

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of:	)	Docket No. 72-22-ISFSI
	)	
PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	June 10, 1999

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STATE OF UTAH'S FIRST SET OF DISCOVERY REQUESTS  
DIRECTED TO THE NRC STAFF

Pursuant to the Board's Orders dated April 22, 1998 (LBP-98-7), June 29, 1998 and August 20, 1998, and 10 CFR §§ 2.740, 2.741, and 2.742, Intervenor, State of Utah, hereby requests that the Staff of the Nuclear Regulatory Commission ("Staff" or "NRC") answer the following Interrogatories and Requests for Admissions separately, fully, in writing, and under oath within 10 days after service of this discovery request and produce documents requested below within 15 days after service of this request.

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories and request for admissions and production of documents are directed to NRC Staff and any of the Staff's contractors or agency (collectively "NRC" or "Staff"). The interrogatories cover all information in the possession, custody and control of NRC, including information in the possession of officers, employees, agents, servants, representatives, attorneys, or

other persons directly or indirectly employed or retained by NRC, or anyone else acting on their behalf or otherwise subject to NRC's control.

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 the State hereby demands that, in the event that at any later date NRC obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and production of documents, NRC 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:

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 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. "NRC," "Staff," "you" and "your" refers to the officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by U.S. Nuclear Regulatory Commission, or anyone else acting on its behalf or otherwise subject to its control.

2. "PFS," or "Applicant," 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.

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. "ER" shall mean the Environmental Report prepared by Private Fuel Storage, LLC as part of its license application for the NRC.

8. "SAR" shall mean the Safety Analysis Report as prepared by Private Fuel Storage, LLC as part of its license application for the NRC.

9. "EIS RAI Response" shall mean PFS's February 18, 1999 response to NRC Staff's December 18, 1998, Request for Additional Information relating to Environmental Impact Statement.

10. "Second Round Safety RAI Response" shall mean PFS's February 10, 1999 response to NRC Staff's January 21, 1999, Request for Additional Information on the License Application.

11. "ISFSI" shall mean the PFS proposed Independent Spent Fuel Storage Installation located in the northwest corner of the Skull Valley Goshute Indian

reservation, Utah.

12. "ITP" or "ITF" shall mean, respectively, the intermodal transfer point or intermodal transfer facility, located next to the Union Pacific mainline approximately 1.8 miles west of Rowley Junction (also called Timpie) and Skull Valley Road, Utah.

13. The word "discussion" shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

14. The word "person" shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.

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

16. The words "and" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."

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

### **III. GENERAL DISCOVERY**

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

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. Identify all documents relevant to any Utah admitted contention that NRC intends to rely upon in litigating each Utah contention.

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 NRC 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 NRC 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 NRC to produce the following documents that are directly or indirectly within its possession, custody or control.

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. All documents in your possession, custody or control relevant to each Utah admitted contention.

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 NRC intends to use at the hearings on each Utah admitted contention.

**IV. UTAH CONTENTION B (License Needed for Intermodal Transfer Facility)**

**A. REQUEST FOR ADMISSIONS – Utah Contention B**

REQUEST FOR ADMISSION NO. 1. Do you admit that NRC has no detailed design plans, blueprints or drawings of: the gantry crane, the building that will house the gantry crane, a security system, and other functional aspects (such as the septic tank system) associated with the Intermodal Transfer Facility ("ITF").

REQUEST FOR ADMISSION NO. 2. Do you admit that the design of the ITF requires PFS to use the Union Pacific Rail Line right-of-way for the construction and operation of rail sidings at the ITF.

REQUEST FOR ADMISSION NO. 3. Do you admit that NRC has no details of agreements or arrangements, if any, between PFS and the Union Pacific Rail Line ("UP") for the Applicant to use UP's right-of-way on the south side of the main

line at the ITF.

REQUEST FOR ADMISSION NO. 4. Do you admit that NRC will require, as a license condition, that all casks shipped to the ITF be sent by dedicated or single use train.

