

June 4, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**APPLICANT'S OBJECTIONS AND NON-PROPRIETARY RESPONSES  
TO STATE'S SECOND REQUESTS FOR DISCOVERY (GROUP I)**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") files the following objections and responses to "State of Utah's Second Set of Discovery Requests Directed to the Applicant" ("State's Second Discovery Requests"), an electronic copy of which was served on the Applicant on Thursday, May 13, 1999. The Applicant is filing responses to the discovery requests for the Group I contentions, in accordance with the Board's Order dated May 26, 1999, granting extension for such filing to on or before June 4, 1999.<sup>1</sup> Responses to the discovery requests for the Group II and Group III contentions will be filed by June 18, 1999, in accordance with that same Order.<sup>2</sup>

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<sup>1</sup> The following Group I contentions are addressed in this Response: Utah B, Utah K, Utah M, Utah N, Utah R, and Utah Security-C.

<sup>2</sup> The following Group II and Group III contentions in the State's Second Discovery Requests will be addressed in Applicant's response by June 18, 1999: Utah E, Utah L, Utah S, and Utah DD. The Applicant will, if necessary, file a separate response with respect to those portions of the State's Second Discovery Requests which contain proprietary information, specifically requests concerning Utah Contention E.



## **I. GENERAL OBJECTIONS**

These general objections apply to the Applicant's responses to all of the State's Second Discovery Requests.

1. The Applicant objects to State's instructions and definitions on the grounds and to the extent that they request or purport to impose upon the Applicant any obligation to respond in manner or scope beyond the requirements set forth in 10 C.F.R. §§ 2.740, 2.741 and 2.742.

2. The Applicant objects to State's Request for Production of Documents to the extent that it requests discovery of information or documents protected under the attorney-client privilege, the attorney work product doctrine, and limitations on discovery of trial preparation materials and experts' knowledge or opinions set forth in 10 C.F.R. § 2.740 or other protection provided by law. The Applicant has provided the State with a Privilege Log which identifies documents subject to these privileges and protections, which the Applicant reserves the right to supplement.

3. The Applicant objects to the State's interrogatories and document requests to the extent they seek discovery beyond the scope of the Utah contentions, as admitted by the Board in this proceeding. The State is only permitted to obtain discovery on matters that pertain to the subject matter with which the State is involved in this proceeding. 10 C.F.R. § 2.740(b).



## **II. GENERAL DISCOVERY REQUESTS**

### **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 C.F.R. § 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.

**APPLICANT'S RESPONSE:** In addition to counsel for PFS, the following persons were consulted and/or supplied information in responding to the discovery requests for the Group I Contentions in the State's Second Discovery Requests:

John Donnell  
Project Director  
Private Fuel Storage L.L.C.  
7677 East Berry Ave  
Denver, CO 80111-2137  
Utah Contention B

William Hennessy  
Assistant Project Manager and Lead Licensing Engineer  
Stone & Webster  
7677 Berry Avenue  
Denver, CO 80111-2137  
Utah Contention K

Jerry Cooper  
Project Engineer  
Stone & Webster  
7677 Berry Avenue  
Denver, CO 80111-2137  
Utah Contention M, N, R



Jeffrey Johns  
Senior Licensing Engineer  
Stone & Webster  
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Utah Contention K

Bruce E. Brunsdon  
Lead Mechanical Engineer  
Stone & Webster  
7677 Berry Avenue  
Denver, CO 80111-2137  
Utah Contention K

James L. Cole, retired Air Force Brigadier General  
Burdeshaw Associates, Ltd.  
Chief of Staff, National Air Traffic Controllers Association  
7711 Griffin Pond Court  
Springfield, VA 22153  
Utah Contention K

George A. Carruth  
Consultant, retired Army Colonel  
6435 Alloway Court  
Springfield, VA 22152  
Utah Contention K

Donald W. Lewis  
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Utah Contention B, K, N, R

Wesley J. Jacobs  
Lead Electrical Engineer  
Stone & Webster  
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Utah Contention K, Security-C

David Axt  
Corporate Senior Security Coordinator  
Northern States Power Company  
414 Nicollet Mall (RS-6)  
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Utah Contention Security-C



Carl Mazzola  
Environmental Permitting Engineer  
Stone & Webster  
4163 Hammonds Fry  
Evans, GA 30809  
Utah Contention R

In response to whether the information or opinions of anyone who was consulted in connection with PFS's response to an interrogatory or request for admission differs from the PFS's written answer to the discovery request, PFS is unaware of any such difference among those consulted.

**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.

**APPLICANT'S RESPONSE:** As jointly agreed to by the State and PFS, PFS will notify the State upon updating its repository of documents relevant to admitted Contentions maintained at Parsons Behle and Latimer in Salt Lake City.

**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.

**APPLICANT'S RESPONSE:** The Applicant has not identified any additional persons whom it expects to call as witnesses at the hearing with respect to the State's admitted contentions beyond those identified in the Applicant's Response to the State's First Set of Discovery Requests. See Response to State's First Set of Discovery



Requests, General Interrogatory No. 3 as supplemented. The Applicant will supplement this response in accordance with 10 C.F.R. § 2.740(e) as it obtains further information.

**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.

**APPLICANT'S RESPONSE:** See Response to General Interrogatory 3 above.

**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.

**APPLICANT'S RESPONSE:** See Response to General Interrogatory 3 above.

**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.

**APPLICANT'S RESPONSE:** To the extent PFS has not previously produced such documents, PFS will forward them next week to its repository of documents maintained at Parsons Behle and Latimer in Salt Lake City, Utah or provide them in conjunction with PFS's motion for partial summary disposition of Utah K.



**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.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**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.

**APPLICANT'S RESPONSE:** Applicant objects to this Request as being overly broad, vague, unduly burdensome and seeking privileged material. Applicant will provide such documents, with respect to its witnesses/experts, as agreed to by the State and PFS. See Applicant's Objections and Non-Proprietary Responses to State's First Requests for Discovery, Response to General Interrogatory No. 5 (Apr. 21, 1999).

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

#### **A. REQUESTS FOR ADMISSION – Utah Contention B**

**REQUEST FOR ADMISSION NO. 1.** Do you admit that PFS has not yet developed design plans or blueprints for the ITF [sic].

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin v. E.F. Hutton, 125 F.R.D. 372, 376 (S.D.N.Y. 1989). The terms "design plans or blueprints" are undefined. Nevertheless, without waving this objection, the request is denied. PFS has developed general arrangement drawings for the Intermodal Transfer Point ("ITP") site and weather enclosure.



**REQUEST FOR ADMISSION NO. 2.** Do you admit that PFS has no contracts or formal arrangements, either in draft or final form, for the operation of the ITF.

**APPLICANT'S RESPONSE:** Admitted. PFS plans to perform the operations at the ITP. See PFSF Safety RAI No. 2, ITP-1 at 2 (Feb. 10, 1999). Hence, PFS does not currently plan to contract ITP operations out to a third party. Therefore, PFS has not developed contracts to do so. If such an alternative is pursued, PFS will, at that time, develop such contracts.

**REQUEST FOR ADMISSION NO. 3.** Do you admit that PFS has no analysis of the number of casks that will come into Rowley Junction for intermodal transfer to the proposed PFS facility other than a mathematical computation based on the initial 20 year license term or 40 year initial and renewal terms and 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.)

**APPLICANT'S RESPONSE:** PFS objects to this request as outside the scope of the contention as admitted by the Licensing Board. The Board specifically excluded from Contention B consideration of "[p]aragraphs two and three of this contention" regarding "[t]he anticipated volume and quantity of fuel shipments that will pass through [the ITP]." Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 184 (1998).

**REQUEST FOR ADMISSION NO. 4.** Do you admit that during the 20 year initial license term PFS will retain the option of operating both the ITF and the Low rail spur option.

**APPLICANT'S RESPONSE:** PFS admits that it plans to retain both the rail line and intermodal transfer options until such time that one of the alternatives can be eliminated without impacting the project. Although the rail line is the preferred option, PFS does not plan to foreclose the alternative of intermodal transfer. See SAR at 1.4-1.



For this reason, the PFSF license application addresses both the rail line and intermodal transfer options, and includes an evaluation of the environmental impacts for both options.

**B. INTERROGATORIES – Utah Contention B.**

**INTERROGATORY NO. 4.** Describe the operational procedures and the proposed infrastructure at the ITF for the handling of a rail shipment arriving at the ITF for intermodal transfer to the proposed ISFSI that may contain up to five casks, six spacer cars, one crew car and two engines, and also describe the length of the siding required for such a shipment and how the ITF could accommodate such a shipment. *See Response to EIS RAI, "Transportation," Question 1-2 at 1.*

**APPLICANT'S RESPONSE:** The maximum number of cask cars that would arrive in a rail shipment at the ITP would be three. The reference to trains of "3 to 6 rail cars" in the response to EIS RAI 1-2 refers to the Low Corridor rail line and not the ITP. The operational plan, infrastructure at the ITP, and length of siding, to the extent known, are as follows:

**Operational procedures and infrastructure for handling a rail shipment.** The operational process for the transfer of sealed spent fuel transportation casks at the ITP as currently planned by PFS, will occur as follows:

1. Receive incoming rail shipment and park on one of two sidings (inbound).
2. Decouple locomotives and either move them to the other siding (outbound) or have them depart the ITP with empty cars previously unloaded.
3. Separate one cask car from the balance of the train and move onto unloading track under gantry crane with small rail switcher.
4. Remove attachment hardware between cask shipping cradle and cradle tie down structure mounted on the railcar bed.
5. Attach lifting rigging / gantry crane hook to cask cradle.



