

RAS 15054

February 6, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of
Pacific Gas and Electric Company
Diablo Canyon Nuclear Power Plant
Unit Nos. 1 and 2
Independent Spent Fuel Storage Installation

Docket # 72-26

DOCKETED
USNRC
February 6, 2008 (4:17pm)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**SAN LUIS OBISPO MOTHERS FOR PEACE'S
FIRST SET OF DISCOVERY REQUESTS TO PACIFIC
GAS & ELECTRIC COMPANY**

Pursuant to the schedule established by the Atomic Safety and Licensing Board's ("ASLB's") Order of January 24, 2008, San Luis Obispo Mothers for Peace ("SOMFP") hereby requests Pacific Gas & Electric Company ("PG&E") to answer the following interrogatories and admission requests separately, fully, in writing, and under oath, and produce the documents requested below within the schedule established by the ASLB. These discovery requests pertain to Contention 2, which was admitted by the Commission in CLI-08-01 (January 15, 2008).

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories and document production requests cover all information in the possession, custody and control of PG&E, 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 PG&E's behalf or otherwise subject to its control. The discovery sought by this request encompasses material contained in, or which might be derived or ascertained from, the personal files of PG&E employees, representatives, investigators, and agents.

Template = SECY-035

SECY-02

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

1. The responsive information currently available;
2. The responsive information currently unavailable;
3. Efforts which you intend to make to secure the information currently unavailable; and
4. When you anticipate receiving the information currently unavailable.

C. Supplemental Responses. Each of the following requests is a continuing one pursuant to 10 C.F.R. § 2.740(e) and SLOMFP hereby demands that, in the event that at any later date PG&E obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and production of documents, PG&E shall supplement its responses to this request promptly and sufficiently.

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.

D. Objections. If you object to or refuse to answer any interrogatory 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.

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.

E. 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. "PG&E," "you," and "your" refers to Pacific Gas & Electric Company, including its employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by PG&E, or anyone else acting on its behalf or otherwise subject to its 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 intra-office 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, meeting 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, 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. The word “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. The word “discussion” shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

7. The word “person” shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.

8. The phrase “PG&E representative” shall include all officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by PG&E, or anyone else acting on PG&E’s behalf or otherwise subject to its control

9. Words herein of any gender include all other genders, and the singular form of words encompasses the plural.

10. The words “and” and “or” include the conjunctive “and” as well as the disjunctive “or” and the words “and/or.”

11. The word “hearing” encompasses any evidentiary procedures that may be employed in this proceeding, including summary disposition, evidentiary presentations under 10 C.F.R. Part 2, Subpart K, and formal evidentiary hearings.

III. GENERAL DISCOVERY

A. 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 each of the interrogatories, requests for admission, and requests for the production of documents posed by SLOMFP herein. 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: Give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each PG&E representative who advised the U.S. Nuclear Regulatory Commission (“NRC”) Staff or otherwise contributed to the preparation of the Supplement to the Environmental Assessment and Draft Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation (May 2007) (“Draft EA Supplement”).

GENERAL INTERROGATORY NO. 3: Give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each PG&E representative who advised the U.S. Nuclear Regulatory Commission (“NRC”) Staff or otherwise contributed to the preparation of the Supplement to the Environmental Assessment and Final Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation (August 2007) (“Final EA Supplement”).

GENERAL INTERROGATORY NO. 4: Give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom PG&E expects to call as a fact or expert witness at the hearing with respect to Contention 2. For expert witnesses, provide 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 provided fact and/or expert testimony and/or submitted affidavit(s) or declaration(s) within the preceding four years. 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. Fact and expert witnesses should be distinguished.

GENERAL INTERROGATORY NO. 5: For each witness identified in response to General Interrogatory No. 4 above, 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 PRODUCTION REQUESTS

Please produce the following documents:

GENERAL 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. If you withhold any document or any portion thereof, please describe in detail the basis for your decision to withhold the information.

GENERAL REQUEST NO. 2. All documents in your possession, custody or control relevant to Contention 2. If you withhold any document or any portion thereof, please describe in detail the basis for your decision to withhold the information.

GENERAL 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 in the hearing on Contention 2. If you withhold any document or any portion thereof, please describe in detail the basis for your decision to withhold the information.

IV. SPECIFIC DISCOVERY

A. SPECIFIC INTERROGATORIES

SPECIFIC INTERROGATORY NO. 1: If your answer to either General Interrogatory No. 2 or General Interrogatory No. 3 is yes, or if you identified any individuals in response to General Interrogatory No. 4, please respond to Specific Interrogatories 2 through 9 below.

SPECIFIC INTERROGATORY NO. 2: In the Supplement to the Environmental Assessment and Final Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation (August 2007), the Staff stated that:

As explained in the EA supplement, the staff has determined the probability of a successful terrorist attack (i.e., one which results in a significant radiological event), to be very low.