REQUEST FOR ADMISSION NO. 5. Do you admit that sending casks to the ITF via mixed freight versus single use or dedicated train will affect the routine operation of the ITF.

REQUEST FOR ADMISSION NO. 6. Do you admit that sending casks by mixed freight shipment to the ITF will create uncertainty as to the timing of shipments terminating at the ITF.

REQUEST FOR ADMISSION NO. 7. Do you admit that a shipment of casks sent by mixed freight to the ITF will require the cars containing the casks to be segregated from the non-cask freight cars (i.e. the shipment will need to be reconfigured), either at the ITF or at a rail yard in Salt Lake City.

REQUEST FOR ADMISSION NO. 8. Do you admit that the design of the ITF will only accommodate a maximum shipment of two locomotives, four spacer cars, three cask cars and a security car.

REQUEST FOR ADMISSION NO. 9. Do you admit the following are some of the facts required to determine whether the ITF is a de facto interim storage facility: (a) the number of casks per shipment that will come into the ITF; (b) the frequency

and timing of shipments that will come into the ITF; (c) the sequencing of casks that will come into the ITF; (c) the ability to move a cask from the ITF to the ISFSI; and (d) the timing of the movement of a cask from the ITF to the ISFSI.

REQUEST FOR ADMISSION NO. 10. Do you admit that there is no analysis of the number of casks that will come into Rowley Junction for intermodal transfer to the proposed PFS facility other than the arithmetic of a 20 year license initial term or 40 year initial and renewal terms divided by the maximum number of casks allowed under the proposed NRC Part 72 license (*i.e.*, 4,000 casks divided by 20 years would yield 200 casks per year; or if divided by 40 years, then 100 casks per year).

REQUEST FOR ADMISSION NO. 11. Do you admit that, with respect to cask shipments to the ITF, NRC has made no analysis of the number of casks per shipment, the frequency and timing of shipments or the Applicant's ability to move the casks from the ITF to the ISFSI.

REQUEST FOR ADMISSION NO. 12. Do you admit that the Applicant will own the buildings, sidings, gantry crane and any other fixtures at the ITF.

REQUEST FOR ADMISSION NO. 13. Do you admit operation of the ITF will (a) be under the Applicant's supervision and control, or (b) if under contract, be operated according to procedures and training requirements established by the Applicant.

REQUEST FOR ADMISSION NO. 14. Do you admit that the Applicant will be in possession of casks once a cask shipment has reached the terminus at the ITF.

REQUEST FOR ADMISSION NO. 15. Do you admit that the Applicant will (a) provide security for all casks at the ITF; (b) security for each cask en route to the ISFSI; and (c) security for each cask once it arrives at the ISFSI.

REQUEST FOR ADMISSION NO. 16. Do you admit that the Applicant will rely on ISFSI personnel to respond to emergencies (e.g., breach of security, unexpected release of radiation, fires, etc.) at the ITF.

REQUEST FOR ADMISSION NO. 17. Do you admit that NRC has no information, from the Applicant or otherwise, that accurately estimates the response time from the ISFSI to the ITF (in both fair and adverse weather conditions).

REQUEST FOR ADMISSION NO. 18. Do you admit that the ITF will not be adequately protected by the Applicant's reliance on ISFSI staffing to respond to emergencies (e.g., breach of security, unexpected release of radiation, fires, etc.) at the ITF.

REQUEST FOR ADMISSION NO. 19. Do you admit that the Applicant will have a maximum of two heavy haul tractor trailers for the movement of casks from the ITF to the ISFSI.

REQUEST FOR ADMISSION NO. 20. Do you admit that the Applicant will own the two heavy haul tractor trailers.

REQUEST FOR ADMISSION NO. 21. Do you admit that a heavy haul tractor trailer loaded with a cask, tie downs, stabilizers, etc. will clear the I-80 underpass at Rowley Junction by (a) less than twelve inches; (b) less than six inches; or (c) less than two inches.

