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February 29, 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

ADD

In the Matter of)
)
PRIVATE FUEL STORAGE, LLC)
)
(Independent Spent)
Fuel Storage Installation))

Docket No. 72-22-ISFSI

NRC STAFF'S MOTION FOR PROTECTIVE ORDER, AND
RESPONSE TO "STATE OF UTAH'S MOTION TO COMPEL
NRC STAFF TO RESPOND TO STATE OF UTAH'S FIFTH SET
OF DISCOVERY REQUESTS REGARDING UTAH CONTENTION H"

INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.730(c) and 2.740(c), NRC Staff ("Staff") hereby requests (a) that the Atomic Safety and Licensing Board ("Licensing Board") issue a Protective Order, to protect the Staff from the "annoyance, . . . oppression, or undue burden or expense" which would result if the Staff were required to provide further answers to the "State of Utah's Fifth Set of Discovery Requests Directed to the NRC Staff (Utah Contentions E, H and L)" ("Fifth Request"), dated January 31, 2000, as those requests pertain to Utah Contention H ("Thermal Design"), and (b) that the Licensing Board deny the State of Utah's ("State's") pending motion to compel further responses to those discovery requests, which the State filed on February 22, 2000.¹

¹ See "State of Utah's Motion to Compel NRC Staff to Respond to State of Utah's Fifth Set of Discovery Requests Regarding Utah Contention H" ("Motion to Compel"), dated February 22, 2000. On February 22, 2000, the State filed two other motions to compel discovery responses by the Staff, concerning Contentions Utah E and Utah L; those motions are addressed by the Staff in separate responses filed simultaneously herewith.

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In support of this request, the Staff submits that it has properly responded in part and objected in part to the State's fifth set of discovery requests that pertain to Contention Utah H, as set forth in the "NRC Staff's Objections and Responses to the 'State of Utah's Fifth Set of Discovery Requests Directed to the NRC Staff (Utah Contentions E, H and L)'" ("Staff Response"), dated February 14, 2000. Accordingly, for the reasons more fully set forth below, the Staff respectfully submits that it is entitled to a protective order, and that the State's motion to compel further responses to its Fifth Request should be denied.

DISCUSSION

Contention Utah H ("Thermal Design") asserts that Private Fuel Storage, L.L.C. ("PFS" or "Applicant") has failed to provide an adequate thermal design to protect against overheating of the storage casks and spent fuel canisters at its proposed facility. *See Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142 (1998)*. In the State's Fifth Request, as it relates to this contention, the State filed 15 requests concerning the Staff's evaluation of the thermal design of the PFS facility, the HI-STORM storage cask (which PFS has proposed to use at its site), and the HI-STAR cask system.²

² The State previously filed two other sets of discovery requests concerning Contention Utah H. *See* "State of Utah's First Set of Discovery Requests Directed to the NRC Staff" ("First Request"), dated June 10, 1999; and "State of Utah's Third Set of Discovery Requests Directed to the NRC Staff (Utah Contention H)" ("Third Request"), dated December 29, 1999. The Staff's responses to those requests are set forth in (1) "NRC Staff's Initial Objections and Responses to 'the State of Utah's First Set of Discovery Requests Directed to the NRC Staff'" ("First Response"), dated June 24, 1999; (2) "NRC Staff's First Supplemental Response to 'the State of Utah's First Set of Discovery Requests Directed to the NRC Staff'" ("First Supplemental Response"), dated July 13, 1999; and (3) "NRC Staff's Objections and Responses to the 'State of Utah's Third Set of Discovery Requests Directed to the NRC Staff (Utah Contention H)'" ("Third Response"), dated January 10, 2000. Those requests, and the Staff's responses thereto, are not the subject of the instant dispute.

On February 14, 2000, the Staff objected in part, and responded in part, to the State's Fifth Request, as set forth in the Staff's Fifth Response. The State now seeks to compel responses by the Staff with respect to twelve of its discovery requests, as they relate to the HI-STAR cask system, and more generally, to Interrogatories 9 and 10. For the reasons set forth below, the Staff submits that it properly objected to the State's requests and no further responses should be required.³

A. Discovery Requests Concerning the HI-STAR Cask System.

The State asserts that the Staff improperly objected to its discovery requests concerning the HI-STAR cask system, in Requests for Admission 1-6, Interrogatories 9 and 10, and Document Requests 1, 5, 6, and 7 (Motion to Compel, at 3). Those discovery requests (which are reproduced in Appendix A, attached hereto), sought to discover, in pertinent part, the bases for the Staff's previous approval of the HI-STAR cask system. For example, the State sought information concerning the ANSYS calculations that were performed by a Staff member in connection with his