6. Lift entire integral shipment (cask/shipping cradle/impact limiters) a few inches up and off rail car and move over and lower onto heavy haul trailer.
7. Install attachment hardware between cask shipping cradle and cradle tie down structure mounted on heavy haul trailer to secure load.
8. Move heavy haul trailer from ITP to PFSF.
9. Move empty cask rail car from under gantry crane and park on outbound siding.
10. Repeat steps 3 through 9 until all cask rail cars are emptied.

Infrastructure at ITP: The ITP is shown in Figure 3.2-1 of the PFS Environmental Report. The major ITP infrastructure components necessary to handle a rail shipment arriving at the ITP and transfer it to a heavy-haul truck/trailer include: the two rail sidings (inbound and outbound), the single-failure-proof gantry crane, the unloading track that passes under the gantry crane, and the truck access corridor under the gantry crane. The metal weather enclosure over the gantry crane at the ITP is provided only for weather protection of the crane.

Length of the siding. A train consisting of three cask cars, four spacer cars, one security crew car, and two locomotives would be approximately 750 ft. long assuming the length of a cask car is 100 ft., a spacer car is 55 ft., a security crew car is 60 ft., and a locomotive is 85 ft. The shorter of the two sidings will accommodate a total train length of up to 1100 ft. The longer of the two sidings will accommodate a total train length of up to 1400 ft. Both sidings would accommodate the subject train length.

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

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.** Any documents relating to PFS's long term plans for the continued use of the ITF over the 20 year license term.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376. The term "long term plans for continued use" is undefined. Nevertheless, without waiving this objection, documents relating to PFS's use of the ITP have been produced and made available by PFS at its document repository at Parsons Behle and Latimer, in Salt Lake City. PFS will notify the State upon updating its repository of documents relevant to the admitted Contention B maintained at Parsons Behle and Latimer.

**REQUEST NO. 2.** Any document in draft or final form of any contract or formal arrangement or proposal for the operation of the ITF.

**APPLICANT'S RESPONSE:** PFS has not identified any documents responsive to this request at this time. See Utah B – Response to Request for Admission No. 2.

**REQUEST NO. 3.** Any documents analyzing the number of incoming shipments to the ITF, the maximum number of railcars and engines that may be contained in a shipment and the ability of the ITF to handle and accommodate all expected shipments.

**APPLICANT'S RESPONSE:** PFS objects to this request as outside the scope of the contention as admitted by the Licensing Board. See Utah B – Response to Request for Admission No. 3. The Board specifically excluded from Contention B consideration of "[p]aragraphs two and three of this contention" regarding "[t]he anticipated volume and quantity of fuel shipments that will pass through [the ITP]" and the capability of the ITP to accommodate the expected volume of shipments passing through the ITP. Private Fuel Storage, LBP-98-7, supra, 47 NRC at 184.



#### **IV. UTAH CONTENTION K (Inadequate Consideration of Credible Accidents)**

##### **A. REQUEST FOR ADMISSIONS – Utah Contention K**

**REQUEST FOR ADMISSION NO. 1.** Do you admit that PFS has not conducted any air modeling to characterize the dispersion of plumes; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume; and the kick out (pressure) from static test firing of rocket motors at the Alliant Techsystems Rocket Test Facility that may impact the proposed ISFSI site.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376, in that the term “air modeling” is not defined. Nonetheless, without waiving this objection, the request for admission is denied in that PFS has assessed the impact of dispersion on the concentration of a smoke plume that might be emitted from the firing of a rocket motor.

**REQUEST FOR ADMISSION NO. 2.** Do you admit that PFS has not conducted any air modeling to characterize the dispersion of plumes; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume; and overpressure and force from an accidental detonation of rocket motors at the Alliant Techsystems Rocket Test Facility that may impact the proposed ISFSI site.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376, in that the term “air modeling” is not defined. Nonetheless, without waiving this objection, the request for admission is denied in that PFS has assessed the overpressure produced from rocket motor explosions and the impact of dispersion on the concentration of a smoke plume that might be emitted from the explosion of a rocket motor.

**REQUEST FOR ADMISSION NO. 3.** Do you admit that the 5,760 acre buffer zone needed around the Alliant Techsystems Rocket Test Facility -- as described in the March 28, 1976 Environmental Impact Analysis, for the Rocket Motor Test Site on the Skull Valley Reservation, conducted by the Bureau of Indian Affairs, Utah Bates No. UT-19369 -- will overlap part of the PFS buffer grazing area around the proposed ISFSI site.



**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376. The term "PFS buffer grazing area around the proposed ISFSI site" is not described. The shape of the 5,760 acre buffer zone is also undefined in the referenced March 28, 1976 Environmental Impact Analysis. Nevertheless, without waving its objections, PFS denies that the 5,760 acre buffer zone would overlap any part of the PFSF site. The buffer zone for Tekoi is approximately three miles square in shape with the edges of the zone approximately 1.5 miles from the Tekoi facility. See Alliant Techsystems Bacchus Works, Baseline Risk Assessment for the Tekoi High Hazard Test Area, Figure 1 (March 1996) (UT-38356); Hercules Incorporated, a Proposal to the Skull Valley Band of the Goshute Indian Tribe for Rocket Motor Test Site, Figure 1 (March 22, 1975) (UT-19331). As such, the 5,760 Tekoi buffer zone would not overlap any part of the PFSF site. PFS does admit that the buffer zone for the PFSF as defined in the Business Lease between PFS and Skull Valley Band of Goshute Indians does overlap, in part, with the buffer zone for the Rocket Motor Test Facility – specifically Sections 17 and 18. Compare PFS-Skull Valley Band Business Lease, Exhibits C and D with Figure 1 of 1975 Hercules proposal (UT-19331). The PFS-Skull Valley Band Business Lease also provides a covenant that only the land uses currently existing in the PFSF buffer zone will be permitted to continue and recognizes Alliant's partial use of the buffer zone. See Business Lease § 1.C.

**REQUEST FOR ADMISSION NO. 4.** Do you admit that the 5,760 acre buffer zone needed around the Alliant Techsystems Rocket Test Facility will overlap the proposed ISFSI restricted area.



**APPLICANT'S RESPONSE:** PFS objects to this request as vague. See Utah K

- Response to Request for Admission No. 3. Nevertheless, without waving its objection, PFS denies that the buffer zone would overlap the PFSF restricted area. See id.

**REQUEST FOR ADMISSION NO. 5.** Do you admit that Bay 3 at the Alliant Techsystems Rocket Test Facility has an approved explosive limit of 1.2 million pounds of Class 1.1 explosive material and that the buffer zone around the Rock [sic] Test Facility for explosive quantities of 1.2 million lbs. is 15,409 feet.

**APPLICANT'S RESPONSE:** PFS objects to this request as a compound question. Fed. R. Civ. P. 36 (“[e]ach matter of which an admission is requested shall be separately set forth”). PFS also objects to this request as vague, in that the term “buffer zone” is undefined. Nevertheless, without waving its objections, PFS admits that the Tekoi Rocket Engine Test facility has an approved explosive test limit of 1.2 million pounds of Class 1.1 explosive material. PFS denies that the buffer zone for such is 15,409 ft. See Utah K – Response to Request for Admission No. 3.

**REQUEST FOR ADMISSION NO. 6.** Do you admit that part of the PFS buffer grazing area property line around the proposed ISFSI site is less than 15,409 feet from Bay 3 at the Alliant Techsystems Rocket Test Facility.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague, in that the term “buffer grazing area property line” is undefined. Nevertheless, without waving its objection, PFS admits that at the closest point of approach, the boundary of the PFSF owner controlled area is less than 15,409 ft. from Bay 3 at the Tekoi Rocket Engine Test Facility.

**REQUEST FOR ADMISSION NO. 7.** Do you admit that the restricted area of the proposed ISFSI site is less than 15,409 feet from Bay 3 at the Alliant Techsystems Rocket Test Facility.



**APPLICANT'S RESPONSE:** PFS admits that part of the Restricted Area is less than 15,409 ft. from Bay 3 at the Tekoi Rocket Engine Test Facility.

**REQUEST FOR ADMISSION NO. 8.** Do you admit that PFS has not conducted any air modeling around the proposed ISFSI site to characterize the dispersion of plumes; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume in the event of a chemical, biological, or radioactive release from Dugway Proving Ground.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376, in that the term "air modeling" is not defined. Nonetheless, without waiving this objection, the request for admission is denied in that PFS has assessed the potential hazards from hypothetical releases of chemical agent at Dugway Proving Ground.

**REQUEST FOR ADMISSION NO. 9.** Do you admit that PFS has not conducted any air modeling around the proposed ISFSI site or the ITP to characterize the dispersion of plumes; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume; and the overpressure and force from a potential explosion of rocket motors or other explosives or propellant in transit on Interstate 80 to the Utah Test and Training Range, Dugway Proving Ground, or the Alliant Techsystems Tekoi Rocket Test Facility.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376, in that the term "air modeling" is not defined. Nonetheless, without waiving this objection, PFS admits that it has not conducted any air modeling with respect to the proposed ISFSI or the ITP for potential explosions of rocket motors or other explosives or propellant "in transit on Interstate 80" to the UTTR, Dugway or Tekoi. Transit of such materials on Interstate 80 is too far from the PFSF site to have any effect there and, with respect to the ITP, PFS maintains that activities are regulated as



part of the transportation of spent nuclear fuel under 10 C.F.R. Part 71, and not 10 C.F.R. Part 72, which is the subject matter of this licensing proceeding.