REQUEST FOR ADMISSION NO. 22. Do you admit that the a loaded cask may not clear the I-80 underpass at Rowley Junction during snow conditions or if some of the 100 tires on the heavy haul tractor/trailer are over inflated.

**B. INTERROGATORIES – Utah Contention B**

INTERROGATORY NO. 1. To the extent that NRC does not admit any or all request for admissions No. 1 through No. 22 above, please provide the basis for any and all denials.

INTERROGATORY NO. 2. If NRC admits Request for Admission No. 15, please describe the nature of the security that the Applicant will provide for the casks at the ITF, en route from the ITF to the ISFSI, and the arrival of a cask at the ISFSI, and describe whether any of these security measures differ from the security measures required by 10 CFR Part 72.

**C. DOCUMENT REQUESTS – Utah Contention B**

DOCUMENT REQUEST NO. 1. All documents relied on by the NRC to show that the ITF is not a de facto interim storage facility

DOCUMENT REQUEST NO. 1. All documents relied on by NRC to show

that the Applicant will not be in possession of spent nuclear fuel cask at the ITF.

**V. UTAH CONTENTION C (Dose Limits)**

**A. REQUEST FOR ADMISSIONS – Utah Contention C**

The following requests for admissions are based on revised accident dose calculations, included as an attachment, and submitted to NRC on February 11, 1999 under separate cover, to the Second Round Safety RAI Response. The accident dose calculations were prepared by Dade Moeller and Associates for Stone and Webster, and are presented in two reports: UR-010, RESRAD Pathway Analysis Following Deposition of Radioactive Material From the Accident Plumes (February 9, 1999); and UR-009, Accident Dose Calculations at 500m and 3219m Downwind for Canister Leakage Under Hypothetical Accident Conditions for the Holtec MPC-68 and SNC TranStor Canisters (February 9, 1999). The revised calculations make a number of assumptions whose bases are unexplained.

REQUEST FOR ADMISSION NO. 1. Do you admit that PFS assumes a person stands 500 meters away from a canister for 2,000 hours/year?

REQUEST FOR ADMISSION NO. 2. Do you admit that PFS assumes that the person standing 500 meters away from a canister for 2,000 hours is a worker?

REQUEST FOR ADMISSION NO. 3. Do you admit that PFS assumes that there will not be any full time residents at or near the fence post of the controlled area?



REQUEST FOR ADMISSION NO. 4. Do you admit that PFS assumes that it has control over the area beyond the fence post of the controlled area?

REQUEST FOR ADMISSION NO. 5. Do you admit that PFS assumes the leak rate for the Holtec Hi-Storm storage cask is derived from NUREG-1617?

REQUEST FOR ADMISSION NO. 6. Do you admit that PFS assumes that the leak rate for the Holtec Hi-Storm storage cask used at the PFS facility will be the same as is permitted by NRC regulations in 10 CFR 71.51 and Appendix A.

REQUEST FOR ADMISSION NO. 7. Do you admit that PFS has done no independent analysis to justify the assumptions described in Admissions 1 and 2 above?

REQUEST FOR ADMISSION NO. 8. Do you admit that a TOW-2 anti-tank missile can penetrate one meter of steel, and therefore could penetrate a HI-STAR 100 metal cask?

REQUEST FOR ADMISSION NO. 9. Do you admit that a MILAN anti-tank missile can penetrate one meter of steel, and therefore could penetrate a HI-STAR 100 metal cask?

REQUEST FOR ADMISSION NO. 10. Do you admit that the leak rate A2, specified in 10 CFR Part 71, Appendix A for a type B transportation cask, could be exceeded by a direct strike of a TOW-2 or MILAN anti-tank missile?

REQUEST FOR ADMISSION NO. 11. Do you admit that the hole diameter calculated in NUREG/CR-6487 could be exceeded by a direct strike of a TOW-2 or MILAN anti-tank missile?

