

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PRIVATE FUEL STORAGE, LLC)	Docket No. 72-22-ISFSI
)	
(Independent Spent)	
Fuel Storage Installation))	

NRC STAFF'S OBJECTIONS AND RESPONSES TO THE REQUESTS FOR
DOCUMENTS CONTAINED IN "SOUTHERN UTAH WILDERNESS ALLIANCE'S
(SUWA) FIRST SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF"

INTRODUCTION

On January 29, 2002, the Southern Utah Wilderness Alliance ("SUWA") filed the "Southern Utah Wilderness Alliance's (SUWA) First Set of Discovery Requests Directed to the NRC Staff" ("SUWA's Request"), concerning the application for an Independent Spent Fuel Storage Installation ("ISFSI") filed by Private Fuel Storage, L.L.C. ("PFS" or "Applicant"). In its request, SUWA filed (a) ten interrogatories, (b) five document requests, and (c) two requests for admission concerning Contention SUWA B (Railroad Alignment Alternatives). The NRC Staff ("Staff") hereby files its objections and responses to the requests for production of documents contained in the SUWA Request, as follows.¹

GENERAL OBJECTIONS

Objection 1. The Staff objects to each of SUWA's discovery requests, in that SUWA has not complied with the Commission's regulations that govern discovery from the Staff. In this regard, it is well established that discovery against the Staff rests on a different footing than

¹ The Staff has already responded to SUWA's interrogatories and requests for admission, in the "NRC Staff's Objections and Responses to '[SUWA'S] First Set of Discovery Requests Directed to the NRC Staff,'" dated February 8, 2002.

discovery in general. *Consumers Power Co.* (Midland Plant, Units 1 and 2), ALAB-634, 13 NRC 96, 97-98 (1981). While discovery from parties in an NRC adjudicatory proceeding is generally governed by the provisions of 10 C.F.R. § 2.740 *et seq.*, interrogatory and document discovery against the Staff is governed by the provisions of 10 C.F.R. §§ 2.720(h)(ii)-(iii), 2.744 and 2.790.² These regulations establish certain limits to the Staff's obligation to respond to discovery requests.

With regard to requests for the production of documents, the Commission's rules provide:

(a) A request for the production of an NRC record or document not available pursuant to 10 C.F.R. § 2.790 . . . shall set forth the records or documents requested, either by individual item or by category, and shall describe each item or category with reasonable particularity and shall state why that record or document is relevant to the proceeding.

(b) If the Executive Director for Operations objects to producing a requested record or document on the ground that (1) it is not relevant or (2) it is exempted from disclosure under § 2.790 and the disclosure is not necessary to a proper decision in the proceeding or the document or the information therein is reasonably obtainable from another source, he shall so advise the requesting party.

10 C.F.R. § 2.744(b). Finally, it is an adequate response to *any* discovery request for a party to state that the information or document requested is available in the public domain and to provide information to locate the material requested. 10 C.F.R. § 2.740(b)(1); *accord*, *Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit No. 1), CLI-79-8, 10 NRC 141, 147-148 (1979).

Here, SUWA has not complied with the Commission's requirements governing discovery against the Staff. First, SUWA has not indicated that the requested information is not available in the public domain. Indeed, some of the information requested by SUWA is available to the public in the Commission's Public Document Room ("PDR") or from the Bureau of Land Management ("BLM") in the U.S. Department of the Interior, or has previously been provided to SUWA. Further, SUWA has not indicated that the requested information is exempt from disclosure under 10 C.F.R.

² See also 10 C.F.R. §§ 2.740(f)(3), 2.740a(j), 2.740b(a), and 2.741(e) (excluding discovery from the Staff from the general provisions of those regulations).

§ 2.790 or that it can not obtain the documents from public sources. Similarly, to the extent that any documents may be exempt from disclosure, SUWA has not explained why any such exempt items are necessary to a proper decision in the proceeding.

