

RELATED CORRESPONDENCE

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

2002 FEB 14 AM 11:45

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	January 30, 2002

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STATE OF UTAH'S NINETEENTH SET OF DISCOVERY REQUESTS  
DIRECTED TO THE NRC STAFF

Pursuant to the Board's Orders dated April 22, 1998 (LBP-98-7), June 29, 1998, August 20, 1998, and September 20, 2001 and accompanying revised schedule, and 10 CFR §§ 2.720, 2.740, 2.742, and 2.744, Intervenor State of Utah, hereby requests that the Staff of the Nuclear Regulatory Commission ("Staff") answer the following interrogatories and admission requests separately, fully, in writing, and under oath within 10 days, and document requests within 15 days from the date of this request. All of these interrogatories, admission and document requests are necessary to a proper decision in this proceeding for Contention Utah O (hydrology).

As required by 10 CFR § 2.744(a), this discovery request is being served on the NRC Executive Director for Operations.

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories, admission and document requests are directed to NRC Staff and any of the Staff's contractors or agents (collectively "NRC" or "Staff"). The interrogatories, admission and document requests cover all

information in the possession, custody and control of NRC Staff, including information in the possession of officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by NRC Staff, or anyone else acting on their behalf or otherwise subject to NRC Staff's control.

B. Supplemental Responses. Each of the following interrogatories, admission and document requests is a continuing one pursuant to 10 CFR § 2.740(e) and the State hereby demands that, in the event that at any later date NRC Staff obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and documents, NRC Staff 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:

1. The identity and location of persons having knowledge of discoverable matters;
2. 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
3. New information which makes any response hereto incorrect.

C. Objections. If you object to or refuse to answer any interrogatory, admission or document request 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.

## II. DEFINITIONS

Each of the following definitions, unless otherwise indicated, applies to and shall be a part of each interrogatory and request for admission which follows:

A. "NRC," "Staff," "you" and "your" refers to the officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by the Staff of the U.S. Nuclear Regulatory Commission, or anyone else acting on its behalf or otherwise subject to the Staff's control.

B. "PFS," or "Applicant," 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.

C. 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, 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, spreadsheets, working

papers, computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, electronic mail, 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.

D. "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.

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

1. 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;

2. 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.

3. In connection with an entity other than a natural person (eg, 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.

4. 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.

F. "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.

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

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

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

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

of words encompasses the plural.

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

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

### III. REQUEST FOR ADMISSIONS: UTAH O

REQUEST FOR ADMISSION NO. 1. Do you admit that NRC has the authority to regulate the handling, management and disposal of non-radiological contaminants at the PFS site?

REQUEST FOR ADMISSION NO. 2. Do you admit that NRC has no specific regulatory requirements for the clean up of non-radioactive spills or releases from a facility such as the proposed PFS ISFSI?

REQUEST FOR ADMISSION NO. 3. Do you admit the NRC has no specific clean up standards for non-radiological contaminants at ISFSI sites?

REQUEST FOR ADMISSION NO. 4. Do you admit that NRC does not require any financial commitment from an applicant such as PFS to assure the clean up of any non-radiological contamination that may occur at an ISFSI site?

REQUEST FOR ADMISSION NO. 5. Do you admit that PFS has not submitted to NRC a Best Management Practices Plan "for properly responding to fuel leaks or spills to minimize ... contamination of groundwater." PFS Final Environmental Impact Statement,

NUREG-1714 (January 11, 2002) ("FEIS") at 4-14.

REQUEST FOR ADMISSION NO. 6. Do you admit that no studies, independent from whatever studies PFS may have submitted to the Staff, have been prepared by or for the Staff with respect to site specific characterization of the aquifer below the PFS site.

#### IV. INTERROGATORIES: UTAH O

INTERROGATORY NO. 1: Describe with specificity whether NRC has allowed any facility regulated by the NRC to discharge liquids or contents from such containments as the proposed PFS detention pond, drain sumps in the cask load/unload bay of the Canister Transfer Building, or from the laboratory in the Health Physics Building, directly onto the land surface.