**B. INTERROGATORIES - Utah Contention C**

INTERROGATORY NO. 1. In October 1998, the NRC issued Interim Staff Guidance (ISG) 5. ISG-5 assumes a 30-day release for an accident involving a spent fuel storage cask. Please provide the basis for this assumption, including all available quantitative and qualitative information. Your answer should include a description of: whether people at the fence post (*i.e.*, 500 meters from a canister) are assumed to remain in the area or be notified and evacuated and given an explanation for the notification and evacuation; what is expected to occur during the 30-day period and why; and what occurs at the expiration of the 30-day period and why.

INTERROGATORY NO. 2. Justify a 30-day exposure period for each of the different exposure pathways: direct gamma from deposited radionuclides; direct gamma from the passing cloud; inhalation of gases, particulates and volatiles; and ingestion of food (*e.g.*, milk, vegetation, meat).

INTERROGATORY NO. 3. By letter dated February 11, 1999, in response to a Request for Additional Information ("RAI"), PFS submitted revised accident dose calculations. The calculations were prepared by Dade Moeller and Associates for Stone and Webster, and are presented in two reports: UR-010, "RESRAD Pathway Analysis

Following Deposition of Radioactive Material From the Accident Plumes" (February 9, 1999); and UR-0009, "Accident Dose Calculations at 500 M and 3219m Downwind for Canister Leakage Under Hypothetical Accident Conditions for the Holtec MPC-68 and SNC TranStor Canisters" (February 9, 1999). Please respond regarding the adequacy of the following aspects of PFS's analysis:

- a. PFS assumes a person stands 500 meters away from a leaking canister for 2,000 hours/year. This appears to be based on the assumption that the person is a worker rather than a nearby resident. Do you agree or disagree with this assumption? Please explain your answer. If you agree with PFS, your answer should include an explanation of why PFS should not be required to consider a full-time resident who is exposed for 8,760 hours/year. For instance, is the unrestricted area assumed in some way to be restricted? If you disagree with PFS, please explain what assumption(s) PFS should have used.
- b. For a thyroid dose, PFS considers iodine-129, but ignores chlorine-36, which will also be present in irradiated fuel. Please explain whether you agree or disagree with PFS, and why.
- c. In UR-010, the RESRAD pathway analysis, particulates are assumed to be deposited downwind. This deposited radioactive material is then assumed to be mixed within the top 1 centimeter of soil. The

standard code RESRAD is then employed to calculate direct gamma, food ingestion and inhalation of resuspended particulates. Rather than artificially mix radioactive material with soil, Moeller & Associates could have directly calculated a direct gamma dose from the surface density of deposited radionuclides ( $\text{pCi}/\text{m}^2$ ) using FGR #12 (EPA, "External Exposure To Radionuclides In Air, Water, And Soil," EPA 402-R-93-081, September 1993), an EPA report Moeller & Associates used in calculating an immersion dose. Do you agree or disagree with PFS's failure to use FGR # 12 to calculate the direct gamma dose from the surface concentrations? Please explain your answer.

INTERROGATORY NO. 4. In UR-009, Dade Moeller & Associates changes the methodology used in PFS's SAR for estimating the release of particulates, gases, and volatiles from a storage cask. The methodology is now based on NUREG-1617, "Standard Review Plan Transportation Packages for Spent Nuclear Fuel" (March 1998). NUREG-1617 is in turn based on NUREG/CR-6487, a report by Lawrence Livermore National Laboratories ("LLNL") entitled "Containment Analysis for Type B Packages Use to Transport Various Contents" (November 1996). Do you agree with PFS's reliance on NUREG-1617 and NUREG/CR-6487? If so, please explain why it is appropriate to rely on a transportation analysis for an evaluation of doses yielded by a storage cask. Your answer should include a discussion of the applicability of ANSI

standard N14.5 to storage casks. ANSI standard N14.5 assumes annual leak testing, a condition not satisfied with the Holtec or Transtor dry storage cask. Provide any analyses or calculations that support your answer.

