

RAS 5355

RELATED CORRESPONDENCE
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

January 16, 2003
DOCKETED 01/17/03

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 72-26-ISFSI
PACIFIC GAS AND ELECTRIC CO.)	
(Diablo Canyon Power Plant Independent)	ASLBP No. 02-801-01-ISFSI
Spent Fuel Storage Installation))	
)	

NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS TO SAN LUIS OBISPO
MOTHERS FOR PEACE, ("SLOMFP")

INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.740, 2.740b, 2.741, 2.1111, and 2.1117, and the Atomic Safety and Licensing Board's ("Board") Memorandum and Order, dated December 26, 2002, (LBP-02-25, 56 NRC ____), the Nuclear Regulatory Commission staff hereby requests that San Luis Obispo Mothers for Peace, *et al.*, ("SLOMFP, *et al.*") respond to the following interrogatories, under oath, in writing, separately, in the fullest detail possible, within 10 days of the date of these interrogatories and request for production of documents. See LBP-02-25, slip op. at 10 establishing the response time. Responses should be sent to Stephen H. Lewis, Esq. and Angela B. Coggins, Esq., U.S. Nuclear Regulatory Commission, Office of the General Counsel, Mail Stop: O-15D21, Washington, D.C. 20555. In accordance with LBP-02-25, slip op. at 10, please also provide your answers electronically to the above-named counsel, at the e-mail addresses for each previously identified in this proceeding.

DEFINITIONS

“Identify” when used in reference to a person means to set forth the following: his or her name; present or last known business address and telephone number; employer; and title or position.

The work “document” as used herein shall mean any written matter, whether produced, reproduced or stored on paper, disks, charts, computer storage devices or any other medium shall include, without limitation, matter in the form of books, reports, studies, statements, speeches, notebooks, agreements, working papers, memoranda, notes, procedures, orders, records, correspondence, diaries, plans, periodicals, lists, telephone logs, minutes, and any published materials and shall also include, with limitation, originals, copies (with or without notes or changers thereon) and drafts.

INSTRUCTIONS

1. To the extent that you do not have specific, complete and accurate information with which to answer any interrogatory, you should so state, and the interrogatory should be answered to the extent the information is available, identifying each person who is believed to have accurate information with respect thereto.
2. If privilege is claimed as a ground for not answering the interrogatory or if the interrogatory is otherwise objected to in whole or in part, describe the legal and/or factual basis for the claim of privilege or other objection to the interrogatory or interrogatory part in sufficient detail so as to permit the Board to adjudicate the validity of the claim or objection.
3. If an interrogatory is not answered in full, please state the reasons for not answering, describe the steps taken to secure complete information, and detail the information which is available to SLOMFP, *et al.*, regarding the unanswered portions.
4. For each response, identify the name, title or position, and employer of the person or persons answering.

INTERROGATORIES

INTERROGATORY 1

SLOMFP, *et al.*, Contention TC-2 asserts that: "PG&E has failed to demonstrate that it meets the financial qualifications requirements of 10 C.F.R. § 72.22(e)." *Footnote omitted.* Section 72.22(e) requires, in part that the application:

must show that the applicant either possesses the necessary funds, or that the applicant has reasonable assurance of obtaining the necessary funds, or that by a combination of the two, the applicant will have the necessary funds available to cover the following: (1) Estimated construction costs; (2) Estimated operating costs over the planned life of the ISFSI; and (3) Estimated decommissioning costs, and the necessary financial arrangements to provide reasonable assurance before licensing, that decommissioning will be carried out after the removal of spent fuel, high-level radioactive waste, and/or reactor-related GTCC [Greater Than Class C] waste from storage.

Please provide in your response to A., B., and C., below, references to the pages of the ISFSI application, as supplemented by PG&E's letter to the NRC, dated June 7, 2002, identified as PG&E Letter DIL-02-008 and bearing in its title line "Supplemental General and Financial Information - 10 C.F.R. 72.22," that demonstrate this failure.

A. In what specific respects does SLOMFP, *et al.*, contend that PG&E has failed to provide reasonable assurance that it will be able to fund, in the manner specified in 10 C.F.R. § 72.22(e), the estimated construction costs of the proposed ISFSI?

B. In what specific respects does SLOMFP, *et al.*, contend that PG&E has failed to provide reasonable assurance that it will be able to fund, in the manner specified in 10 C.F.R. § 72.22(e), the estimated operating costs over the planned life of the ISFSI?

C. In what specific respects does SLOMFP, *et al.*, contend that PG&E has failed to provide in its ISFSI application: "Estimated decommissioning costs, and the necessary financial arrangements to provide reasonable assurance before licensing, that decommissioning will be carried out after the removal of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste from storage?"

INTERROGATORY 2

Does SLOMFP, *et al.*, dispute the accuracy of PG&E's estimates of costs of construction, operation, or decommissioning of the proposed ISFSI? If so, please reference the specific pages from the ISFSI application, and estimates thereon, that you dispute and provide your estimates of these costs.

INTERROGATORY 3

Please identify the SLOMFP, *et al.*, expert(s) who will provide, in accordance with 10 C.F.R. § 2.1113(a), "all supporting facts and data in the form of sworn written testimony or other sworn written submission," in support of Contention TC-2. If you will be relying on an expert(s) other than Michael F. Shaheen, Ph.D., please provide a statement of his or her professional qualifications.

REQUEST FOR PRODUCTION OF DOCUMENTS

For each interrogatory, identify all documents on which SLOMFP, *et al.*, relies in support of its answer thereto. Please either provide with your response a copy of each such document or indicate where and from whom it can be obtained.

Respectfully submitted,

/RA/

Stephen H. Lewis
Counsel for NRC Staff

Dated at Rockville, Maryland
this 16th day of January, 2003

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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PACIFIC GAS & ELECTRIC CO.)	Docket No. 72-26-ISFSI
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(Diablo Canyon Power Plant Independent Spent Fuel Storage Installation))	ASLBP No. 02-801-01-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO SAN LUIS OBISPO MOTHERS FOR PEACE, ("SLOMFP")" have been served upon the following persons by United States mail, first class, or through the Nuclear Regulatory Commission's internal mail distribution as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 16th day of January, 2003.

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Dated at Rockville, Maryland
this 16th day of January, 2003