



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF THE EXECUTIVE DIRECTOR

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October 21, 1998

SENT VIA E-MAIL AND REGULAR MAIL

Ernest L. Blake Jr., Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007

Dear Mr. Blake:

Re: *In the Matter of Private Fuel Storage, LLC,*
Docket No.: 72-22-ISFSI
Informal Discovery

We have completed reviewing all files available to us at Parsons Behle and Latimer and on October 21, received copies of various requested documents. However, we were not given access to your files containing Holtec proprietary information due to the specific nature of the Proprietary Agreement between the State of Utah and Holtec International Corporation. It is my understanding that you or your co-counsel are determining whether the Proprietary Agreement between the State of Utah and Holtec encompasses the documents in your proprietary files.

Please advise me of your determination as soon as possible. If you determine that the Proprietary Agreement will not allow the State access to the Holtec documents, please advise us how we may obtain access to those files.

In addition to the files currently located at Parsons Behle and Latimer, the State of Utah is making a preliminary request that PFS make available the following documents:

1. An electronic copy of the raw seismic reflection data recently collected by Bay Geophysics on the Skull Valley Reservation and surrounding areas, including Bureau of Land Management property. In addition to the foregoing, provide any field notes and project summaries as well as any other data and field notes relating to the seismic studies.
2. Any and all documents relating to a plant or vegetation survey conducted or to be conducted on behalf of PFS. This request includes the criteria established for conducting

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such a plant survey, qualifications of the entity conducting the survey, correspondence to or from any federal or state agency, field notes, and draft and final reports relating to the study.

3. Any and all documentation relating to contentions in the possession of the Skull Valley Band of Goshutes, its members or its attorney.
4. Any and all documentation relating to the Department of Energy's calculation of construction, operation and maintenance, and decommissioning costs for a Monitored Retrievable Storage Facility proposed for the Skull Valley Goshute Reservation.
5. Any and all documentation concerning discussions or correspondence with the U.S. Environmental Protection Agency or any other federal agency relating to potential or necessary approvals and permits required in connection with the PFS project
6. Any and all additional documents concerning discussions or correspondence with any federal or local agency, such as the U.S. Environmental Protection Agency, the U.S. Bureau of Land Management, the U.S. Fish and Wildlife, U.S. Bureau of Indian Affairs, Tooele County, relating to their participation or other interest in the Environmental Impact Statement being prepared by the NRC the PFS licensing action.
7. Any and all additional documents concerning discussions or correspondence the U.S. Bureau of Indian Affairs or any other federal or local agency, relating to the lease agreement between the Skull Valley Band of Goshutes and PFS.
8. Any and all additional documents concerning discussions or correspondence with any federal or local agency, such as the U.S. Bureau of Land Management, the U.S. Fish and Wildlife, U.S. Forest Service, State of Utah, relating to impacts to wildlife or plants in the Skull Valley.
9. Any and all additional documents concerning discussions, correspondence, or agreements with any federal or local agency, such as the U.S. Army, the U.S. Bureau of Land Management, the U.S. Fish and Wildlife, U.S. Bureau of Indian Affairs, U.S. Forest Service, Tooele County, relating to the coordination or their ability to provide emergency and law enforcement services.

In addition, we are unable to determine, from the documents PFS has provided, whether PFS intends to use or require the use of impact limiters on transportation casks after transfer to heavy haul trucks at the intermodal transfer point. The application itself is unclear and our review of PFS's documents has not yielded the information. It is also unclear whether, for nuclear plants without rail connections, impact limiters will be used on casks during heavy haul truck transport from the nuclear plant to the rail connection. Thus, please also provide any

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documents which discuss whether PFS intends to use or require the use of impact limiters throughout the process of transporting spent fuel from nuclear plants to the storage facility; and if they are not to be used throughout the transportation process, when they will not be used. If such documentation does not exist, provide an explanation in a letter.

After we have had a chance to carefully review the documents we have already obtained from you, we may make requests for the production of additional documents. If you have any questions, please contact me at 801-536-4231.

Sincerely,

Connie S. Nakahara

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c: David Bird, Esq., Parsons Behle and Latimer
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