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RELATED CORRESPONDENCE

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'99 NOV 26 P4:04

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE  
RULEMAKING AND  
ADJUDICATION STAFF

In the Matter of:

) Docket No. 72-22-ISFSI

)  
) PRIVATE FUEL STORAGE, LLC  
) (Independent Spent Fuel  
) Storage Installation

) ASLBP No. 97-732-02-ISFSI

) November 19, 1999

**STATE OF UTAH'S FOURTH SET OF DISCOVERY REQUESTS  
DIRECTED TO THE APPLICANT AND SKULL VALLEY BAND OF  
GOSHUTES WITH RESPECT TO GROUP II CONTENTIONS**  
[Redacted Version]

Pursuant to the Board's Orders dated April 22, 1998 (LBP-98-7), and Orders dated June 29, 1998, August 20, 1998, September 20, 1999, and 10 CFR §§ 2.740, 2.741, and 2.742, Intervenor, State of Utah, hereby requests that Private Fuel Storage, LLC ("PFS") answer the following Interrogatories and Requests for Admissions separately, fully, in writing, and under oath within 10 days<sup>1</sup> after service of this discovery request and produce documents requested below within 15 days after service of this request.

**I. INSTRUCTIONS**

1. Scope of Discovery. These interrogatories and requests for admissions and production of documents are directed to Private Fuel Storage, LLC and any of

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<sup>1</sup> Counsel for the State and PFS have agreed that the party responding to Interrogatories and Requests for Admissions during the formal discovery period may timely file a response within eight (8) working days after receipt of the Discovery Request.

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the utility companies that own or comprise the members of PFS (collectively "PFS" or "Applicant"). The interrogatories cover all information in the possession, custody and control of PFS and/or its owner members, 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 their behalf or otherwise subject to their control.

2. **Lack of Information.** If you currently lack information to answer any Interrogatory completely, please state:
  - a. The responsive information currently available;
  - b. The responsive information currently unavailable;
  - c. Efforts which you intend to make to secure the information currently unavailable; and
  - d. When you anticipate receiving the information currently unavailable.
3. **Supplemental Responses.** Each of the following requests is a continuing one pursuant to 10 C.F.R. § 2.740(e) and the State hereby demands that, in the event that at any later date PFS obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and production of documents, PFS 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:

- a. the identity and location of persons having knowledge of discoverable matters;
  - b. 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
  - c. new information which makes any response hereto incorrect.
4. Objections. If you object to or refuse to answer any interrogatory 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.

5. 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. "PFS," "Applicant," "you," and "your" 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.
2. "ISFSI" shall mean the PFS proposed Independent Spent Fuel Storage Installation located in the northwest corner of the Skull Valley Goshute Indian Reservation, Utah.
3. 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 intraoffice 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, 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.

4. "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.

5. 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, 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;
  - 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.
6. "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.
7. The word "discussion" shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.
8. The word "person" shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.
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."

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

### **III. GENERAL DISCOVERY**

To the extent that the Applicant has not already answered the general interrogatories and general document requests in the State's previous discovery requests, please answer the following:

#### **A. GENERAL INTERROGATORIES**

Pursuant to agreement between the State and PFS, these general interrogatories apply to all Utah admitted contentions, are in addition to the ten interrogatories per contention allowed by the Board's Order dated April 22, 1998 (LBP-98-7), and are continuing in accordance with 10 CFR § 2.740(e).

**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 interrogatories, requests for admissions and requests for the production of documents. 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. To the extent that PFS has not previously produced documents relevant to any Utah admitted contention, identify all such documents not previously produced. PFS may respond to this request by notifying the State that PFS has updated its repository of documents relevant to admitted contentions at Parsons, Behle and Latimer.

GENERAL INTERROGATORY NO. 3. For each admitted Utah contention, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom PFS expects to call as a witness at the hearing. 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.

GENERAL INTERROGATORY NO. 4. For each admitted Utah contention, identify the qualifications of each expert witness whom PFS expects to call at the hearing, including but not limited to 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 testified as an expert at a trial, hearing or by deposition within the preceding four years.

**GENERAL INTERROGATORY NO. 5.** For each admitted Utah contention, describe the subject matter on which each of the witnesses is expected to testify at the hearing, 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 REQUESTS**

The State requests the Applicant to produce the following documents directly or indirectly within its possession, custody or control to the extent not previously produced by the Applicant during informal discovery:

**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.

**REQUEST NO. 2.** To the extent that PFS has not already produced documents to date, all documents in your possession, custody or control relevant to each Utah admitted contention, and to the extent possible, segregated by contention and separated from already produced documents.