³ It is well established that discovery against the Staff rests on a different footing than discovery in general. *See 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. *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). These regulations establish certain limits to the Staff's obligation to respond to requests for discovery. For example, the Commission's rules provide that the Presiding Officer may require the Staff to respond to interrogatories upon a finding that "the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source". 10 C.F.R. § 2.720(h)(2)(ii). With regard to requests for the production of documents, the Commission's rules similarly provide, in part, that a party may request the Presiding Officer to compel production of the documents, upon a showing that "the document is relevant to the issues in the proceeding; and the document is not exempt from disclosure under 10 C.F.R. § 2.790 -- or, if exempt, that the document or information is necessary to a proper decision in the proceeding and is not reasonably obtainable from another source." 10 C.F.R. §§ 2.744(c)-(d).

review of the HI-STAR application (Requests for Admission 1-6); the names of all persons who were involved in the Staff's review and/or approval of the thermal design of the HI-STAR cask system (Interrogatory 9); "apparent discrepanc[ies]" between the HI-STAR SER and statements in the Staff's Preliminary SER for the HI-STORM cask and responses to discovery in this proceeding (Interrogatory 10); and all documents relied upon by the Staff in its HI-STAR thermal evaluation (Document Requests 1 and 2).⁴

In the Staff's responses to the State's discovery requests concerning Contention Utah H, the Staff provided detailed responses to the State's questions concerning its evaluation of the thermal design of both the PFS facility and the HI-STORM cask. *See, e.g.*, Staff's First Response, dated June 24, 1999, at 21; Staff's First Supplemental Response, dated July 13, 1999, at 11-14; Staff's Third Response, dated January 10, 2000, at 7-18; and Staff's Fifth Response, at 15 (Document Request No. 3). Those discovery responses provided considerable detail concerning the bases for the Staff's conclusions concerning the adequacy of the thermal design of the PFS facility and of the HI-STORM 100 storage cask, which PFS proposes to utilize at its site. However, inasmuch as PFS has not proposed to utilize the HI-STAR cask at its site, the Staff generally objected to discovery requests concerning that cask on the grounds that it is not relevant in this proceeding.

In its motion to compel, the State claims that the Staff's Preliminary SER for the HI-STORM cask relied on its HI-STAR evaluation -- thereby allegedly making the Staff's HI-STAR cask review

⁴ The State has not moved to compel further responses to its requests for admission or document requests, except insofar as the Staff's objections rested on grounds of relevance -- *i.e.*, the State has not contested the Staff's other objections to those requests. In contrast, the State has contested the Staff's other objections to its Interrogatories 9 and 10, which were based on grounds other than relevance; those interrogatories are addressed *infra* at 6-10.

relevant here (Motion to Compel, at 3-5). In support of this argument, the State relies upon its pending "Motion to Compel Deposition of NRC Staff Witness" ("Motion to Compel Deposition"), which the State filed on February 9, 2000; therein, the State argued that the Preliminary SER for the HI-STORM cask "relies in turn on the Staff's safety evaluation for the HI-STAR 100 storage cask system. In particular, . . . the Staff relied on the computer analysis performed by the Staff for the HI-STAR 100 storage cask system." Motion to Compel Deposition, at 2-3; *see also*, Motion to Compel at 4-5, and 6.⁵

Notwithstanding the State's arguments to the contrary, there is no basis for the State's assertions. Simply put, the State is mistaken in its understanding of the Preliminary SER for the HI-STORM cask system -- upon which its argument entirely rests.⁶ Thus, while the HI-STORM Preliminary SER mentions the ANSYS computer analysis that was performed in connection with the Staff's HI-STAR evaluation, the Staff did not rely on that analysis as part of its HI-STORM thermal design review. Indeed, the Staff has stated as much in its responses to the State's discovery requests. *See, e.g.*, Third Response, dated January 10, 2000, at 12, Request for Admission No. 19

⁵ Like the State, the Staff refers the Licensing Board to its response to the State's Motion to Compel Deposition, which is hereby incorporated by reference herein. *See* "NRC Staff's Motion for Protective Order, and Response to 'State of Utah's Motion to Compel Deposition of NRC Staff Witness,'" dated February 16, 2000 ("Staff Response to Motion to Compel Deposition").