Objection 2. The Staff objects to each of SUWA's discovery requests, insofar as they request information that is not relevant to the issues in this proceeding and/or that exceeds the scope of admitted Contention SUWA B in this proceeding.

Objection 3. The Staff objects to SUWA's discovery requests insofar as they relate to matters which are outside the jurisdiction of the NRC and/or are beyond the proper scope of this proceeding.

Objection 4. The Staff objects to each of SUWA's discovery requests, insofar as they seek to impose an obligation to respond that is different from or greater than the obligations imposed by Commission requirements in 10 C.F.R. Part 2. *See, e.g., "Supplemental Responses" (SUWA Request at 2-3).*

Objection 5. The Staff objects to each of SUWA's discovery requests, insofar as they may request information or documents from the "Nuclear Regulatory Commission," "NRC," or other persons or entities who are not NRC Staff members or consultants in this proceeding. *See, e.g., "Definition A" (SUWA Request at 4).* The NRC and persons other than Staff members (*e.g., Commissioners, Commissioners' Assistants, Licensing Board members, ACRS members, etc.*) are not parties to this proceeding and are not properly subject to SUWA's requests for discovery.

Objection 6. The Staff objects to each of SUWA's discovery requests, insofar as they request personal information such as the home address and telephone numbers of persons employed by or affiliated with the Staff, and which may be protected from disclosure under 10 C.F.R. § 2.790(a). *See, e.g., "Definition D.1" ("describe" or "identify") (SUWA Request at 5).*

Objection 7. The Staff objects to each of SUWA's discovery requests as unduly burdensome insofar as they request that descriptions of documents are to include the name of "the

person or persons having possession and/or copies thereof, the person or persons to whom the document was sent, all persons who reviewed the document, the substance and nature of the document, [and] the present custodian of the document . . .” See Definition D.2 (“describe” or “identify”) (SUWA Request at 5).

Objection 8. The Staff objects to each of SUWA’s discovery requests as unduly burdensome insofar as they request that descriptions of “any activity, occurrence, or communication” are to include the identity “of each person alleged to have had any involvement with or knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence, or communication.” See Definition D.4 (“describe” or “identify”) (SUWA Request at 6).

Objection 9. The Staff objects to each of SUWA’s discovery requests as unduly burdensome, and irrelevant and not calculated to lead to the discovery of admissible evidence, insofar as they request the discovery of “material contained in, or which might be derived or ascertained from, the personal files of NRC Staff employees, representatives, investigators, and agents.” See SUWA Request at 7.

Objection 10. The Staff objects to each of SUWA’s discovery requests, insofar as they may request information pertaining to or copies of intra-agency memoranda, notes and other pre-decisional materials; or information or documents protected under the attorney-client privilege, the doctrines governing the disclosure of attorney work product and trial preparation materials, and/or any other privilege or exemption that warrants or permits the non-disclosure of documents under the Freedom of Information Act, as set forth in 10 C.F.R. § 2.790(a). Notwithstanding this objection, to the extent, if any, that documents are requested in SUWA’s First Request, the Staff will prepare a privilege log to identify documents that are sought to be withheld from discovery as privileged or exempt from disclosure, and will produce that log to SUWA.

RESPONSES TO DISCOVERY REQUESTS

Notwithstanding the above objections to SUWA's Request, and without waiving these objections or its right to interpose these or other objections in the future, the Staff hereby states the following additional objections and responses to SUWA's Request.

DOCUMENT REQUESTS—CONTENTION SUWA B

REQUEST NO 1: All documents that are identified, referred to, or used in any way in responding to any of the above interrogatories.