**REQUEST NO. 3.** All documents (including experts' opinions, workpapers,

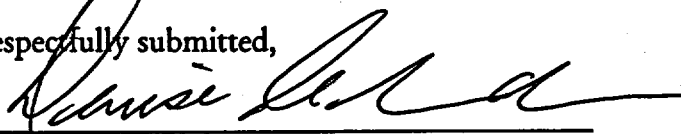
affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that you intend to use at the hearings on each Utah admitted contention.

*The State has obtained certain information from the Applicant under a confidentiality and non-disclosure agreement. The agreement provides that the State may use information obtained under the agreement in an NRC proceeding provided the State files a proprietary pleading relevant to that information. In this discovery request to the Applicant, the State references information obtained under the State-PFS confidentiality agreement or from the proprietary submittals to the NRC. Accordingly, the State files this discovery request as a proprietary pleading; however, the State makes no representation whether or not any of this information should be treated as confidential. The State and the Applicant have agreed that the Applicant will file a justification of its proprietary or confidentiality claim with the Staff or the Board or, alternatively, relinquish its proprietary claim. If the Applicant relinquishes a claim of confidentiality the Applicant will serve the relevant portion of the State's proprietary discovery requests on those parties who are not now being served with the State's proprietary requests.*

*As noted in the Mailing Certificate, the proprietary portion of the State's discovery request will not be served on those parties whom the State understands have not entered into a confidential and non-disclosure agreement with the Applicant or who are not otherwise privy to this information.*

DATED this 19<sup>th</sup> day of November, 1999.

Respectfully submitted,



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Denise Chancellor, Assistant Attorney General  
Fred G Nelson, Assistant Attorney General  
Connie Nakahara, Special Assistant Attorney General  
Diane Curran, Special Assistant Attorney General  
Laura Lockhart, Assistant Attorney General  
Attorneys for State of Utah  
Utah Attorney General's Office  
160 East 300 South, 5th Floor, P.O. Box 140873  
Salt Lake City, UT 84114-0873  
Telephone: (801) 366-0286, Fax: (801) 366-0292

CERTIFICATE OF SERVICE

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I hereby certify that a copy of STATE OF UTAH'S FOURTH SET OF  
DISCOVERY REQUESTS DIRECTED TO THE APPLICANT AND SKULL  
VALLEY BAND OF GOSHUTES WITH RESPECT TO GROUP II

CONTENTIONS [*Redacted Version*] was served on the persons listed below by  
electronic mail (unless otherwise noted) with conforming copies by United States mail  
first class,<sup>2</sup> this 19<sup>th</sup> day of November, 1999:

Emile L. Julian, Assistant for  
Rulemakings and Adjudications  
Rulemaking & Adjudication Staff  
Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington D.C. 20555  
E-mail: hearingdocket@nrc.gov  
(original and two copies)

G. Paul Bollwerk, III, Chairman\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555  
E-Mail: gpb@nrc.gov

Dr. Jerry R. Kline\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555  
E-Mail: jrk2@nrc.gov  
E-Mail: kjerry@erols.com

Dr. Peter S. Lam\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555  
E-Mail: psl@nrc.gov

Sherwin E. Turk, Esq.\*  
Catherine L. Marco, Esq.\*  
Office of the General Counsel  
Mail Stop - 0-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
E-Mail: set@nrc.gov  
E-Mail: clm@nrc.gov  
E-Mail: pfscase@nrc.gov

Jay E. Silberg, Esq.\*  
Ernest L. Blake, Jr., Esq.\*  
Paul A. Gaukler, Esq.\*  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N. W.  
Washington, DC 20037-8007

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<sup>2</sup> Those parties marked with an asterisk are not being served with the paper copy of this pleading.

E-Mail: Jay\_Silberg@shawpittman.com  
E-Mail: ernest\_blake@shawpittman.com  
E-Mail: paul\_gaukler@shawpittman.com

John Paul Kennedy, Sr., Esq.  
1385 Yale Avenue  
Salt Lake City, Utah 84105  
E-Mail: john@kennedys.org

Joro Walker, Esq.  
Land and Water Fund of the Rockies  
2056 East 3300 South Street, Suite 1  
Salt Lake City, Utah 84109  
E-Mail: joro61@inconnect.com

Danny Quintana, Esq.  
Danny Quintana & Associates, P.C.  
68 South Main Street, Suite 600  
Salt Lake City, Utah 84101  
E-Mail: quintana@xmission.com

James M. Cutchin  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
E-Mail: jmc3@nrc.gov  
(*electronic copy only*)

Office of the Commission Appellate  
Adjudication  
Mail Stop: 16-G-15 OWFN  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555  
(*United States mail only*)



Denise Chancellor  
Assistant Attorney General  
State of Utah