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THE AT&E CORRESPONDENCE

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USNRC

October 3, 1986  
'86 OCT -6 P4:40

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
PACIFIC GAS AND ELECTRIC	)	Docket Nos. 50-275 OLA
COMPANY	)	50-323 OLA
(Diablo Canyon Nuclear Power Plant	)	(Spent Fuel Pool)
Units 1 and 2)	)	

NRC STAFF RESPONSE TO MOTHERS FOR PEACE  
FIRST SET OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS

I. INTRODUCTION

The NRC staff hereby responds to the Intervenor's, San Luis Obispo Mothers for Peace, interrogatories and requests for documents directed to the Nuclear Regulatory Commission. The Staff notes that it is under no obligation to respond to the Intervenor's interrogatories since it has not complied with 10 C.F.R. § 2.720(h)(2)(ii). Pursuant to that section of the regulations, the Staff may be required to answer party interrogatories only upon a finding of the presiding officer that the answers to the interrogatories are "necessary to a proper decision in the proceeding" and "are not reasonably obtainable from any other source." As the Appeal Board has explained discovery against the Staff stands on a "different footing" than discovery with respect to other parties. Pennsylvania Power and Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 NRC 317, 323 (1980). With limited exceptions, Staff documents that are relevant to licensing proceedings are routinely made available in the NRC Public Document Room. 10 C.F.R. § 2.790; Susquehanna, supra. As the Appeal Board, citing Appendix A of

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Certified By D. J. [Signature]

10 C.F.R. Part 2, has observed: "[t]he contemplation is that these 'should reasonably disclose that basis for the Staff's position thereby reducing any need for formal discovery.'" Susquehanna, supra.

The Staff has voluntarily responded to the interrogatories without the required board order in the interest of expediting the proceeding. The Staff reserves its right, however, to require that future discovery requests to it be submitted in compliance with 10 C.F.R. § 2.720(h)(2)(ii).

## II. INTERROGATORY ANSWERS

### INTERROGATORIES NO. 1

Identify and supply all documents, including but not limited to reports, analyses, meeting summaries, memorandums, and portions thereof, relied upon to evaluate the alternatives to high density re-racking of the spent fuel pools at Diablo Canyon nuclear plant.

#### ANSWER

° PG&E Letter No. DCL-85-306, September 19, 1985 from J. D. Shiffer (PG&E) to G. W. Knighton (NRC), Subject: Report on "Reracking of Spent Fuel Pools for Diablo Canyon, Units 1 and 2."

° U.S. Nuclear Regulatory Commission, Report NUREG-0575, "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel," Volumes 1, 2 and 3, August 1979.

° U.S. Nuclear Regulatory Commission, Letter from L. Rouse (NRC) to L. Stewart (Virginia Electric and Power Company), dated April 12, 1985, transmitting "Environmental Assessment Related to the Construction and Operation of the Surry Dry Cask Independent Spent Fuel Storage Installation."

° U.S. Nuclear Regulatory Commission, Report NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plant," Rev. 1, July 1981, Section 9.1.2, "Spent Fuel Storage."

INTERROGATORIES NO. 2

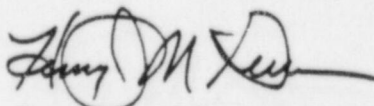
Identify and supply all information and documents relied upon to evaluate dry cask on-site storage as an alternative to high density re-racking.

ANSWER

° U.S. Nuclear Regulatory Commission, Letter from L. Rouse (NRC) to L. Stewart (Virginia Electric and Power Company), dated April 12, 1985, transmitting "Environmental Assessment Related to the Construction and Operation of the Surry Dry Cask Independent Spent Fuel Storage Installation."

The documents identified above will be made available for inspection and copying at Region V at a mutually agreeable date and time.

Respectfully submitted,



Henry J. McGurren  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 3<sup>rd</sup> day of October, 1986

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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(Diablo Canyon Nuclear Power Plant ) (Spent Fuel Pool)  
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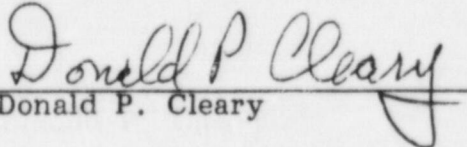
AFFIDAVIT OF DONALD P. CLEARY

I, Donald P. Cleary, being duly sworn, state as follows:

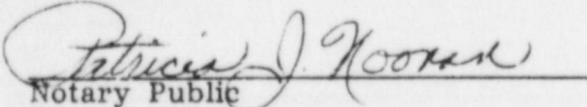
1. I am employed by the U.S. Nuclear Regulatory Commission as the Acting Chief of the Site Analysis Branch and Section Leader of the Regional Impact Analysis Section. A copy of my professional qualifications is attached.

2. I am duly authorized and have prepared responses to the interrogatories served on the NRC staff by the Intervenor San Luis Obispo Mothers for Peace.

I hereby certify that the statements and opinions given are true and correct to the best of my personal knowledge and belief.

  
Donald P. Cleary

Subscribed and sworn to before me  
this 30<sup>th</sup> day of September, 1986

  
Notary Public

My commission expires: July 1, 1990  
JH

STATEMENT OF PROFESSIONAL QUALIFICATIONS  
DONALD P. CLEARY

My name is Donald P. Cleary. I am a Senior Task Manager in the Engineering Issues Branch, Division of Safety Review and Oversight, Office of Nuclear Reactor Regulation, United States Nuclear Regulatory Commission (NRC). My major responsibilities are in the areas of radiological protection and environment, and regulatory alternatives for plant life extension. Previously, I was Acting Chief of the Site Analysis Branch and Section Leader of the Regional Impact Analysis Section within that Branch. I have been with the NRC (previously Atomic Energy Commission) since 1973. As a technical reviewer and supervisor I have been responsible for various sections of environmental impact statements and safety evaluation reports. These include social and economic impacts, need for the project, alternatives to the project, irreversible and irretrievable commitments of resources, relationships between short-term use and large-term productivity of man's environment, benefit cost balance, population distribution, exclusion area authority and control, and analysis of potential hazards (to safe plant operation) in site vicinity.

Prior to joining NRC, I was first an Industry Economist and then Staff Specialist for Program Review and Evaluation in the Office of Resource Utilization, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

I received a B.A. in Economics from the University of Massachusetts in 1961 and a M.A. in Economics from the University of Florida in 1963. I completed course work for the Ph.D in Natural Resource Economics at the University of Michigan.

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UNITED STATES OF AMERICA  
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD SECRETARY  
OFFICE OF  
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BRANCH

In the Matter of	)	
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PACIFIC GAS AND ELECTRIC	)	Docket Nos. 50-275 OLA
COMPANY	)	50-323 OLA
(Diablo Canyon Nuclear Power Plant	)	(Spent Fuel Pool)
Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MOTHERS FOR PEACE FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 3rd day of October, 1986:

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