INTERROGATORY NO. 2: Describe NRC's inspection program, if any, with respect to PFS's proposed sewer/wastewater system, detention pond, on-site spills, and collection and disposal of liquid from the sump in the CTB and laboratory in the Health Physics Building, and the basis thereof.

INTERROGATORY NO. 3: The FEIS states: "If contamination of soils or groundwater should occur at the detention basis, site cleanup actions would be required to restore the site." FEIS at 4-13. If contamination of soils or groundwater were to occur, describe with specificity the cleanup actions NRC would demand of PFS and the basis thereof; the standards to which NRC would hold PFS for the cleanup, and the basis thereof; and the financial commitments, if any, NRC requires of an applicant to provide for such cleanup.

INTERROGATORY NO. 4: With respect to non-radiological contamination, describe with specificity what redundant environmental controls PFS will have in place for the protection of human health and safety, and the protection of surface and groundwater resources and the basis thereof.

V. **DOCUMENT REQUESTS: UTAH O**

Please produce the documents responsive to the following document requests:

DOCUMENT REQUEST NO. 1. All documents identified, used or referred to in responding to the above requests for admission and interrogatories.

DOCUMENT REQUEST NO. 2. All calculations, analyses, or other documents prepared by or for the Staff relating to testimony or evidence that the Staff may rely upon or otherwise use at the hearing on Contention Utah O.

DOCUMENT REQUEST NO. 3. All calculations, analyses, or other documents prepared by or for the Staff that support its conclusions in § 4.2 (Water Resources) of the FEIS with respect to the effects of PFS's operations on groundwater, surface water, and human health and safety.

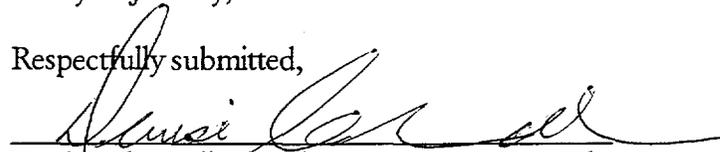
DOCUMENT REQUEST NO. 4. All calculations, analyses, or other documents prepared by or for the Staff that relate in any way to the potential for surface or ground water contamination at the proposed site.

DOCUMENT REQUEST NO. 5 All calculations, analyses, or other documents prepared by or for the Staff that relate in any way to the potential for health and safety impacts from non-radiological contamination.

DOCUMENT REQUEST NO. 6. The FEIS states that “the NRC staff is authorized to confer privately with the applicant on an informal basis, and has done so with PFS.” FEIS at G-123. Provide all documents, other than NRC requests for additional information (“RAIs”) and PFS’s responses to RAIs, that the Staff has obtained from conferring privately with the Applicant with respect to any issue that relates to Utah O.

DATED this 30<sup>th</sup> day of January, 2002.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S NINETEENTH SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 30<sup>th</sup> day of January, 2002:

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

William D. Travers  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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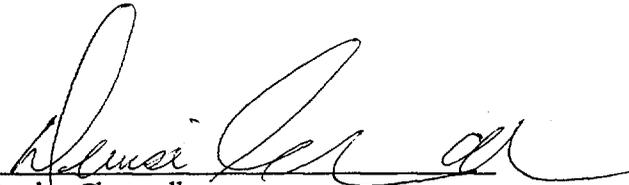
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Chief Deputy - Criminal

January 30, 2002

William D. Travers  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: In the Matter of Private Fuel Storage, LLC, Docket 72-22

Dear Mr. Travers;

Pursuant to 10 CFR § 2.744(a), enclosed is the State of Utah's Nineteenth Set of Discovery Requests Directed to the NRC Staff, dated January 30, 2002.

Please contact me with any questions at (801) 366-0286. Thank you.

Sincerely,

  
Denise Chancellor  
Assistant Attorney General

Enclosure: as stated  
cc: PFS Docket 72-22-ISFSI Service List