INTERROGATORY NO. 5. How will vibrations and heat during transport affect the leak rate during storage? Your answer should include consideration of the effects of spalling of crud and degradation of fuel assemblies and the effect of transportation vibrations on weld integrity.

INTERROGATORY NO. 6. To the extent that NRC does not admit any or all Request for Admissions No. 1 through No. 22 above, please provide the basis for any and all denials.

**C. DOCUMENT REQUESTS - Utah Contention C**

The State requests the NRC Staff to produce the following documents directly or indirectly within its possession, custody or control:

DOCUMENT REQUEST NO. 1. Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies for the NRC Staff's accident dose limits analyses, exposure duration, exposure pathways, and leak rate for the Holtec casks.

DOCUMENT REQUEST NO. 2. Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies used to prepare ISG-5.

DOCUMENT REQUEST NO. 3. Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies used to prepare NUREG-1617.

DOCUMENT REQUEST NO. 4. Any qualitative or quantitative information and documents that relate to assumptions, calculations, and methodologies used to prepare NUREG/CR 6487 .

**VI. UTAH CONTENTION H- Thermal Design**

**A. REQUEST FOR ADMISSIONS - Utah Contention H**

REQUEST FOR ADMISSION NO. 1. Do you admit that the NRC staff has not conducted an independent thermal analysis of casks at the PFS facility taking into account the thermal interaction of the casks and the concrete pad.

REQUEST FOR ADMISSION NO. 2. Do you admit that the NRC Staff has not confirmed the Applicant's EHT model calculations.

REQUEST FOR ADMISSION NO. 3. Do you admit that the NRC Staff has not run the FLUENT code employed by the Applicant.

**B. INTERROGATORIES - Utah Contention H**

INTERROGATORY NO. 1. To the extent that NRC does not admit any or all Request for Admissions No. 1 through No. 3 above, please provide the basis for any and all denials.

VII. UTAH CONTENTION R (Emergency Planning)

A. REQUEST FOR ADMISSIONS - Utah Contention R

REQUEST FOR ADMISSION NO. 1. Do you admit that PFS has not determined the number of persons per shift it will have on-site at the ISFSI.

REQUEST FOR ADMISSION NO. 2. Do you admit that PFS will not have a full-time fire brigade stationed on site.

REQUEST FOR ADMISSION NO. 3. Do you admit that the duties of the five member PFS fire brigade will be additional to the team members' normal duties.

REQUEST FOR ADMISSION NO. 4. Do you admit that PFS has not determined what the "normal" duties of fire brigade members will entail.

REQUEST FOR ADMISSION NO. 5. Do you admit that it will take up to 90 minutes for off-duty fire brigade members to be called back to the ISFSI site.

REQUEST FOR ADMISSION NO. 6. Do you admit that during a wild land fire that may threaten the ISFSI site, PFS fire brigade staff members may not be able to abandon their "normal" duties for fire duties.

REQUEST FOR ADMISSION NO. 7. Do you admit that a wild land fire may require all personnel to evacuate the ISFSI site.

REQUEST FOR ADMISSION NO. 8. Do you admit that evacuation of all personnel from the ISFSI site leaves the casks vulnerable to saboteurs.

REQUEST FOR ADMISSION NO. 9. Do you admit that wild land fires

may cause the power supply to the PFS facility to be interrupted for hours or days.

REQUEST FOR ADMISSION NO. 10. Do you admit that during a wild land fire PFS may not be able to use its diesel-powered emergency generating system.

REQUEST FOR ADMISSION NO. 11. Do you admit that PFS does not have adequate support capability to fight fires onsite.

**B. INTERROGATORIES - Utah Contention R**

INTERROGATORY NO. 1. To the extent that NRC does not admit any or all Requests for Admissions No. 1 through No. 11 above, please provide the basis for any and all denials.

**C. DOCUMENT REQUESTS - Utah Contention R**

DOCUMENT REQUEST NO. 1. All documents NRC staff intends to rely upon to show that the Applicant has the support capability to fight fires onsite.