**REQUEST FOR ADMISSION NO. 10.** Do you admit that PFS has not conducted any air modeling to characterize the dispersion of plumes from wild land fires; the type and concentration of constituents, including particulates, in the plume; the opacity of the plume; and the impact on electronic equipment and power sources at the proposed ISFSI.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376, in that the term "air modeling" is not defined. Nonetheless, without waiving this objection, PFS admits that, as of this date, it has not conducted any such modeling, but has determined that any impact of smoke on electronic equipment and power sources would be immaterial in that such systems at the PFSF are not classified as "important to safety" and thus their operation is not necessary to provide reasonable protection of the public health and safety from potential events at the PFSF.

**REQUEST FOR ADMISSION NO. 11.** Do you admit that PFS has not conducted any analysis with supporting facts, theories, formulas, or calculations, to determine the impact of transportation, or activities associated with military or industrial facilities on the proposed ITP.

**APPLICANT'S RESPONSE:** PFS maintains that activities at the ITP are regulated as part of the transportation of spent nuclear fuel under 10 C.F.R. Part 71. Thus, licensing of the ITP is not required under 10 C.F.R. Part 72, and, therefore, PFS admits that, as of this date, it has not specifically performed any such analyses or calculations for the ITP. However, much of the analysis of the potential impact on the PFSF of activities associated with military or industrial facilities would also be applicable to the ITP.



**REQUEST FOR ADMISSION NO. 12.** Do you admit that PFS has not performed any calculations to determine at what distance debris from an aeronautical crash could (a) project an 8 inch diameter rigid cylinder or a 1 inch diameter steel sphere into a storage cask at the ISFSI at a speed in excess of 126 miles per hour, or (b) project an 1,800 kilogram object into a storage cask at the ISFSI. *See e.g., Topical Safety Analysis Report, HI-STORM 100 Cask System, HI951312, Table 2.2.5 (NRC Docket No. 72-1014).*

**APPLICANT'S RESPONSE:** Admitted. As of this date, PFS has performed no such calculations.

**REQUEST FOR ADMISSION NO. 13.** During a wild fire or facility fire, do you admit that PFS is not planning to provide personnel to secure spent fuel on the storage pads and in the canister transfer building separate and apart from the personnel who may be involved in fighting wild land fires or facility fires?

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. Dubin, 125 F.R.D. at 376, in that the term "secure" is not defined. Nonetheless, without waiving this objection, the request is denied. Personnel will be provided at all times to secure the spent fuel. Specifically, security personnel who are assigned to alarm station duties cannot leave their posts to participate in fighting fires. Only security personnel not so assigned can assist in fire fighting. Further personnel who are involved in any spent fuel handling operation will be required to ensure that components are placed in a safe configuration prior to vacating their work area to assist in fighting fires.

## **B. INTERROGATORIES – Utah Contention K**

**INTERROGATORY NO. 1.** Describe the analysis and evidence, including but not limited to supporting facts, sources from which supporting facts were obtained, theories, formulas, assumptions, and calculations, by which Private Fuel Storage supports its claims that past, present, or potential activities at Alliant Techsystems Rocket Motor Test Facility, Dugway Proving Ground, Envirocare, Safety Kleen Aptus Hazardous and Toxic Waste Incinerator, Safety Kleen Clive Hazardous Waste Storage Facility, Grassy Mountain Hazardous Waste Landfill, or the Utah Test and Training Range (North or South range) could not affect the operation of the ISFSI or ITF.



**APPLICANT'S RESPONSE:** As stated in its response to the Utah K Request for Admission Nos. 10 and 11 above, PFS maintains that activities at the ITP are regulated as part of the transportation of spent nuclear fuel under 10 C.F.R. Part 71 and that licensing of the ITP is not required under 10 C.F.R. Part 72. Moreover, the alleged hazard posed to the ITP by hazardous materials transportation with respect to the Aptus, Clive, Envirocare, and Grassy Mountain facilities is the only respect that these four facilities are relevant to Utah Contention K. Private Fuel Storage, LBP-98-7, supra, 47 NRC at 190. Therefore, PFS objects to the extent that this interrogatory requests information with respect to either the ITP or the PFSF concerning activities at the Aptus, Clive, Envirocare and Grassy Mountain facilities. With respect to Tekoi, Dugway and the UTTR, PFS believes that activities at these facilities will pose no significant hazard to the PFSF for the following reasons.

**Tekoi Rocket Engine Test Facility** Rocket motor testing will pose no significant hazard to the PFSF because of the distance and terrain between Tekoi and the PFSF and the size of the rocket motors tested at Tekoi. The PFSF restricted area, in which all components important to safety are located, is more than two miles from Test Bay 3 at Tekoi, in which the largest rocket motors are tested. The largest motor that can be tested at Tekoi contains 1.2 million lbs. of explosive Class 1.1 propellant. Well known relationships between the amount of explosives detonated, blast overpressure, and distance indicate that the detonation of 1.2 million lbs. of Class 1.1 explosive material would produce an overpressure of only 0.5 psi at a distance of 7,970 ft. (1.5 miles) from Tekoi. In Regulatory Guide 1.91, the NRC establishes an overpressure of 1.0 psi as a



safe threshold overpressure for explosions postulated to occur near nuclear power plants. The PFSF SAR indicates that systems important to safety at the PFSF would not be harmed by an explosion that created an overpressure of 1 psi or less. Thus, since the largest possible explosion at Tekoi would not produce such overpressure at the PFSF, the explosion would pose no significant hazard.

Likewise, explosions on Skull Valley Road or the access road to Tekoi would pose no significant hazard to the PFSF. The Restricted Area is more than 2 miles from the Tekoi access road at its closest point and is about 1.9 miles from Skull Valley Road. Thus, an explosion on either road of the largest motor that could be tested at Tekoi would not create an overpressure of 1.0 psi at the PFSF.

A rocket motor escaping its test stand at Tekoi and striking the PFSF would not pose a significant hazard to the PFSF because such is not a credible event. The design of the Tekoi facility and the safety procedures employed during tests make it extremely unlikely that a motor would escape its test stand. Moreover, even if a motor were to escape, it is extremely remote that it would strike the PFSF. First, at a distance of more than 2 miles from the Tekoi facility, the Restricted Area of the PFSF would comprise a small fraction of the potential area to which an escaped rocket motor might fly. Second, any rocket motor flying in the direction of the PFSF would likely strike Hickman Knolls before reaching the PFSF. Therefore, it is not credible that a rocket motor would escape its test stand and strike the PFSF.



Smoke from a fire or explosion at the Tekoi Rocket Engine Test Facility would not have a material adverse impact on the PFSF. First, any smoke plume originating at Tekoi would be greatly dispersed by the time it reached the PFSF, which is over two miles away, even under environmental conditions most favorable to maintaining the concentration of a smoke plume at a distance. Thus, the smoke would be unlikely to affect the PFSF at all. Second, even if a smoke plume were to affect the electrical systems at the PFSF, such effect would be immaterial, in that the electrical systems at the PFSF are not classified as "important to safety" and thus their operation is not necessary to provide reasonable protection of the public health and safety from potential events at the PFSF.

**Dugway Proving Ground** Chemical munitions and chemical agent at Dugway will pose no significant hazard to the PFSF because of the distance between the locations where the munitions and agent may be found and the PFSF and the quantities of agent whose release would be credible. The worst credible threat posed by chemical agent at Dugway would arise from the accidental detonation of a previously unexploded 8-inch projectile filled with chemical agent GB. The distance at which such an event would pose a threat, however, is less than the distance from Dugway to the PFSF. Moreover, the accidental detonation of such a munition is highly unlikely. Agent used at laboratories at Dugway for testing would pose a lesser threat because of the smaller quantities of agent used, the containment at the laboratories, and the absence of explosives to disperse the agent. Detonation of more than one projectile at once is not credible because munitions stored at Dugway are stored so as to prevent sympathetic



detonations. Furthermore, open air testing of chemical and biological munitions and agents was prohibited by law in 1969 (50 U.S.C. § 1512).

Biological materials present on Dugway would not pose a significant hazard to the PFSF because all such materials are used in the Life Sciences Test facility, under engineering and procedural controls designed to prevent the release of material to the environment.

Firing of conventional weapons on Dugway would not pose a significant hazard to the PFSF because the ranges of most of the weapons are insufficient to reach the PFSF and weapons are fired toward the south and northwest, away from the PFSF. Moreover, the firing of weapons is governed by rigid safety regulations that 1) require weapons to be fired on designated ranges with surveyed munition impact areas, 2) control the approval of the directions in which weapons are fired, and 3) prescribe checks to ensure that range safety procedures are followed. Thus, it is not credible that a conventional munition fired from Dugway would strike the PFSF.

The transportation of chemical agent or biological materials to or from Dugway does not pose a significant hazard to the PFSF. Larger shipments of such material are performed with extraordinary safety precautions and, moreover, do not travel along Skull Valley Road. Small, laboratory quantities of material could potentially be shipped by common carrier along Skull Valley Road, but the safe packaging of those shipments is strictly regulated by the Department of Transportation so as to prevent a release even in the event of an accident.