STAFF RESPONSE. The Staff objects to this request on the grounds that (1) it is overly broad and unduly burdensome insofar as it requests documents that were "used in any way" in responding to the interrogatories in the SUWA Request; (2) to the extent it seeks the production of documents within the scope of SUWA's interrogatories, it (i) is vague and ambiguous insofar as the interrogatories are vague and ambiguous, (ii) seeks to discover information that is beyond the scope of Contention SUWA B, as admitted, and (iii) is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding; and (3) SUWA has not demonstrated that the information requested could not have been obtained from publicly available sources, including, without limitation, the Commission's PDR, and documents submitted by PFS in this proceeding and/or in the BLM right-of-way application process, and the FEIS. Notwithstanding (and without waiving) these objections, documents will be produced to the extent that such documents (a) are not objected to, (b) are not otherwise available from other sources, in which case they are identified herein, and (c) are not draft, predecisional and/or privileged

documents that are exempt from disclosure under 10 C.F.R. § 2.790, in which case they will be identified in a privilege log.³

REQUEST NO. 2: All documents pertaining to contention SUWA B.

STAFF RESPONSE. The Staff objects to this request on the grounds that (1) it is overly broad and unduly burdensome and (2) SUWA has not demonstrated that the information requested could not have been obtained from another source, including, without limitation, the Commission's PDR, and documents submitted by PFS in this proceeding and/or in the BLM right-of-way application process, and the FEIS. Notwithstanding (and without waiving) these objections, documents will be produced to the extent that such documents (a) are not objected to, (b) are not otherwise available from other sources, in which case they are identified herein, and (c) are not draft, predecisional and/or privileged documents that are exempt from disclosure under 10 C.F.R. § 2.790, in which case they will be identified in a privilege log.

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 or rely upon at the hearing on contention SUWA B.

STAFF RESPONSE. See General Objection 10, *supra*. In addition, the Staff objects to this request on the grounds that the Staff has not yet prepared testimony or evidence for use at the hearing on Contention SUWA B or on which the Staff intends to rely, nor has the Staff identified

³ Attached hereto is a list of documents in the possession of the Staff which may be responsive to one or more of the document requests contained in SUWA's First Request. These documents consist of two groups: (a) documents that are being identified herein that are publicly available, and (b) documents that are being withheld as privileged or otherwise exempt from disclosure under 10 C.F.R. § 2.790. Documents relating to Contention SUWA B that are in the docket of the PFS proceeding (including legal correspondence, pleadings, Orders, license application submittals, and licensing-related correspondence), will not be identified in the Staff's response. Those materials should already be in the SUWA's possession, as a result of the SUWA's participation as a party in the PFS proceeding and its inclusion on the PFS and Staff service lists.

documents relating to such testimony or evidence, and, accordingly, the Staff cannot now produce such documents. Notwithstanding (and without waiving) these objections, documents will be produced to the extent that such documents (a) are not objected to, (b) are not otherwise available from other sources, in which case they are identified herein, and (c) are not draft, predecisional and/or privileged documents that are exempt from disclosure under 10 C.F.R. § 2.790, in which case they will be identified in a privilege log.

REQUEST NO. 4: All documents that pertain to and/or were relied upon to prepare Chapter 2, Sections 2.1.1.3 and 2.2.4.2 FEIS, including documents that substantiate the following claims made in that document: 1) the West Skull Valley Alternative would have to be built almost entirely on fill materials and would have to be built to elevations up to six meters above existing grade (2-49); 2) that this raised rail bed would result in visual impacts, interference with access to roads and grazing allotments, wildlife movement, and the fighting of wildfires (2-49).

STAFF RESPONSE. Documents will be produced to the extent that such documents (a) are not objected to, (b) are not otherwise available from other sources, in which case they are identified herein, and (c) are not draft, predecisional and/or privileged documents that are exempt from disclosure under 10 C.F.R. § 2.790, in which case they will be identified in a privilege log.

REQUEST NO. 5: All documents pertaining to the Staff's evaluation of, response to, or research regarding PFS's assertion that any transportation alignments in Skull Valley that cross State lands would not be credible and/or reasonable.