Id. at A-6. Please answer the following questions with respect to that statement:

- a. Identify the criteria by which you would determine a hypothetical terrorist attack is “successful.”
- b. If an attack did not cause early fatalities, would you consider it to be successful?
- c. Please provide all quantitative and qualitative criteria by the probability of an attack should be judged to be “very low.”
- d. Please provide all quantitative and qualitative criteria by which you would determine that a radiological event is “significant,” including identification of all reference documents you rely on.
- e. Please provide all quantitative and qualitative criteria by which you would determine that a release of radioactivity to the environment is significant, including identification of all reference documents you rely on.

SPECIFIC INTERROGATORY NO. 3: In the Final EA Supplement (at page 6), the Staff states that, in the event of an attack that breaches "multiple layers of protection" and thereby causes a release of radioactive material, "a large amount of the radioactive material would remain in solid form and in the immediate vicinity of the ISFSI."

a. Please provide any estimates PG&E has performed of the mass, isotopic inventory, and physical and chemical form of the radioactive material that would be released in the event of an attack, and the spatial distribution of the material after release.

b. Please provide PG&E's estimates of the radiological impacts that would arise from this release, including impacts during cleanup of the site.

c. Please describe the assumptions and methodologies PG&E used to make these estimates, and identify all reference documents that you relied on.

SPECIFIC INTERROGATORY NO. 4: As a general proposition, do you consider onsite radiological contamination of land to constitute a potentially significant adverse environmental impact? If so, please describe, in quantitative and qualitative terms, your criteria for evaluating the significance of such impacts.

SPECIFIC INTERROGATORY NO. 5: As a general proposition, do you consider offsite radiological contamination of land to constitute a potentially significant adverse environmental impact? If so, please describe, in quantitative and qualitative terms, your criteria for evaluating the significance of such impacts.

SPECIFIC INTERROGATORY NO. 6: For each reference document that have been listed by the NRC Staff in support of its Draft and Final EA Supplements, please state whether you have reviewed it.

SPECIFIC INTERROGATORY NO. 7: For each reference document that have been listed by the NRC Staff in support of its Draft and Final EA Supplements, please state whether you have had the opportunity to review it.

SPECIFIC INTERROGATORY NO. 8: Have you reviewed the NRC Staff's proposed decision-making framework for security-related decisions by the NRC which is referred to in OIG-06-A-22, Audit Report, Audit of NRC's Process for Releasing Commission Decision Documents at 16 (September 8, 2006) ("IG Report OIG-06-A-22")?

SPECIFIC INTERROGATORY NO. 9: Have you had the opportunity to review the NRC Staff's proposed decision-making framework for security-related decisions by the NRC which is referred to in OIG-06-A-22, Audit Report, Audit of NRC's Process for Releasing Commission Decision Documents at 16 (September 8, 2006) ("IG Report OIG-06-A-22")?

Respectfully submitted,



Diane Curran

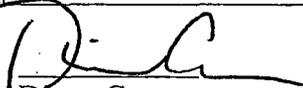
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February 6, 2008

CERTIFICATE OF SERVICE

I certify that on February 6, 2007, copies of the foregoing San Luis Obispo Mothers for Peace's First Set of Discovery Requests to NRC Staff and San Luis Obispo Mothers for Peace's First Set of Discovery Requests to Pacific Gas and Electric Company were served on the following by first-class mail and/or e-mail as indicated below:

<p>Office of the Secretary (original and two copies) Rules and Adjudications Branch U.S. Nuclear Regulatory Commission 11555 Rockville Pike Rockville, MD 20852 Also by e-mail to: hearingdocket@nrc.gov</p>	<p>William V. Manheim, Esq. Jennifer Post Pacific Gas & Electric Co. 77 Beale Street B30A San Francisco, CA 94105 Also by e-mail to: AxFn@pge.com, JLkm@pge.com</p>
<p>David A. Repka, Esq. Tyson R. Smith, Esq. Winston & Strawn, LLP 1700 K Street N.W. Washington, D.C. 20006-3817 Also by e-mail to: drepka@winston.com, trsmith@winston.com</p>	<p>Lisa B. Clark, Esq. Tison A. Campbell, Esq. Office of General Counsel Mail Stop O-15D21 U.S. Nuclear Regulatory Commission Washington, D.C. 20555 Also by e-mail to: tac2@nrc.gov, lbc@nrc.gov</p>
<p>Timothy McNulty, Esq. Office of County Counsel County Government Center Room 386 San Luis Obispo, CA 93408 Also by e-mail to: tmcnulty@co.slo.ca.us</p>	<p>Kenneth Alex, Esq. Susan Durbin, Esq. Brian Hembacher, Esq. California Department of Justice 1515 Clay Street, 20th Floor Oakland, CA 94612-0550 Also by e-mail to: Susan.Durbin@doj.ca.gov; Brian.Hembacher@doj.ca.gov</p>
<p>Barbara Byron, Staff Counsel California Energy Commission Chief Counsel's Office 1516 Ninth Street, MS 14 Sacramento, CA 95814 Also by e-mail to: Bbyron@energy.state.ca.us</p>	<p>San Luis Obispo Mothers for Peace P.O. Box 164 Pismo Beach, CA 93448</p>


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