The landing of aircraft at Michael Army Airfield on Dugway Proving Ground would not pose a hazard to the PFSF because the airfield is over 17 miles from the PFSF site. Thus, the PFSF is outside the takeoff and landing traffic pattern. Moreover, the number of aircraft flying into Michael annually is small and the crash rate those aircraft experience is very low (they are mostly transport aircraft which are similar to commercial airliners). Thus, it is highly remote that an aircraft flying into Michael would crash into the PFSF.

The landing of the X-33 space plane at Michael Army Airfield on Dugway would pose no significant hazard to the PFSF. First, all flights of the X-33 into Michael AAF are scheduled to be concluded by mid-2000. Second, the proposed flight path would not bring the X-33 over the Skull Valley, let alone the PFSF.

**Utah Test and Training Range** Activities on the Utah Test and Training Range ("UTTR") would pose no significant hazard to the PFSF because of the distance between the PFSF and the range. Air Force aircraft conduct weapons tests and weapons training on the UTTR the closest target range is approximately 30 miles away from the PFSF. (All targets on the UTTR North Range are over 35 miles from the PFSF.) Moreover, the aircraft do not make target run-ins or approaches over Skull Valley. Thus, it is not credible that an aircraft flying on the UTTR would crash into the PFSF or that its weapons would strike the PFSF.

Military aircraft do pass in Skull Valley en route from Hill Air Force Base to the UTTR South Area. Flying south, they pass west of Deseret Peak, near the Stansbury



Mountains to practice terrain masking to evade radar, about five miles to the east of the proposed PFSF. During this portion of the flight they conduct no combat maneuvers and maintain their armament release switches on "safe" until they are inside Defense Department land boundaries. The likelihood of an aircraft crashing while transiting en route to the UTTR and impacting the PFSF is so low so as not to pose a significant hazard to the PFSF.

The Air Force launches cruise missiles at targets located inside the UTTR but the targets (on the South Range) are approximately 30 miles west of the PFSF. Furthermore, cruise missile run-ins, drops, and launches are normally conducted from north to south or east to west, away from the PFSF. All missiles with the capability of exceeding range boundaries are equipped with flight termination systems that enable the destruction of the missile if it goes off course. The UTTR has never experienced the failure of a flight termination system. Therefore, cruise missiles fired on the UTTR would not pose a significant hazard to the PFSF.

Finally, aircraft with hung ordnance flying from the UTTR to Michael Army Air Field ("AAF") on Dugway Proving Ground would pose no significant hazard to the PFSF. First, the number of aircraft experiencing such problems annually is very small. Second, aircraft on the UTTR with hung ordnance fly directly into Michael AAF, which is 17 miles southwest of the PFSF, without crossing Skull Valley. Thus, those aircraft would not pose a hazard to the PFSF.



PFS has produced the documents in its possession relevant to the issues in Utah Contention K at the offices of Parsons Behle and Latimer, in Salt Lake City. PFS will notify the State upon updating its repository of documents relevant to Utah Contention K maintained at Parsons Behle. PFS will provide further details, information and analyses regarding the alleged hazards to the PFSF from Tekoi, Dugway and the UTTR when it files its motion for summary disposition of Utah K on June 7, 1999.

**INTERROGATORY NO. 2.** Describe the analysis and evidence, including but not limited to supporting facts, theories, formulas, calculation, and the actual probability, by which Private Fuel Storage supports its claim that air launched missiles or ground weapons which are fired from, or the intended target is located at either Dugway Proving Ground or Utah Test and Training Range south range, could not affect the proposed ISFSI or ITP when incidents are known to have occurred in the area. An example of the types of incidents PFS should address is the December 1997 incident when a cruise missile missed its target at Dugway Proving Ground and destroyed a research trailer located over two miles away from the target.

**APPLICANT'S RESPONSE:** PFS has assessed the hazards posed to the PFSF by air-launched missile and ground weapons and has found them to be insignificant. See Utah K – Response to Interrogatory No. 1. PFS will provide more detailed analysis in its summary disposition motion on Utah K, and fully explain there why the December 1997 cruise missile incident does not indicate that cruise missiles would pose a hazard to the PFSF.

PFS maintains that the ITP is regulated under 10 C.F.R. Part 71, not 10 C.F.R. Part 72, and hence has not specifically assessed the hazards posed by air-launched or ground weapons to the ITP. However, much of the analysis of the potential impact on the PFSF of such activities would also be applicable to the ITP.



**INTERROGATORY NO. 3.** Describe the basis for limiting consideration of potential impacts of military and industrial facilities to five miles from the proposed ISFSI (with the exception of a brief discussion PFS devoted to activities conducted at Dugway Proving Ground) when the activities conducted from the surrounding military and industrial facilities may easily traverse the five mile area around the ISFSI site.

**APPLICANT'S RESPONSE:** PFS did not limit its consideration of potential impacts to facilities within five miles of the PFSF. PFS discusses nearby industrial, transportation, and military facilities and their potential effects on the PFSF in PFSF SAR Section 2.2. This section addresses the Tekoi test facility, Interstate 80 and the Union Pacific Railroad mainline, the Dugway Proving Ground, Michael AAF, and Tooele Army Depot. While each of these facilities is evaluated for potential effects on the PFSF, the Tekoi test facility is the only industrial, transportation or military facility within five miles of the PFSF. PFS maintains that activities conducted from the surrounding military and industrial facilities, whether farther or closer than five miles from the PFSF site, would pose no significant hazard to the PFSF. See Utah K – Response to Interrogatory No. 1. See also NUREG-1567, Standard Review Plan for Spent Fuel Dry Storage Facilities § 2.4.2 (Draft, Oct. 1996) (military and industrial facilities farther than five miles from an ISFSI need only be discussed “as appropriate to their significance”).

**INTERROGATORY NO. 4.** Describe one or more incidents, including type, impact, and location from the proposed ISFSI, in which PFS believes a credible accident could affect the ISFSI.

**APPLICANT'S RESPONSE:** PFS objects to this interrogatory as overly broad. The scope of Utah Contention K is limited to “accidents involving materials or activities at or emanating from” the facilities enumerated in the contention as admitted by the Licensing Board. Private Fuel Storage, LBP-98-7, supra, 47 NRC at 190. The only accidents the Applicant need consider are those that would pose a significant hazard to



the PFSF. See 10 C.F.R. §§ 72.94, 72.90(d). Nevertheless, without waiving its objection, PFS does not believe that any credible accident involving any of the facilities enumerated in Contention K, as admitted by the Board, or a wildfire, would pose a significant hazard to the PFSF. See Utah K – Response to Interrogatory Nos. 1-3.

**INTERROGATORY NO. 5.** Describe the basis on which the Applicant believes a five mile overflight restriction, which would limit military and other aviation activity, would, could or needs to be placed around (a) the proposed ISFSI, and (b) the ITF, and describe any steps the Applicant has taken, or plans to take, to apply for any overflight restrictions on air space above the proposed ISFSI or ITF.

**APPLICANT'S RESPONSE:** PFS objects to this interrogatory as vague.

Babcock Swine, Inc. v. Shelbco, Inc., 126 F.R.D. 43, 45 (S.D. Ohio 1989). The term “five mile overflight restriction” is not defined. Nevertheless, without waiving its objection, PFS does not believe any overflight restriction needs to be placed around the PFSF. See Utah K – Response to Interrogatory No. 1. Hence, it has not sought to obtain any such restriction.

PFS maintains that the ITP need not be licensed under 10 C.F.R. Part 72 and hence has not assessed the aerial hazards posed to the ITP. See Utah K – Response to Interrogatory No. 1.

**INTERROGATORY NO. 6.** Describe factual information, analyses, calculations, or reports that address whether any frequency used by military or other aircraft will interfere with or cause false alarms with security, electrical, alarm or computer systems at the ISFSI facility or the ITF, whether the radio frequencies used by PFS will affect overflying military or other aircraft, and whether electronic energy from military or other aircraft could trip radio controlled units at the PFS facility or ITF.

**APPLICANT'S RESPONSE:** Specific equipment or equipment suppliers have not been selected at this time for the security, electrical alarm and computer systems at



the PFSF, or the ITP. However, radio systems at the PFSF, or the ITP, will have dedicated FCC licensed frequencies for each system that will be different than any frequency utilized by military or other aircraft. Therefore the frequencies used by military or other aircraft should not affect the PFS equipment. For the same reasons, radio frequencies used by PFSF, or the ITP, would not affect military or other aircraft. Moreover, airplane systems are designed so as not to suffer interference from external electronic systems.

Commercially available security, electrical, alarm and computer systems that would be utilized at the PFSF, or the ITP, will be similar to systems that have been used and are acceptable at other facilities. These systems will be shielded to prevent radio interference per the vendor recommendations utilizing standard practices.

Additionally, failure of any component of the security system will result in the implementation of compensatory measures, which may involve increased patrols until the problem is rectified. The electrical systems at PFSF are not important to safety. Failure of the electrical system will start the emergency diesel, which will supply the necessary security loads. Failure of the storage cask temperature monitoring system will require visual inspection of the storage casks until the system returns to operation, to ensure that inlet and outlet ducts are not blocked.

#### **C. DOCUMENTS REQUESTS – Utah Contention K**

The State of Utah 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.



**DOCUMENT REQUEST NO. 1.** All documents, notes and draft documents, relating to all potential impact analyses, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the activities or material at, or emanating from the Alliant Techsystems Tekoi Rocket Motor Test Facility would not affect the proposed PFS ISFSI.

**APPLICANT'S RESPONSE:** In addition to documents previously produced, specific documents (affidavits and exhibits) relating to impact analyses performed to date by PFS will be provided as part of PFS's motion for partial summary disposition with respect to Utah K. These documents will include facts, data, sources of information and supporting calculations and the bases therefor. PFS objects to producing notes and drafts of such documents on grounds of work product privilege.