DOCUMENT REQUEST NO. 2. All documents that show the casks will not be at risk of being breached by saboteurs if all ISFSI staff are required to evacuate the site because of wild land fires.

**VIII UTAH CONTENTION SECURITY C (Local Law Enforcement)**

**A. REQUEST FOR ADMISSIONS - Utah Contention Security C**

REQUEST FOR ADMISSION NO. 1. Do you admit the proposed PFS ISFSI site is located on a sovereign Indian reservation.



REQUEST FOR ADMISSION NO. 2. Do you admit that, absent a written arrangement to the contrary, the State or local law enforcement agencies ("LLEA") are not obligated to provide law enforcement services to a sovereign Indian nation.

REQUEST FOR ADMISSION NO. 3. Do you admit that it is the responsibility of the U.S. Bureau of Indian Affairs ("BIA") to provide law enforcement services to sovereign Indian nations.

REQUEST FOR ADMISSION NO. 4. Do you admit the BIA Office responsible for managing the Skull Valley Indian reservation is located in Fort Duchesne, Utah.

REQUEST FOR ADMISSION NO. 5 Do you admit that the distance, by road, from Fort Duchesne to the Skull Valley Indian reservation is at least 175 miles.

REQUEST FOR ADMISSION NO. 6. Do you admit that the Applicant has provided no documentation of any formal or written arrangements or agreements with any local law enforcement agency to provide response or support services for incidents that may require law enforcement assistance at the proposed ISFSI site.

REQUEST FOR ADMISSION NO. 7. Do you admit that the Applicant has provided no documentation of any formal or written arrangements or agreements with Tooele County, or its subdivisions, for the Tooele County Sheriff's Office to provide response or support services for incidents that may require law enforcement assistance at the proposed ISFSI site.

REQUEST FOR ADMISSION NO. 8. Do you admit that the Applicant is relying entirely on a cooperative agreement between Tooele County, the BIA and the Skull Valley Band of Goshutes, dated June 3, 1997, as satisfying the requirement to document liaison for LLEA assistance at the proposed ISFSI site.

REQUEST FOR ADMISSION NO. 9. Do you admit the Tooele County Attorney has stated that under the June 3, 1997 cooperative agreement, referred to in Request for Admission No. 8, Tooele County is not obligated to provide law enforcement protection to the proposed ISFSI site.

REQUEST FOR ADMISSION NO. 10. Do you admit that the Applicant has not determined, documented or provided NRC with information relating to the response time for a local law enforcement agency to respond to an incident at the proposed ISFSI site.

**B. INTERROGATORIES – Utah Contention Security C**

INTERROGATORY NO. 1. To the extent that NRC does not admit any or all Requests for Admissions No. 1 through No. 10 above, please provide the basis for any and all denials.

**C. DOCUMENT REQUESTS – Utah Contention Security C**

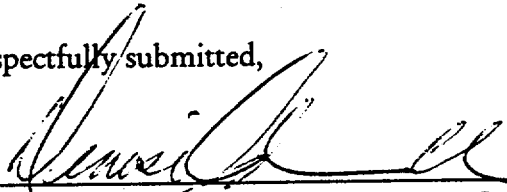
DOCUMENT REQUEST NO. 1. All documents NRC intends to rely upon to show that the Applicant has a documented arrangement with an LLEA to provide law enforcement response or support services for incidents that occur at the proposed

ISFSI site.

DOCUMENT REQUEST NO. 2. All documents NRC intends to rely upon to show the anticipated response time by an LLEA to the proposed ISFSI site, taking into account such factors as level of LLEA staffing, size of territory patrolled by the LLEA, and the number and availability of patrol cars.

DATED this 10th day of June, 1999.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S FIRST SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 10th day of June, 1999:

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A handwritten signature in dark ink, appearing to read "Denise Chancellor", is written over a horizontal line.

Denise Chancellor  
Assistant Attorney General  
State of Utah