⁶ As the Staff has stated previously, the Preliminary SER is just that -- a preliminary, draft document that was issued for public comment as part of the HI-STORM certificate of compliance rulemaking proceeding. *See* Staff Response to Motion to Compel Deposition, at 3 n.3. As the Staff further stated, "[t]he Staff has received a number of comments in response to the Preliminary SER, including comments by the State of Utah -- some of which concern the very sentence focused upon by the State here. . . . While a final SER on the HI-STORM CoC has not yet been published, . . . revisions to the Preliminary SER, in response to the public comments are under consideration in the rulemaking proceeding at this time." *Id.*

("[t]he Staff does not rely on the results of Mr. Hogsett's run of the ANSYS computer code for the HI-STAR 100 transportation cask to support its determination that the thermal design of the PFS facility is adequate"). To the extent that the language in the Preliminary SER may be misinterpreted to suggest otherwise, that language will be clarified in the final SER for the HI-STORM cask.

In sum, inasmuch as the HI-STAR cask system will not be used at the PFS site, and the Staff's evaluations of the PFS and HI-STORM thermal design do not rely on its evaluation of the HI-STAR cask system, questions concerning the Staff's evaluation of the HI-STAR cask system are not relevant to the PFS license application. For this reason, as set forth above and in the Staff's Response to the State's Motion to Compel Deposition, the State's motion to compel responses to its discovery requests concerning the Staff's evaluation of the HI-STAR cask system should be denied.⁷

B. Interrogatory No. 9.

In its Motion to Compel, the State seeks to compel the Staff to respond to Interrogatory No. 9 (Motion to Compel at 3-6). That interrogatory states as follows:

INTERROGATORY NO. 9 - UTAH H. Identify all NRC Staff members who participated in the review and/or approval of the thermal design of the HI-STAR 100 and HI-STORM cask systems, including each individual's title, his or her role in the review process, the time period of their participation in the review, when he or she subsequently left his or her position or the agency (if applicable), and whether he or she left complete records of his or her work on departing.

⁷ In addition, the Staff has identified a knowledgeable witness (Mr. Jack Guttman) for deposition by the State. Mr. Guttman was responsible for the Staff's evaluation of the PFS and HI-STORM thermal design and for presenting the thermal evaluation in the HI-STORM Preliminary SER. He may be examined concerning the extent (if any) to which the Staff relied on its HI-STAR review in its PFS and HI-STORM thermal evaluations. See Staff Response to Motion to Compel Deposition, at 4-5.

The Staff objected to this interrogatory on grounds of relevance, and on the grounds that it (a) "is unduly burdensome and overbroad, insofar as it seeks the names of every individual who may have been involved, to any extent whatsoever, in the Staff's HI-STAR or HI-STORM thermal design review and/or approval," (b) exceeds the permissible scope of this proceeding, insofar as it seeks discovery concerning transportation casks, and (c) is not necessary to a proper decision in the proceeding and is thus improper under 10 C.F.R. § 2.720(h)(2)" (Fifth Response, at 13).

The Staff's objections to this interrogatory should be upheld. Apart from the fact that the Staff's HI-STAR evaluation is not relevant here, there is no reasonable basis for the State's request for the names of each and every person who was involved in the review of the HI-STAR and HI-STORM thermal designs. The Staff has already identified the individual who was principally responsible for the Staff's HI-STORM and PFS thermal design review, and has stated its belief that he can properly answer questions concerning the Staff's evaluation of the PFS and HI-STORM thermal designs. The State has made no showing that this individual lacks the necessary knowledge to respond to discovery on those matters. Further, requiring the Staff to identify each of its reviewers would serve no useful purpose other than to support additional and burdensome requests for depositions -- which has not been shown to be necessary to a proper decision in the proceeding as required under 10 C.F.R. § 2.720(h)(2). *See* Fifth Response, at 13-14.⁸ Accordingly, there is no reasonable basis to require the identification of all persons who were involved in the Staff's review.

⁸ Further, there is no merit in the State's unsupported supposition that "it is doubtful that there are many Staff members . . . who would have been involved in these thermal reviews" (Motion to Compel, at 5), nor is any relief provided by the State's assurance that it "does not seek to identify individuals who performed administrative or secretarial functions" (*Id.*).