STAFF RESPONSE. The Staff objects to this request on the grounds that it (1) is vague and ambiguous in its use of the phrase, "Staff's . . . research regarding PFS's assertion that any transportation alignments . . . that cross State lands would not be credible and/or reasonable"; (2) requests information that is outside the scope of Contention SUWA B, as admitted, insofar as it requests documents with respect to "any transportation alignments"; and (3) is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding (and

without waiving) these objections, documents will be produced to the extent that such documents (a) are not objected to, (b) are not otherwise available from other sources, in which case they are identified herein, and (c) are not draft, predecisional and/or privileged documents that are exempt from disclosure under 10 C.F.R. § 2.790, in which case they will be identified in a privilege log.

Respectfully submitted,

/RA/

Robert M. Weisman
Counsel for NRC Staff

Dated at Rockville, Maryland
this 13th day of February 2002

DOCUMENTS IDENTIFIED
IN RESPONSE TO SUWA'S FIRST SET OF
DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF

A. Documents Identified

In response to "[SUWA's] First Set of Discovery Requests Directed to the NRC Staff," dated January 29, 2002, the NRC Staff ("Staff") is identifying the following publicly available documents that may be responsive to one or more of SUWA's requests:

1. AmeriScan 1999. Wildfires prompt evacuations in Montana. Available on the World Wide Web at: <http://ens.lycos.com/ens/nov99/1999L-11-03-09.html>. Accessed on November 17, 1999.
2. Bailey, Robert G. (Compiler) 1980. Description of the Ecoregions of the United States. United States Department of Agriculture. Forest Service. Ogden, Utah. Miscellaneous Publication Number 1391.
3. Bednarz, J. C. 1999. Letter to Pete Wilkins, Team Leader Grand Staircase-Escalante National Monument. Raptor Research Foundation, Inc. February 11.
4. Belnap, Jayne. 1994. Potential role of cryptobiotic soil crusts in semiarid rangelands. In: Proceedings-Ecology and Management of Annual Rangelands. Stephen B. Monsen and Stanley G. Kitchen, editors. USDA, Forest Service, Intermountain Research Station, General Technical Report INT-GRT-313. pp. 179-185.
5. Belnap, Jayne, Roger Rosentreter, Julie Kaltenecker, John Williams, Steve Leonard, Penny Luehring, and David Eldridge. Undated. *Biological Soil Crusts: Ecology and Management*. 82 pp. <http://www.soilcrust.org/advanced.htm> (accessed December 28, 2000).
6. BLM (Bureau of Land Management) 1983. Final Tooele Grazing Environmental Impact Statement. Salt Lake District Office. Salt Lake City, UT. Incorporates, by reference, BLM. 1983. Draft Tooele Grazing Environmental Impact Statement. Salt Lake District Office. Salt Lake City, UT.
7. BLM 1988a. *Draft Pony Express Resource Management Plan and Environmental Impact Statement*. Salt Lake District Office. Salt Lake City, UT.
8. BLM 1998c. *Environmental Assessment and Finding of No Significant Impact*. Fire Management Plan Amendment for the Salt Lake District.
9. BLM 1991. *Final Environmental Impact Statement: Vegetation Treatment on BLM Lands in Thirteen Western States*, BLM-WY-ES-91-022-4320, as cited in *Escure Vegetation Restoration Project Environmental Assessment*, EA No. OR-135-00-01, Bureau of Land Management, Spokane District Office, Spokane, Wash., 1999.
10. BLM 1999b. *Special status plants*, (<http://www.ut.blm.gov/wh3specplants.html>) last updated: August 6, 1999, accessed on November 5, 1999.