**DOCUMENT REQUEST NO. 2.** All documents, notes and draft documents, relating to all potential impact analyses, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the activities or material at, or emanating from Dugway Proving Ground would not affect the proposed PFS ISFSI or ITF.

**APPLICANT'S RESPONSE:** In addition to documents previously produced, specific documents (reports, affidavits and exhibits) relating to impact analyses performed to date by PFS will be provided as part of PFS's motion for partial summary disposition with respect to Utah K. These documents will include facts, data, sources of information and supporting calculations and the bases therefor. PFS objects to producing notes and drafts of such documents on grounds of work product privilege.

**DOCUMENT REQUEST NO. 3.** All documents, notes and draft documents, relating to the potential impact analyses, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the activities or material at, or emanating from the Utah Test and Training Range South range would not affect the proposed PFS ISFSI or ITF.



**APPLICANT'S RESPONSE:** In addition to documents previously produced, specific documents (reports, affidavits and exhibits) relating to impact analyses performed to date by PFS will be provided as part of PFS's motion for partial summary disposition with respect to Utah K. These documents will include facts, data, sources of information and supporting calculations and the bases therefor. PFS objects to producing notes and drafts of such documents on grounds of work product privilege.

**DOCUMENT REQUEST NO. 4.** All documents, notes memoranda and draft documents, which document the facts referenced in the Applicant's February 10, 1999 response to Safety Request for Additional Information No. 2, SAR 8-3.

**APPLICANT'S RESPONSE:** To the extent PFS has not previously produced such documents relevant to Utah K, PFS will forward them next week to its repository of documents maintained at Parsons Behle and Latimer in Salt Lake City, Utah.

**DOCUMENT REQUEST NO. 5.** All documents, notes and draft documents, relating to the potential impact analysis, including facts, data, source of information, supporting calculations, basis for using various calculations and formulas, assumptions, and conclusions, that the material transported to or from the Alliant Techsystems Rocket Motor Test Facility, Dugway Proving Grounds, Envirocare, Safety Kleen Aptus Hazardous and Toxic Waste Incinerator, Safety Kleen Clive Hazardous Waste Storage Facility, Grassy Mountain Hazardous Waste Landfill, or the Utah Test and Training Range North or South range would not affect the proposed PFS ISFSI or ITF.

**APPLICANT'S RESPONSE:** In addition to documents previously produced, see the responses to Utah K Document Requests Nos. 1-3 above with respect to potential impacts of transportation of materials to and from Tekoi, Dugway and the UTTR on the PFSF.



**V. CONTENTION M (Probable Maximum Flood)**

**A. INTERROGATORIES - Utah Contention M.**

**INTERROGATORY NO. 1.** Supply the exact lowest elevation of the proposed ISFSI site and describe surveys or other methods by which PFS determined the exact lowest elevation.

**APPLICANT'S RESPONSE:** PFS objects to this request on the grounds of vagueness. The request does not specify whether natural or finished elevations are sought nor does it state whether the elevation of structures irrelevant to flooding should be included. Nonetheless, without waiving its objection, PFS responds as follows.

The finished elevation (top of concrete) of the northernmost row of concrete storage pads, which are the lowest structures important to safety, will be 4363 ft. Other proposed finished grade elevations of the site are shown on the following drawings previously produced to the State:

0599601-EY-3-D	Site Grading and Drainage Plan General Arrangement
0599601-EY-4-C	Site Grading and Drainage Sections and Details, Sheet 1
0599601-EY-5-A	Site Grading and Drainage Sections and Details, Sheet 2

PFS determined the site elevations based on topographic surveys performed by a land surveyor registered to practice in Utah. Based on these surveys, detailed topographic maps for the site and the access road were prepared. Horizontal control was based on the Utah State Plane Coordinates and vertical control was based on mean sea level. In addition, a survey crew established 4 monuments for project control and provided topographic mapping of natural drainage features adjacent to site.



The survey work was performed to the technical standards and accuracies for third order, Class II surveys, as defined by the U.S. Department of Commerce Geodetic Control Survey Document "Classification, Standards of Accuracy, and General Specifications of Geodetic Control Survey", National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1974, reprinted 1980. Photogrammetric maps were prepared in conformance with the national map accuracy standards contained in the Manual of Photogrammetry, 3rd ed., Vol. II, 1966, by the American Society of Photogrammetry.

**INTERROGATORY NO. 2.** Describe the dimensions of the berms that PFS claims are "higher than the overtopping water level [and] will be able to protect the PFSF site from flooding..." Enclosure to Commitment Resolution Information, PFS Response to RAI 2-3 (second round), Flooding Analysis, at 2, submitted by PFS to NRC under cover letter dated March 25, 1999.

**APPLICANT'S RESPONSE:** Subject to the paragraph below, proposed berm dimensions are shown on the following drawings previously produced to the State:

0599601-EY-3-D	Site Grading and Drainage Plan General Arrangement
0599601-EY-5-A	Site Grading and Drainage Sections and Details, Sheet 2
0599601-EY-6-A	Access Road Plan and Profile General Arrangement
0599601-EY-7-A	Access Road & Paving, Sections and Details

As a result of the May 7, 1999 meeting with the NRC Staff, PFS has prepared and submitted a revised flooding analysis (PFS Letter, Donnell to Delligatti, Submittal of Commitment Resolution Information, May 18, 1999). This revised analysis has resulted in two changes to the PMF berm dimensions that are not yet reflected on the above referenced drawings.



1. In order to accommodate grade change limitations of the rail line as it overtops the PMF berm, the east-west portion of the site PMF berm has been lengthened by approximately 400 ft. (i.e., the berm extends 400 ft. further west before it turns north).
2. The height of the access road PMF berm has been increased to an elevation of 4507.5 ft. to accommodate the new PMF calculated flow of 85,000 cfs.

**INTERROGATORY NO. 3.** Explain the impacts and potential damage to the access road and to ISFSI operations if, as admitted by PFS, during a probable maximum flood event, the "PMF would over-top the embankment ... by an overflow depth of 3.2 ft." See, Zeng, V.N. and Liang, G.H.C. (Stone & Webster Engineering Corp.), March 10, 1999, *PFSF Flood Analysis with Proposed Access Road and Rail Road*, Calculation No. 0599602 G(B)-17, Rev. 0, at 8, submitted by PFS to NRC under cover letter dated March 25, 1999.

**APPLICANT'S RESPONSE:** PFS objects to this request because it is beyond the scope of the contention. The contention is limited to the proper estimation of the PMF event to ensure adequate design of structures important to safety. The access road is not such a structure. Nonetheless, without waiving this objection, PFS answers this interrogatory as follows:

Based on the revised flooding analysis referenced in the preceding response, PFS calculates that a PMF of 85,000 cfs would over-top the access road embankment by an overflow depth of 4.45 ft. See Submittal of Commitment Resolution Letter #6 Information, Calculations at 9.

During the PMF event, the site will not be accessible by vehicular traffic and portions of the access road will most likely be washed out. After the PMF event, access



to the site would be limited to foot traffic or 4-wheel-drive vehicles until the access road is repaired. Appropriate security and operations staff would be maintained on site to ensure safe operation of the facility at all times. Until repairs of the access road are completed and normal vehicle access is restored, spent fuel canisters would not be received via the access road and transfer operations at the PFSF would be minimized.

**INTERROGATORY NO. 4.** Explain the impacts and potential damage to the rail road and to ISFSI operations if, as admitted by PFS, during a probable maximum flood event, the "PMF flood would over-top the rail" by 2.1 feet. *See id.* at 11 and 13.

**APPLICANT'S RESPONSE:** PFS objects to this request as over broad and irrelevant. In the bases set forth for Contention M, the State's assertions were limited to the calculation of the PMF for the eastern drainage basin (Basin A) which concerns the area on the eastern side of the site and the access road. The State failed to even reference the western drainage basin (Basin B), the relevant basin for potential flooding of the Low Corridor rail line as it enters the site, much less make a factual assertion that the PMF for this basin had been improperly estimated. Further, the State's expert, David Cole, confirmed in his deposition that he did not take issue with PFS's flooding calculation for the western basin. Even if the western basin is included within the contention, this request is beyond the scope of the contention because the rail line is not a structure important to safety, and the contention is limited to the proper estimation of the PMF event to ensure the adequate design of structures important to safety. Further, the State made no new allegations with respect to flooding based on the Low Corridor rail line amendment of August 1998, and the Board dismissed all the new contentions that the



State did seek to raise with respect the Low Corridor rail line. Thus, this interrogatory seeks information beyond the scope of Contention M.

**B. DOCUMENT REQUESTS - Utah Contention M.**

**DOCUMENT REQUEST NO. 1.** All documents and calculations relating to PFS's determination of the exact lowest elevation of the proposed ISFSI site.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. 2.** All documents supporting your response Interrogatory 2, berm dimensions.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. 3.** All documents supporting your response to Interrogatory 3-4.

**APPLICANT'S RESPONSE:** PFS maintains the objections raised in Interrogatory No. 4 to the State's requests concerning the impacts of flooding on the rail line. Without waiving those objections, PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.



**VI. CONTENTION N (Flooding at Rowley Junction)**

**A. REQUESTS FOR ADMISSIONS - Utah Contention N.**

**REQUEST FOR ADMISSION NO. 1.** Admit that PFS failed to identify, document, and evaluate the significance of potential flooding events affecting the design of the intermodal transfer facility.