The State contests the Staff's position with respect to this matter, arguing that this interrogatory seeks to learn "whether there are records or individuals at the agency who can support" the Staff's HI-STAR and HI-STORM reviews (Motion to Compel, at 6). Further, the State asserts that "the Staff's answers to discovery so far raise fundamental questions about whether it can fully document and support its evaluation of thermal analyses that are relevant to the PFS design" (*Id.*).

These arguments are without merit. First, Interrogatory No. 9 did not seek the production of documents -- but even if it did, the Staff has already agreed to produce documents that are responsive to the State's requests insofar as they relate to the Staff's evaluation of the PFS and HI-STORM thermal designs;⁹ therefore, there is no basis for the State's claim that a response is required to enable it to determine whether there are records "that can support" the Staff's review. Second, insofar as this request pertains to the HI-STAR cask, it is irrelevant: PFS has not proposed to use the HI-STAR cask system at its site, and the Staff's PFS and HI-STORM evaluations did not rely on its HI-STAR evaluation; accordingly, insofar as this request concerns HI-STAR, there is no basis for the State's claim that it relates to the Staff's "evaluation of thermal analyses that are relevant to the PFS design." *Id.* Third, the State's inquiry as to who participated in a review is irrelevant and unnecessary to a proper decision in the proceeding, particularly since the Staff has

⁹ The Staff produced certain documents in response to the State's requests on February 25, 2000, and expects to produce or identify additional documents concerning its review of the PFS and HI-STORM thermal analyses, within the next several days. The State has indicated that it does not seek documents that may be available in the public docket (Motion to Compel at n.1). To the extent that such documents are not available in the public docket for those applications, they will be produced or, if withheld, they will be identified in a privilege log. *See also*, Fifth Response, at 15 (Response to Document Request No. 3) (committing to produce documents upon which the Staff relied in reviewing the thermal design for the PFS facility, to the extent that they are not otherwise available or are privileged or exempt from disclosure).

already identified and produced the individual who was principally responsible for the Staff's PFS and HI-STORM thermal design evaluations.¹⁰ Accordingly, the Staff's objections to this interrogatory should be sustained.

C. Interrogatory No. 10.

In its Interrogatory No. 10, the State inquired as follows:

Explain the apparent discrepancy between (a) the Staff's statements in Section 4.5.4 of the HI-STORM 100 SER and Section 4.5.4 of the HI-STAR 100 SER to the effect that the Staff performed an independent computer analysis to confirm the results of the Holtec thermal analysis, and (b) the Staff's January 10, 2000 response to Request for Admission No. 17, which indicates that the Staff believes, but is unable to verify, that any such analysis was performed. Your explanation should include a discussion of whether the NRC Staff intends to retract and/or modify any statements in the SERs for the HI-STAR 100 or HI-STORM 100 cask systems regarding the adequacy of Holtec's thermal analysis for those cask systems.

Id.; emphasis added. The Staff objected to this interrogatory on the grounds that it (a) is vague and ambiguous, (b) mischaracterizes the Staff's previous statements, (c) constitutes an improper compound question, (d) is improperly argumentative, and (e) seeks to discover information that is not relevant to Contention Utah H, and is not reasonably calculated to lead to the discovery of admissible evidence. Fifth Response, at 14.

¹⁰ In addition, the State's motion to compel a response to this interrogatory should be denied insofar as it seeks to discover information concerning the HI-STAR transportation cask, based on its claim that the HI-STAR cask "includes both storage and transportation components" (Motion to Compel, at 5). As the Licensing Board has ruled, transportation cask issues are subject to review under 10 C.F.R. Part 71, and are beyond the proper scope of this proceeding. *See, e.g., Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 184 (1998).

The Staff's objections to this interrogatory were entirely proper, and should be sustained. In addition to its lack of relevance insofar as it concerns the HI-STAR cask, this interrogatory fails to identify the "apparent discrepancy" to which it refers; it incorrectly characterizes the Staff's statements in both the HI-STORM Preliminary SER and the Staff's responses to the State's discovery requests; and it constitutes an impermissibly complex, compound question. Further, rather than seeking relevant information about the Staff's views concerning the PFS or HI-STORM cask designs, this request essentially constitutes an undisguised argument with the choice of language used in the Staff's Preliminary SER.¹¹ As such, the interrogatory is irrelevant and is not necessary to a proper decision in this proceeding, and therefore fails to satisfy 10 C.F.R. § 2.720(h)(2)(ii).