11. BLM. undated. Soil Biological Communities <http://www.id.blm.gov/soils/index.html> (accessed December 28, 2000).
12. Burt, W. H. and R. P. Grossenheider 1976. *A Field Guide to Mammals*. Peterson Field Guide Series, Houghton-Mifflin, Boston, Massachusetts.
13. Campanella, A. J. 1992. Sound Absorption, *McGraw-Hill Encyclopedia of Science and Technology*, 17, pp 15–19, McGraw-Hill, New York.
14. Chamberlin, Ralph V. 1908 “Animal Names and Anatomical Terms of the Goshute Indians.” *Proceedings of the Academy of Natural Sciences of Philadelphia*, Vol. 60, pp. 74–103.
15. Chamberlin, Ralph V. 1911 “The Ethno-Botany of the Gosiute Indians of Utah.” *American Anthropological Association Memoirs*, Vol. 2, No. 5, pp. 329–405.
16. Chamberlin, Ralph V. 1913 “Place and Personal Names of the Gosiute Indians of Utah.” *Proceedings of the American Philosophical Society*, Vol. 52, No. 208, pp. 1–20.
17. Chandler, S. R., B. Bruun, and H. S. Zim 1983. *A guide to field identification: Birds of North America*. Golden Press, New York, New York.
18. DeLafosse, Peter H., Editor 1994. “Trailing the Pioneers: A Guide to Utah’s Emigrant Trails, 1829–1869.” Utah State University Press, Logan, UT.
19. DeLafosse, Peter H., Editor 1998. Utah Historical Trails [Map]. Utah State Historical Society, Salt Lake City, UT.
20. DOE (U.S. Department of Energy) 1999. DOE/EIS-0250D, Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Washington, D.C., July.
21. EPA (U.S. Environmental Protection Agency) 1974. *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*, EPA 550/9-74-004, Research Triangle Park, N.C.
22. EPA 1978. *Protective Noise Levels: Condensed Version of the EPA Levels Document*, EPA-550/9-79-100, U.S. Environmental Protection Agency, Office of Noise Abatement and Control, Washington, D.C.
23. EPA 1995. *User’s Guide for the Industrial Source Complex (ISC3) Dispersion Models*, EPA-454/B-95-003, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.
24. Fike, Richard E. and John W. Headley 1979. “The Pony Express Stations of Utah in Historical Perspective.” Utah Bureau of Land Management Cultural Resource Series No. 2, Salt Lake City, UT.

25. Gillies, Stansky, Brems, Smith Architects et al. 1995. *Tooele County General Plan*, Tooele County, Utah.
26. GLO (Government Land Office) Map 1871. Provided in personal communication from L. Naylor, BLM Salt Lake Field Office, Salt Lake City, Utah, to P. Nickens, Pacific-Northwest National Laboratory, Richland, Wash. (On file at BLM.)
27. GLO Map 1907. Provided in personal communication from L. Naylor, BLM Salt Lake Field Office, Salt Lake City, Utah, to P. Nickens, Pacific-Northwest National Laboratory, Richland, Wash. (On file at BLM.)
28. GLO Map 1915. Provided in personal communication from L. Naylor, BLM Salt Lake Field Office, Salt Lake City, Utah, to P. Nickens, Pacific-Northwest National Laboratory, Richland, Wash. (On file at BLM.)
29. Governor's Office of Planning and Budget 1997. *UPED Model System, 1997 Baseline Projections*, Demographics and Economic Analysis Section, Salt Lake City, Utah.
30. Hokanson, Drake 1988 "The Lincoln Highway: Main Street across America." University of Iowa Press, Iowa City, IA.
31. Horr, David A. 1974. "American Indian Ethnohistory: California and Basin-Plateau Indians" Garland Publishing, New York, NY.
32. Keller, K. R., J. P. Smith, and S. W. Hoffman 1998. Long-term productivity of Golden Eagles in Utah. Presented at the Raptor Research Foundation 1998 annual meeting, Ogden, Utah; 30 September—4 October 1998.
33. Kelly, Charles 1996 "Salt Desert Trails: A History of The Hastings cutoff and other Early Trails which Crossed the Great Salt Lake Desert Seeking a Shorter Route to California." (Orig. Publ. 1930). Western Epics, Salt Lake City, UT.
34. Knowlton, Ezra C. n.d. "History of Highway Development in Utah." Utah State Road Commission, Salt Lake City, UT.
35. Kuchler, A. W. 1964. *Potential Natural Vegetation of the Conterminous United States*. American Geographical Society. Special Publication No. 36.
36. Lincoln Highway Association—Utah Chapter n.d. "Rediscovering Utah's Lincoln Highway (brochure)", Lincoln Highway Association, Tucson, AZ.
37. Malouf, Carling 1974. "The Gosiute Indians," In *American Indian Ethnohistory: California and Great Basin-Plateau Indians*, edited by David A. Horr, pp. 25–172. Garland Publishing, New York, NY.
38. Messmer, T.A., R. Drake, and A. McElrone, editors, 1998. *Endangered and Threatened Animals of Utah*. Berryman Institute Publication No. 17, Utah State University, Logan, Utah.