**APPLICANT'S RESPONSE:** Denied. The elevation of the ITP will be between 4220 ft. and 4225 ft. as determined from the Poverty Point, Utah and Timpie, Utah 7 1/2 minute USGS quadrangle topography map 5 ft. contours. In 1986, the Great Salt Lake flooded to an historic elevation of 4211.85 ft., which is well below the ITP elevation of 4220 ft. to 4225 ft. Therefore, it was deemed unnecessary to evaluate the ITP for the affects of flooding.

In addition, the Great Salt Lake Planning Project Draft Analysis of Proposed Management Alternatives, issued by the State of Utah Department of Natural Resources in January 1999, has designated the flood plain of the lake at 4212 ft. for planning purposes and 4217 ft. as the extent of the lake's flood plain. Neither elevation is above the ITP elevation of 4220 ft. to 4225 ft.

Further, the activities at the ITP are regulated as part of the transportation spent nuclear fuel under 10 C.F.R. Part 71. As such, the shipping casks are licensed under 10 C.F.R. Part 71 and must meet submergence criteria within that regulation. The ITP is not part of the "facility" that is licensed under 10 C.F.R. Part 72. Therefore, PFS has not formally evaluated, nor is it required to evaluate, the ITP for protection against environmental conditions and natural phenomena under 10 C.F.R. § 72.122(b)(2), i.e., flooding.



**B. INTERROGATORIES - Utah Contention N.**

**INTERROGATORY NO. 1.** Specify the correct property description for the new Intermodal Transfer Point 1.8 miles west of Rowley Junction and north of Interstate 80 referred to in PFS's August 28, 1998 license amendment application.

**APPLICANT'S RESPONSE:** The legal property description of the area proposed for the ITP that was referred to in Revision 2 of the PFSF SAR is the northeast quarter of the northeast quarter of Section 12, Township 1 South, Range 8 West. Detailed boundaries of the property can be found on Figure 4.5-3 Sheet 1 in the PFSF SAR.

**INTERROGATORY NO. 2.** Supply the exact elevation of the new ITF site and describe surveys or other methods by which PFS determined the exact elevation.

**APPLICANT'S RESPONSE:** The exact elevation of the ITP cannot be provided until detailed surveys have been completed of the area. The approximate elevation of the ITP was determined from a review of the Poverty Point, Utah and Timpie, Utah 7 1/2 minute USGS quadrangle topography maps, which indicate the elevation of the terrain at the proposed ITP is between 4220 ft. and 4225 ft.

**INTERROGATORY NO. 3.** Describe the difference in the elevation between the location of new ITF and the mudflats that PFS states exist on both sides of the new ITF location and describe how PFS determined the difference in elevation. *See, e.g., Preliminary Plan of Development ["POD"], Right of Way Application U-76986, PFS ITF at ¶ 4.2.16, submitted to the NRC in a letter dated February 18, 1999, as Attachment 1-3(b) to EIS RAI 1-3 (hereinafter "POD, RAI 1-3(b)").*

**APPLICANT'S RESPONSE:** As indicated in Interrogatory No. 2 above, the elevation at the ITP is approximately 4220 ft. and 4225 ft. based on the 5 ft. contour lines shown on the Poverty Point, Utah and Timpie, Utah 7 1/2 minute USGS quadrangle topography maps. The maps also indicate that the elevation of the mudflats that occur on the east and west ends of the ITP site are approximately at 4215 ft.



**INTERROGATORY NO. 4.** Describe the elevation of the ITP site after final construction grade, the basis for determining the elevation, and describe the exact location of the ITP septic system and drain field and the elevation at which they will be installed.

**APPLICANT'S RESPONSE:** The final construction grade of the ITP, which has not been determined at this time, will be based on cutting the high areas and filling the low areas of the site to achieve a "balanced" profile, presumably at an elevation somewhere between 4220 ft. and 4225 ft. Balancing the cut and fills minimizes the need to transport soil to or from the site, although fill dirt could be imported to raise the site if the threat of a flood becomes a concern.

PFS objects to the request as over broad, not relevant and beyond the scope of the contention to the extent it seeks information regarding the septic system and drain field. This request does not seek information that may lead to evidence concerning PFS's evaluation of flooding records at the ITP site but serves only as an attempt to expand the scope of the contention into environmental concerns. Without waiving this objection, PFS states that the ITP septic tank and drain field have not been located at this time.

**INTERROGATORY NO. 5.** Describe how PFS will protect its 80 x 200 foot pre-engineered metal building, the gantry crane, its rail siding, rail cars, heavy haul trucks, spent nuclear fuel casks that may be located on site, and the septic system and drain field from flooding at historic high levels by the Great Salt Lake taking into account swamping of the area by seiche and waves during storms when lake water surges above the high lake level. *See, e.g.,* POD, RAI 1-3(b) at 2.

**APPLICANT'S RESPONSE:** As noted in Utah Contention N, Request for Admission No. 1, the elevation of the ITP at 4220 ft. and 4225 ft. is well above the Great Salt Lake historic flood elevation of 4211.85 ft. that occurred in 1986 and is also above the designated flood plain elevation of 4212 ft. for planning and the extent of the lake's



flood plain elevation of 4217 ft. as established by the Great Salt Lake Planning Project Draft Analysis of Proposed Management Alternatives, issued by the State of Utah Department of Natural Resources in January 1999.

In addition, should the lake rise to the historic level again, spent fuel transport operations could be suspended to ensure that storm related events such as a seiche or waves would not reach any spent fuel shipping cask. However, the shipping casks would be able to withstand the affects of potential flood waters since they are qualified and licensed to meet the stringent submergence requirements of 10 C.F.R. Part 71 without leaking.

**INTERROGATORY NO. 6.** Explain the basis and duration of PFS's need for two transportation routing options to bring the spent fuel to the ISFSI, *i.e.*, the Low rail line and the new ITF/Skull Valley Road heavy haul route.

**APPLICANT'S RESPONSE:** Currently there is no direct rail line to the PFSF. Therefore PFS considers it prudent to keep both transportation alternatives as part of the preliminary design of the PFSF. As discussed in SAR Chapter 1, the PFSF will be designed to employ two transport vehicle modes to ship casks from the railroad mainline to the site. The preferred mode is to ship the shipping casks the final 32 miles by rail on a new rail line. The alternate mode is to transfer the shipping cask from the rail car to a heavy haul transport tractor/trailer at the ITP located 1.8 miles West of Timpie and haul the shipping cask the final 26 miles by road to the PFSF.

PFS intends to keep both alternatives included in the design of the facility until such time that one of the alternatives can be eliminated without impacting the project.



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

**DOCUMENT REQUEST NO. 1.** All documents and calculations relating to PFS's determination of the exact elevation of the new ITF site and adjacent mudflats.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. 2.** All documents and calculations relating to PFS's determination of any changes in elevation after completion of activities needed to prepare the ITF site, including clearing and grading of the site.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. 3.** All documents, calculations, blueprints and engineering drawings relating to PFS's plans to protect its ITF facility, including the septic system and drain field, from flooding and swamping during historic high lake levels, high wind tides and high waves.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2. Further, PFS objects to this request to the extent that it requests documents concerning the septic system and drain field.



## **VII. CONTENTION R (Emergency Planning)**

### **A. REQUESTS FOR ADMISSIONS -- Utah Contention R**

**REQUEST FOR ADMISSION NO. 1.** Admit that the PFS will not have an on-site fire brigade during off-normal hours.

**APPLICANT'S RESPONSE:** Denied. As stated in the responses to NRC RAI EP-7, dated February 10, 1999:

The senior brigade member will carry a pager, while the remaining positions will be filled through call out by phone during off normal hours. On-site security personnel will also be trained and used to expedite the staffing of a fire brigade. When appropriate, they will be used for the initial response, and replaced as soon as the assigned fire brigade responders are present and conditions permit.

As shown in the response above, security personnel that are on duty during "off-normal" hours will be trained and may be used to provide the initial response to a fire. Therefore, there will always be some fire brigade members on-site.

**REQUEST FOR ADMISSION NO. 2.** Admit that PFS's five member fire brigade will be taking on fire duties as collateral duties to other duties at the PFS site.

**APPLICANT'S RESPONSE:** PFS objects to this request as vague. The term "collateral duties" is undefined. Nevertheless, without waiving its objection, PFS admits that fire duties of the fire brigade members will most likely be additional to their normal job duties, which is a common and acceptable practice at many industrial facilities, including nuclear power plants.

**REQUEST FOR ADMISSION NO. 3.** Admit that PFS does not have available on site, or at the Skull Valley Reservation, two different types of fire trucks, one suitable for fighting structural fires and the other suitable for fighting wild land fires (*i.e.* a Type I truck and a Type IV truck).



**APPLICANT'S RESPONSE:** Denied in that the types of fire trucks that will serve at the PFSF and at the Goshute Village has not been determined at this time. The truck equipment will be selected based on the need to be able to fight fires that could adversely affect structures, systems, and components important to safety at the PFSF (i.e., the spent fuel casks and the canister transfer building).

**REQUEST FOR ADMISSION NO. 4.** Admit that PFS does not have fire fighting equipment and supplies on site to fight fires ignited by electrical, chemical, or petroleum sources.

