roadless area" and within two miles to the east of the currently proposed alignment of the Low Corridor rail line. See Intervenor Southern Utah Wilderness Alliance's Responses to the Applicant's First Set of Interrogatories and Requests for Production of Documents (May 28, 1999), Interrogatory No. 3.

The statement to which the applicant refers is that “[a]n alternative alignment to the proposed rail spur that avoided the North Cedar Mountain roadless area . . . and/or ran two miles to the east of the current alignment ([so long as the alignment avoided] sensitive wetlands, etc.) would have less impact on the wilderness character of the North Cedar Mountain roadless areas . . .” Intervenor Southern Utah Wilderness Alliance’s Responses to the Applicant’s First Set of Interrogatories and Requests for Production of Documents (May 28, 1999), Interrogatory No. 3. What SUWA intended by this comment is that if an alternative alignment were formulated and analyzed, that alignment should be drawn to avoid such sensitive areas. At this time, SUWA knows of no such sensitive areas, but still asserts that if such areas are present, the alternative alignment should be designed to avoid or mitigate impacts to these areas. Furthermore, SUWA asserts that the duty to at least determine if such impacts exist and can be avoided or mitigated is the duty of the agency.

Interrogatory No. 9: State the scientific and factual basis for SUWA’s belief that the wetlands or other areas identified in response to Interrogatory No. 7 are sensitive to the environmental effects of the Low Corridor rail line.

The type of impacts to wetlands or sensitive areas are described in the DEIS at 5.2 (5-5 to 5-11).

B. Responses to Document Requests

Request No. 1: All documents describing or discussing the size, location, or nature of any sensitive wetlands or other areas sensitive to the environmental effects of the Low Corridor rail line that SUWA asserts exist within two miles to the east of the “North Cedar Mountain roadless area” and within two miles to the east of the currently proposed alignment of the Low Corridor rail line. See Interrogatory No. 7, supra.

Other than maps produced by the State of Utah and the United States and those it has already produced, SUWA has no documents that responsive to this request.

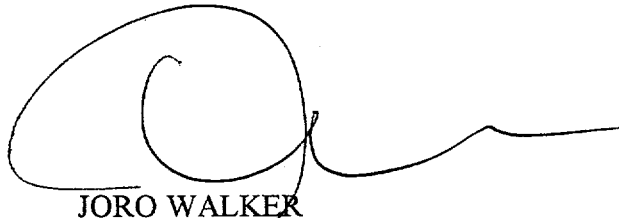
Request No. 2: All documents containing or discussing the scientific and factual basis for SUWA's belief that the wetlands or other areas identified in response to Interrogatory No. 7 are sensitive to the environmental effects of the Low Corridor rail line.

Other than the documents it has already produced, SUWA has no documents responsive to this request.

Request No. 3: All documents, data or other information related to the claims made by SUWA within the scope of SUWA B that alignment alternatives for the Low Corridor rail line have been inadequately addressed in the PFS Environmental Report or the DEIS.

Other than the documents it has already produced and the DEIS, SUWA has no documents responsive to this request.

DATED March 8, 2001 (International Women's Day).

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

JORO WALKER
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, Utah 84105
(801) 487-9911

Attorney for OGD and SUWA

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Private Fuel Storage, a Limited Liability Company:
(Independent Spent Fuel Storage Installation).

Docket No. 72-22
ASLBP No. 97-732-02-
ISFSI
March 8, 2001

CERTIFICATE OF SERVICE

I hereby certify that copies of **OHNGO GAUDADEH DEVIA'S (OGD) SUPPLEMENTAL RESPONSES TO APPLICANT'S FIRST SET OF DISCOVERY REQUESTS AND INITIAL RESPONSES TO APPLICANT'S SECOND SET OF DISCOVERY REQUESTS** and **SOUTHERN UTAH WILDERNESS ALLIANCE (SUWA's) SUPPLEMENTAL RESPONSES TO APPLICANT'S FIRST SET OF DISCOVERY REQUESTS AND INITIAL RESPONSES TO APPLICANT'S SECOND SET OF DISCOVERY REQUESTS** 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 8th day of March 2001.

G. Paul Bollwerk III, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: GPB@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: JRK2@nrc.gov; kjerry@erols.com

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board Panel U.S.
Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: PSL@nrc.gov

Jay E. Silberg
Shaw, Pittman
2300 N Street, NW
Washington, D.C. 20037
jay_silberg@shawpittman.com
ernest_blake@shawpittman.com
paul_gaukler@shawpittman.com

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

* Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancel@state.UT.US

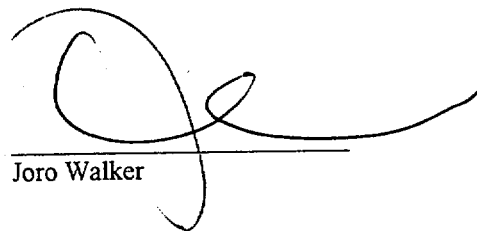
John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, Utah 84105
e-mail: john@kennedys.org

Danny Quintana, Esq.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
e-mail: quintana@xmission.com

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
email: jmc3@nrc.gov

* By U.S. mail only



Joro Walker