39. Miller, David E. 1958. "The Donner Road through the Great Salt Lake Desert." *Pacific Historical Review* Vol. 27, No. 1, pp. 39–44.
40. Monsen, Stephen B. 1994. "Selection of plants for fire suppression on semiarid sites," in *Proceedings—Ecology and Management of Annual Rangelands*. Stephen B. Monsen and Stanley G. Kitchen, editors. USDA, Forest Service, Intermountain Research Station, General Technical Report INT-GRT-313. pp 363–373.
41. NAS 1990. National Academy of Sciences, *Health Effects of Exposure to Low Levels of Ionizing Radiation*, BEIR V Report, National Academy Press, Washington, DC, 1990.
42. National Geographic Society 1983. *Field Guide to the Birds of North America*. Edited by S. L. Scott. National Geographic Society, Washington, D.C.
43. Neuhauser, K. S., and Kanipe, F. L. 1992. *RADTRAN 4: Volume 3, User Guide*, Sandia National Laboratories, SAND89-2370, January 1992.
44. Neuhauser, K. S. and R. F. Weiner 1992. *Intermodal Transfer of Spent Fuel*, PATRAM '92, Yokohama City, Japan, September 13–18, pp. 427–33.
45. NRC (U.S. Nuclear Regulatory Commission) 1977. *Transportation of Radioactive Material by Air and Other Modes*, NUREG-0170, U.S. Nuclear Regulatory Commission, Washington, D.C., December.
46. NRC 1993. *Final Environmental Impact Statement to Construct and Operate a Facility to Receive, Store, and Dispose of 11e.(2) Byproduct Material Near Clive, Utah*. Docket No. 40-8989, NUREG-1476, Washington, D.C.
47. NRC 1996a. *Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437 (Addendum 1)*, prepared by Oak Ridge National Laboratory, Oak Ridge, Tenn., for U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, D.C.
48. NSC (National Safety Council) 2000 . *Injury Facts*, 2000 Edition, Itasca, Ill.
49. Petersen, Jess 1999. "The Lincoln Highway in Utah" (2nd Edition). Utah Chapter of the Lincoln Highway Association, Tooele, UT.
50. Saricks, C. and T. Kvitek 1994. *Longitudinal Review of State-Level Accident Statistics for Carriers of Interstate Freight*, ANL/ESD/TM-68, Argonne National Laboratory, Argonne, Ill.
51. Smith, Shelley J. 1994. "Fremont Settlement and subsistence Practices in Skull Valley, Northern Utah." In *Utah Archaeology 1994, Vol. 7, No. 1*, edited by Kevin T. Jones and Robert B. Kohl, pp. 51–68. Utah Division of State History, Salt Lake City, UT.
52. Steward, Julian H. 1938. "Basin-Plateau Aboriginal Sociopolitical Groups." Smithsonian Institution, Bureau of American Ethnology, Bulletin 120. Washington, DC.