**APPLICANT'S RESPONSE:** Denied. Fire protection equipment for the PFS is addressed in Section 4.3.8 of the PFSF SAR and includes sprinkler systems, fire pumps/tanks to supply water to hydrants, fire trucks, and portable fire extinguishers, all of which can be capable of fighting electrical, chemical, and petroleum sources. In fact, a fire from a petroleum source, diesel fuel, is addressed in Section 8.2.5 of the PFSF SAR.

**REQUEST FOR ADMISSION NO. 5.** Admit that PFS does not intend to apply to the Utah State Engineer for the right to appropriate ground water from wells on the Skull Valley Indian reservation.

**APPLICANT'S RESPONSE:** PFS objects to this request as outside the scope of Contention Utah R. Utah R, as admitted by the Licensing Board, is limited to consideration of "onsite firefighting capabilities." Private Fuel Storage, LBP-98-7, supra, 47 NRC at 196. The subject matter of the request is irrelevant to that consideration. Nevertheless, without waiving its objection, PFS believes that it does not need to apply to the Utah State Engineer for the right to appropriate ground water from wells on the Skull Valley Goshute Indian Reservation.



**REQUEST FOR ADMISSION NO. 6.** Admit that for water wells that PFS will develop (or have developed on its behalf) on the Skull Valley Indian reservation, PFS does not intend to use a Utah licensed well driller to drill such water wells.

**APPLICANT'S RESPONSE:** PFS objects to this request as outside the scope of Contention Utah R, which is limited to onsite firefighting capabilities. See Utah R – Response to Request for Admission No. 5. Nevertheless, without waiving its objection, PFS denies the request, in that it has not yet determined who it will use to drill water wells on the Skull Valley Goshute Indian Reservation.

**B. INTERROGATORIES – Utah Contention R**

**INTERROGATORY NO. 1.** Describe the typical number of PFS personnel on site per shift during both normal hours and during off-normal hours, the duties assigned to each person per shift during normal hours and during off-normal hours, and the number of shifts during normal hours and during off-normal hours.

**APPLICANT'S RESPONSE:** The number of personnel at the PFSF is identified in Table 4.2-1 of the PFSF Environmental Report. The exact number of personnel assigned per shift has not been determined at this time and will be dependent upon prudent operation activities established for safely and efficiently processing spent fuel shipments, which will be determined just prior to the facility start during pre-operational testing and operation activities. By the same token, the duties assigned to each person per shift and the number of shifts has not been determined at this time.

**INTERROGATORY NO. 2.** Describe all duties by shift, both fire fighting duties and non-fire fighting duties, that are assigned to persons who are members of the PFS fire brigade, broken down by shift, into duties assigned during normal hours and duties assigned during off-normal hours and describe the arrangement for contacting fire brigade personnel during off-normal hours and location in which fire brigade members are expected to live and a justification for a 90 minute response time for each fire brigade member to return to the ISFSI site for fire fighting duties. *See Applicant's Response to Safety RAI No. 2, EP-7.*



**APPLICANT'S RESPONSE:** PFS objects to this interrogatory as a compound question. The description of the duties of PFS personnel on site and the effectiveness of the means by which PFS will contact offsite members of the fire brigade are two separate issues. Nevertheless, without waiving its objection, as stated in Utah Contention R, Interrogatory No. 1, the number of personnel at the PFSF is identified in Table 4.2-1 of the PFSF Environmental Report. The determination of personnel assigned per shift including which personnel will be assigned to the fire brigade, is premature at this time and remains to be determined.

The arrangement for contacting fire brigade personnel located off-site during off-normal hours is addressed in the responses to NRC RAI EP-7, dated February 10, 1999, which states:

The senior brigade member will carry a pager, while the remaining positions will be filled through call out by phone during off normal hours.

Personnel working at the PFSF will not be required to live in any particular location; they could live in Tooele, Grantsville, or even the western suburbs of Salt Lake City. The 90 minute response time is a conservative estimate for personnel who would be traveling from the Salt Lake City suburbs. Travel time from the Salt Lake City airport has been timed at approximately 90 minutes. It can therefore be concluded that many of the PFSF personnel, who will live in the Grantsville / Tooele areas, or even on the Goshute Reservation, will have response times much less than 90 minutes.

**INTERROGATORY NO. 3.** In addition to the water supply that may be carried by fire trucks mentioned in Applicant's Response to Safety RAI No. 2, EP-7, describe all on-site fire equipment and supplies and describe the range of fire suppression methods



PFS intends to employ at the site, including specifics about the location, size, construction methods and materials, and maintenance of any fire brakes [sic].

**APPLICANT'S RESPONSE:** Section 4.3.8 of the PFSF SAR, provides information on the on-site fire equipment, suppression methods, and materials used at the site. Fire protection and suppression equipment will include sprinkler systems, hydrants, fire pumps/tanks to supply water to the sprinkler systems and hydrants, portable fire extinguishers, and smoke detectors. Equipment of most concern includes spent fuel storage and handling components, which are classified as Important to Safety, such as the canisters, shipping casks, transfer casks, storage casks, Canister Transfer Building, and transfer cranes. All of these are designed with noncombustible materials and are designed to limit the potential effects of fires. Worst case scenarios involving postulated fires and their effects are addressed in Section 8.2.5 of the PFSF SAR. Withstanding these fire scenarios, moreover, does not require active firefighting on the part of PFS.

The fire break at the PFSF will consist of the portion of the PFS Restricted Area from the outer edge of the perimeter road to the canister transfer building and/or the closest spent fuel storage casks, plus a surrounding region of fire-resistant crested wheat grass planted in the Owner Controlled Area. The Restricted Area (out to and including the perimeter road) will be covered with a layer of crushed rock 12 inches deep. The distance from the canister transfer building and/or the closest spent fuel storage casks to the outer edge of the perimeter road will be over 150 ft. The distance from the edge of the perimeter road to the outer edge of the region in the Owner Controlled Area planted with crested wheat grass and surrounding the Restricted Area will be at least 300 ft.



**INTERROGATORY NO. 4.** To the extent that PFS does not admit any or all request for admissions No. 1 through No. 5 above, please provide the basis for any and all denials.

**APPLICANT'S RESPONSE:** See Responses to Request for Admission Nos. 1-

5.

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

**DOCUMENT REQUEST NO. 1.** All documents, diagrams and specification of any fire truck that PFS will use or rely upon to fight fires at or affecting the ISFSI site.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. 2.** All documents relating to fire fighting training, qualifications and standards to which PFS fire brigade member will be trained and certified and the requirements for updating training, qualifications and certification.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. 3.** All documents, diagrams and specifications that relate to the number, placement, construction, and capacity of any water well PFS intends to drill or have drilled on the Skull Valley Indian reservation.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.



**DOCUMENT REQUEST NO. 4.** All documents, diagrams, blueprints and specifications that relate to quantity, location, and type of flammable or toxic materials located on site, including the type of materials used in interior and external building structures.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. 5.** All documents that describe the location, availability and type of fire fighting equipment and supplies, including breathing apparatus, that will be kept at the PFS ISFSI site.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**DOCUMENT REQUEST NO. [6].** All documents that relate the recall of fire brigade personnel back to the ISFSI site, the location of where such personnel may be housed, and the amount of time it will take such personnel to return to the site.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

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

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

**REQUEST NO. 1.** Do you admit that PFS has no formal or written arrangements or agreements with the Tooele County, or its subdivisions, for the Tooele County



Sheriff's Office to provide law enforcement response or support services for incidents that occur at the proposed ISFSI site.

**APPLICANT'S RESPONSE:** Denied. Per the Board's decisions, the cooperative law enforcement agreement between the Tooele County, the BIA and the Skull Valley Band is sufficient to provide the prerequisite documented liaison for the LLEA function at the PFSF subject only to the procedural issue of whether Tooele County adopted that agreement properly under the terms of Utah Code Annotated section 11-13-5, which requires approval through an "appropriate resolution." Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-17, 48 NRC 69, 74-76 (1998); see also, Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-99-7, 49 NRC \_\_\_, slip op. at 7-8 (1999). Further, the Board specifically rejected from Contention Security-C the State's proposed bases challenging the lack of "an agreement" with the designated LLEA (Tooele County) on the basis of the cooperative law enforcement agreement, Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-13, 47 NRC 360, 370 (1998), and therefore PFS also objects to the admission request as being beyond the scope of the contention as admitted by the Board.

**REQUEST NO. 2.** Do you admit that PFS has no formal or written arrangements or agreements with any local law enforcement agency to provide law enforcement response or support services for incidents that occur at the proposed ISFSI site.

**APPLICANT'S RESPONSE:** Denied. See Utah Security C – Response to Request for Admission No. 1 which PFS fully incorporates by reference.

**B. DOCUMENT PRODUCTION REQUEST -- Utah Contention Security C.**

**REQUEST NO. 1.** Please produce any and all documents, including meeting notes and draft agreements, that relate to Tooele County, or its associated subdivisions,



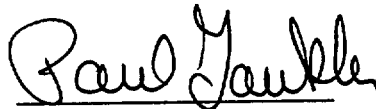
agreeing -- or not agreeing -- to provide law enforcement response and service to the PFS ISFSI site.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

**REQUEST NO. 2.** Please produce any and all documents, including meeting notes and draft agreements, that relate any local law enforcement agency agreeing -- or not agreeing -- to provide law enforcement response or service to the PFS ISFSI site.

**APPLICANT'S RESPONSE:** PFS is aware of no additional documents to produce at this time. PFS will notify the State upon updating its repository of documents relevant to the State's admitted contentions maintained at Parsons Behle and Latimer in Salt Lake City. See Response to General Interrogatory No. 2.