53. Steward, Julian H. 1943. "Culture Element Distributions: XXIII, Northern and Gosiute Shoshone." *Anthropological Records* 8:3, pp. 263–392. University of California Press, Berkeley, CA.
54. Tooele County School District 1999. Tooele School District Annual Report to Patrons. Tooele, Utah: Tooele County School District, January.
55. Tripp, Bryce T., M. A. Shubat, C. E. Bishop, and R. E. Blackett 1989. *Mineral Occurrences of the Tooele 1° × 2° Quadrangle, West-Central Utah*, Utah Geological and Mineral Survey Open-File Report 153, March.
56. UDNR (Utah Department of Natural Resources) 1997. *Conservation Agreement and Strategy for Least Chub (*lotichthys phlegethontis*)*. Prepared by M. Jane Perkins and Leo D. Lentsch of the UDNR and Janet Mizzi of the U.S. Fish and Wildlife Service. October.
57. UDNR 1998. *Conservation Agreement and Strategy for Spotted Frog (*Rana luteiventris*) in the State of Utah*. Prepared by M. Jane Perkins and Leo D. Lentsch of UDNR. Publication Number 98-24. January.
58. UDWR (Utah Division of Wildlife Resources) 1997a. Utah Division of Wildlife Resources Biological Assessment of Stone & Webster Engineering Corporation's proposed Private Radionuclide Storage Facility. Goshute Indian's Skull Valley Reservation, Tooele County, Utah. March 27.
59. UDWR 1997b. Inventory of Sensitive Species and Ecosystems in Utah. Inventory of Sensitive Vertebrate and Invertebrate Species: A Progress Report September 30 with minor revisions made August 18, 1998, (<http://www.nr.state.ut.us/dwr/vert.htm>).
60. UDWR 1998. Inventory of Sensitive Species and Ecosystems in Uta. Endemic and Rare Plants of Utah: An Overview of their Distribution and Status, (<http://www.nr.state.ut.us/dwr/plants.htm>).
61. UDWR 1999. Letter from John Kimball of UDWR to Stanley M. Macie of Stone & Webster Engineering Corporation. January 6.
62. USDA NRCS (U.S. Department of Agriculture, Natural Resources Conservation Service) 1999. The PLANTS database (<http://plants.usda.gov/plants>). National Plant Data Center, Baton Rouge, LA 70874-4490 USA. (Accessed on February 17, 2000).
63. USDI (U.S. Department of the Interior) 1996. *Effects of military training and fire in the Snake River Birds of Prey National Conservation Area*. BLM/IDARING Research Project Final Report. U.S. Geological Survey, Biological Resources Division, Snake River Field Station, Boise, ID.130 pp.
64. USDI (U.S. Department of Interior, Bureau of Land Management) 1997. *Surface Management Status , Tooele County, Utah*, 1:100,000 scale (30 by 60 minute series, topographical) map, BLM Utah State Office, Salt Lake City, Utah.

65. USGS (U.S. Geological Survey) 1970. *Tooele, Utah (Edition 3)*, 1:250,000 scale map, Western United States series, Stock No. V502XNK1210**3, Denver, Colo., 1953 (revised 1970).
66. USGS, various dates. *Quadrangle Maps, Tooele County*, 7.5-minute series (topographical) maps, Denver, Colo.; includes quadrangle maps labeled: Low, Delle, Hastings Pass NE, Hastings Pass SE, and Hickman Knolls.
67. USGS 2001. *Great Salt Lake*. Available on the Word Wide Web at <http://ut.water.usgs.gov/infores/gsl.intro.html> (accessed November 7, 2001).
68. Utah Department of Transportation 1995. *1995 Traffic on Utah Highways*, filename: traffic.pdf, obtained from http://www.sr.ex.state.ut.us/html/site_documents.htm.
69. Whitaker, J. O., Jr. 1980. *The Audubon Society Field Guide to North America*. Alfred A. Knopf, New York. 750 pp.
70. Whitson, T. 1998. "Establishing a Sustainable Vegetation Ecosystem to Replace Noxious Weeds," *National Weed Symposium*, April 8 to 10, Denver, Colo. (<http://lm0005.blm.gov:80/weeds/sympos98/whitson.html>, accessed on April 27, 2000).
71. "Wilderness Inventory Handbook" (BLM, Sept. 27, 1978). (Available at BLM Salt Lake Field Office, Salt Lake City, UT.)
72. "Wilderness Inventory and Study Procedures," BLM Handbook, H-6310-1 (Jan. 10, 2001). (Available at BLM Salt Lake Field Office, Salt Lake City, UT.)
73. Wright, Henry A., and Arthur W. Bailey 1982. *Fire Ecology: United States and Southern Canada*. John Wiley and Sons. New York, NY. 501 pp.

B. Documents Withheld Under a Claim of Privilege¹

1. Billat, Lorna, Scott E. Billat Deborah E. Newman, M. Alan Overstreet, Richard K. Talbot, and James D. Wilde 1986 "Class III Cultural Resource Inventory along the US Telecom Fiber Optic Cable Corridor Across Northern Utah, Northern Nevada, and Northeastern California." Brigham Young University, Museum of Peoples and Cultures, Technical Series, No. 86-45. Provo, UT. (FOIA)
2. Birnie, Robert I. and Daniel K. Newsome. 2000. "Class III Cultural Resource Inventory of the Private Fuel Storage Project in Skull Valley, Tooele County, Utah." P-III Associates, Inc., Cultural Resources Report 5126-02-9909, Salt Lake City, UT. (FOIA)
3. Bright, Jason R. and Alan R. Schroedl 1998. "Class I Cultural Resource Inventory of the Private Fuel Storage Facility Railroad Spur and Intermodal Transfer Point, Skull Valley, Tooele County, Utah." P-III Associates Cultural Resources Report 5117-01-9809. Salt Lake City, UT. (FOIA)
4. Christensen, Diana 1989 "Dan Freed 1989 Survey." Bureau of Land Management, Salt Lake District, Report No. U-89-BL-473b, Salt Lake City, UT. (FOIA)
5. Laub, Britta. Memorandum to Alice Stephenson, NEPA Coordinator/Environmental Specialist, Subject: "PFS North Cedar comments" (Dec. 11, 2001). (PD)
6. Melton, Doug 1998a. "Summary Report of Cultural Resources Inspection: Skull Valley Exchange— Section 7. Bureau of Land Management, Salt Lake District, Report U-98-BL-0455b, Salt Lake City, UT. (FOIA)
7. Nielson, Asa S. 1992 "A Cultural Resource inventory of the Proposed Utah Power and Light Horseshoe-Skunk Ridge 46kv Tap Line in Tooele County, Utah." Nielson Consulting Group, Research Report No. U92-25. Orem, UT. (FOIA)
8. Nielson, Asa S. and Don D. Southworth 1992 "A Cultural Resource Inventory of Proposed Alternative Power Line Corridors for Utah Power and Light Company for Dugway Proving Grounds, Tooele County, Utah." Nielson Consulting Group, Research Report No. U92-21 (with Addendum Report U92-47). Orem, UT. (FOIA)
9. Senulis, John A. 1987. "Intensive Cultural Resources Survey and Inventory of the Proposed Brine Pipeline." Report SP-UT-107. Senco-Phoenix, Salt Lake City, UT. (FOIA)

¹ The category under which each document is withheld is shown in parentheses following the document's entry on this list. The following abbreviations are used herein: AC—attorney-client privilege; AWP—attorney work product; PD—predecisional deliberative process; FOIA—exempt from disclosure under the Freedom of Information Act, Exemption 3 (10 C.F.R. § 2.790(a)(3)).

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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-ISFSI
)	
(Independent Spent)	
Fuel Storage Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S OBJECTIONS AND RESPONSES TO THE REQUESTS FOR DOCUMENTS CONTAINED IN "SOUTHERN UTAH WILDERNESS ALLIANCE'S (SUWA) FIRST SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF," in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 13th day of February, 2002:

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