Respectfully submitted,



Jay E. Silberg  
Ernest L. Blake, Jr.  
Paul A. Gaukler  
SHAWPITTMAN  
2300 N Street, N.W.  
Washington, DC 20037  
(202) 663-8000

Dated: June 4, 1999

Counsel for Private Fuel Storage L.L.C.



**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Applicant's Objections and Non-proprietary Responses to State's Second Requests For Discovery (Group I) and the Declarations of David Axt, Bruce E. Brunsdon, George A. Carruth, James L. Cole, Jerry Cooper, John Donnell, Paul A. Gaukler, William Hennessy, Wes Jacobs, and Wayne Lewis were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 4th day of June 1999.

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Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: GPB@nrc.gov

Dr. Jerry R. Kline  
Administrative Judge  
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Administrative Judge  
Atomic Safety and Licensing Board Panel  
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\* Susan F. Shankman  
Deputy Director, Licensing & Inspection  
Directorate, Spent Fuel Project Office  
Office of Nuclear Material Safety &  
Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications  
Staff  
e-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
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\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
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\* By U.S. mail only

  
Paul A. Gaukler

Document #: 770588 v.1

Document #: 770588 v.1




**Before the Atomic Safety And Licensing Board**

**(Private Fuel Storage Facility)**

**ASLBP No. 97-732-02-ISFSI**

**David Axt states as follows under penalties of perjury:**

- I declare under penalty of perjury that the foregoing is true and correct.**

  
David Axt



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

<b>In the Matter of</b>	)	
	)	
<b>PRIVATE FUEL STORAGE L.L.C.</b>	)	<b>Docket No. 72-22</b>
	)	
<b>(Private Fuel Storage Facility)</b>	)	<b>ASLBP No. 97-732-02-ISFSI</b>

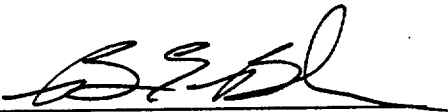
**DECLARATION OF BRUCE E. BRUNSDON**

Bruce E. Brunson states as follows under penalties of perjury:

1. I am a Lead Mechanical Engineer for Stone & Webster Engineering Corp.
2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses concerning rocket motor explosions and the potential for a rocket motor to escape from a test stand, Contention Utah K: Request for Admission Nos. 1-7, 9, and 11; and Interrogatory No. 1.
3. I certify that the statements in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty and perjury that the foregoing is true and correct.

Executed on June 2, 1999.

  
Bruce E. Brunson



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

<b>In the Matter of</b>	)	
	)	
<b>PRIVATE FUEL STORAGE L.L.C.</b>	)	<b>Docket No. 72-22</b>
	)	
<b>(Private Fuel Storage Facility)</b>	)	<b>ASLBP No. 97-732-02-ISFSI</b>

**DECLARATION OF GEORGE A. CARRUTH**

George A. Carruth states as follows under penalties of perjury:

1. I an independent consultant to Private Fuel Storage, L.L.C.
2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses concerning alleged hazards from Dugway Proving Ground, Contention Utah K Request for Admission No. 8 and Interrogatory No. 1.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 1999.

  
George A. Carruth



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

**In the Matter of**

**PRIVATE FUEL STORAGE L.L.C.**

**(Private Fuel Storage Facility)**

**Docket No. 72-22**

**ASLBP No. 97-732-02-ISFSI**

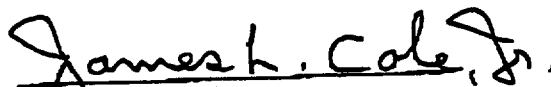
**DECLARATION OF JAMES L. COLE**

James L. Cole states as follows under penalties of perjury:

1. I am the Executive Director for the National Air Traffic Controllers Association and a consultant to Private Fuel Storage, L.L.C.
2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses concerning alleged hazards from air crashes and the use of air-delivered weapons on the Utah Test and Training Range and Dugway Proving Ground, Contention Utah K Interrogatory Nos. 1, 2, 5, and 6.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 1999.

  
James L. Cole, Jr.



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

<b>In the Matter of</b>	)	
	)	
<b>PRIVATE FUEL STORAGE L.L.C.</b>	)	<b>Docket No. 72-22</b>
	)	
<b>(Private Fuel Storage Facility)</b>	)	<b>ASLBP No. 97-732-02-ISFSI</b>

**DECLARATION OF JERRY COOPER**

Jerry Cooper states as follows under penalties of perjury:

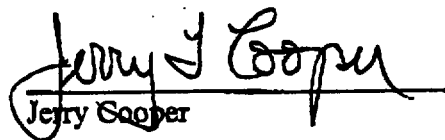
1. I am the Project Engineer with Stone & Webster Engineering Corporation (Stone & Webster) for the Private Fuel Storage Facility ("PFSF") project. As Project Engineer for the PFSF, I am responsible for the execution and integration of the technical activities for the project.

2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses to Interrogatory Nos. 1-4 with respect to Utah Contention M; Interrogatory Nos. 6 with respect to Utah Contention N; and Request for Admission Nos. 5-6 with respect to Utah Contention R.

3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 1999.

  
Jerry Cooper



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

In the Matter of )

PRIVATE FUEL STORAGE L.L.C. )

(Private Fuel Storage Facility) )

Docket No. 72-22

ASLBP No. 97-732-02-ISFSI

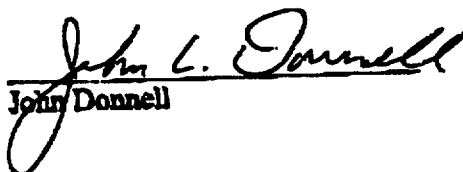
**DECLARATION OF JOHN DONNELL**

John Donnell states as follows under penalties of perjury:

1. I am the Project Director for Private Fuel Storage, L.L.C.
2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses to Requests for Admissions 1, 2, and 4 with respect to Utah Contention B.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 1999.

  
John Donnell



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

<b>In the Matter of</b>	)	
	)	
<b>PRIVATE FUEL STORAGE L.L.C.</b>	)	<b>Docket No. 72-22</b>
	)	
<b>(Private Fuel Storage Facility)</b>	)	<b>ASLBP No. 97-732-02-ISFSI</b>

**DECLARATION OF PAUL A. GAUKLER**

Paul A. Gaukler states as follows under penalties of perjury:

1. I am counsel with ShawPittman in Washington, D.C.
2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses to General Interrogatory Nos. 1-5.
3. I certify that the statements in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 1999.

  
\_\_\_\_\_  
Paul A. Gaukler



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

**In the Matter of**

**PRIVATE FUEL STORAGE L.L.C.**

**(Private Fuel Storage Facility)**

**Docket No. 72-22**

**ASLBP No. 97-732-02-ISFSI**

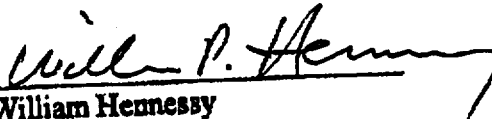
**DECLARATION OF WILLIAM HENNESSY**

William Hennessy states as follows under penalties of perjury:

1. I am the Assistant Project Manager and Lead Licensing Engineer with Stone & Webster Engineering Corporation (Stone & Webster) for the Private Fuel Storage Facility (PFSF).
2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those plume-related aspects of the responses to the Request for Admission Nos. 1-2, 9-10 and the Interrogatory Nos. 1, 3-4 with respect to Utah Contention K.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 1999.

  
William Hennessy



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

In the Matter of )

PRIVATE FUEL STORAGE L.L.C. )

(Private Fuel Storage Facility) )

Docket No. 72-22

ASLBP No. 97-732-02-ISFSI

**DECLARATION OF WESLEY J. JACOBS**

Wesley J. Jacobs states as follows under penalties of perjury:

1. I am the Lead Electrical Engineer for the Private Fuel Storage project for Stone & Webster Engineering Corp.
2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses concerning alleged hazards from electrical interference, Contention Utah K: Interrogatory No. 6.
3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 1999.

  
Wesley J. Jacobs



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety And Licensing Board**

**In the Matter of**

**PRIVATE FUEL STORAGE L.L.C.**

**(Private Fuel Storage Facility)**

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**Docket No. 72-22**

**ASLBP No. 97-732-02-ISFSI**

**DECLARATION OF DONALD WAYNE LEWIS**

Donald Wayne Lewis states as follows under penalties of perjury:

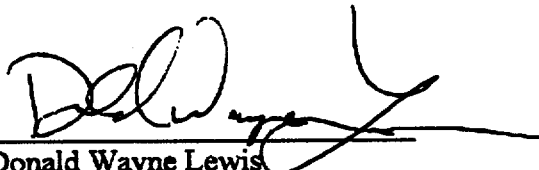
1. I am Lead Mechanical Engineer with Stone & Webster for the Private Fuel Storage Facility (PFSF) project. In that position I am responsible for ensuring that all mechanically related systems for the PFSF meet the principal design criteria as stated in Chapter 3 of the PFSF Safety Analysis Report.

2. I am duly authorized to verify Applicant's Response to State's Second Requests for Discovery; specifically, those responses to Interrogatory No. 4 with respect to Utah Contention B; Request for Admission No. 13 with respect to Utah Contention K, Request for Admission No. 1 and Interrogatory Nos. 1-5 with respect to Utah Contention N; and Request for Admission Nos. 1-4 and Interrogatory Nos. 1-3 with respect to Utah Contention R.

3. I certify that the statements and opinions in such responses are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 1999.

  
Donald Wayne Lewis