CONCLUSION

The Staff has properly objected to responding to the State's Fifth Request, as set forth above. Accordingly, pursuant to 10 C.F.R. §§ 2.730(c) and 2.740(c), the Staff respectfully submits that the Licensing Board should issue a Protective Order, and deny the State's motion to compel further responses to these requests.

Respectfully submitted,



Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 29th day of February 2000

¹¹ As set forth *supra* at n.6, changes to the language contained in the Staff's Preliminary SER for the HI-STORM cask are under consideration at this time.

APPENDIX A

TO

"NRC STAFF'S MOTION FOR PROTECTIVE ORDER,
AND RESPONSE TO 'STATE OF UTAH'S
MOTION TO COMPEL NRC STAFF TO RESPOND
TO STATE OF UTAH'S FIFTH SET OF DISCOVERY
REQUESTS REGARDING UTAH CONTENTION H'"

**CONTESTED DISCOVERY REQUESTS
("STATE OF UTAH'S FIFTH SET OF DISCOVERY
REQUESTS REGARDING UTAH CONTENTION H")**

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1 - UTAH H. In the SER for the HI-STORM 100 cask system, the Staff states that: "Previous staff evaluations of the applicant's HI-STAR 100 SAR's FLUENT computer code results, using the ANSYS finite element computer code, confirmed the temperature calculation results of this method." Do you admit that this representation is incorrect?

REQUEST FOR ADMISSION NO. 2 - UTAH H. Do you admit that the NRC Staff has no basis for verifying the representation quoted above in Request for Admission No. 1?

REQUEST FOR ADMISSION NO. 3 - UTAH H. At page 3.4-7 of the HI-STAR TSAR (Rev. 8), Holtec states that: "The FLUENT model was found to yield conservative results in comparison to the ANSYS model for the 'black' surface case." Do you admit that the NRC Staff ran the ANSYS code to verify Holtec's ANSYS model for the "black" surface case?

REQUEST FOR ADMISSION NO. 4 - UTAH H. At page 3.4-7 of the HI-STAR SER [sic] (Rev 8), Holtec states: "The FLUENT model benchmarked in this manner is used to solve the gray body radiation problem to provide the necessary results for determining the effective thermal conductivity of the governing PWR fuel assembly." Do you admit that the NRC Staff ran the ANSYS code to verify Holtec's ANSYS model for the "gray body radiation problem?"

REQUEST FOR ADMISSION NO. 5 - UTAH H. In the Staff's January 10, 2000, response to the State's Request for Admission No. 17 regarding Contention H, the Staff states that "Mr. Steven Hogsett performed an ANSYS computer run for the purpose of obtaining a better understanding of the HI-STAR cask design and to confirm the Holtec ANSYS calculations." Do you admit that this statement contradicts the statement in the HI-STORM SER that is quoted above in Request for Admission No. 1, in the sense that the Staff used ANSYS to evaluate only Holtec's black body ANSYS calculations?

REQUEST FOR ADMISSION NO. 6 - UTAH H. With reference to the Staff's response to Request for Admission No. 17 that is quoted in Request for Admission No. 5 above, do you admit that Mr. Hogsett did not use ANSYS to evaluate Holtec's FLUENT calculations?

INTERROGATORIES

INTERROGATORY NO. 9 - UTAH H. Identify all NRC Staff members who participated in the review and/or approval of the thermal design of the HI-STAR 100 and HI-STORM cask systems, including each individual's title, his or her role in the review process, the time period of their participation in the review, when he or she subsequently left his or her position or the agency (if applicable), and whether he or she left complete records of his or her work on departing.

INTERROGATORY NO. 10 - UTAH H. Explain the apparent discrepancy between (a) the Staff's statements in Section 4.5.4 of the HI-STORM 100 SER and Section 4.5.4 of the HI-STAR 100 SER to the effect that the Staff performed an independent computer analysis to confirm the results of the Holtec thermal analysis, and (b) the Staff's January 10, 2000 response to Request for Admission No. 17, which indicates that the Staff believes, but is unable to verify, that any such analysis was performed. Your explanation should include a discussion of whether the NRC Staff intends to retract and/or modify any statements in the SERs for the HI-STAR 100 or HI-STORM 100 cask systems regarding the adequacy of Holtec's thermal analysis for those cask systems.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1 - UTAH H: Provide all documents, other than documents generated by Holtec or PFS, on which the NRC Staff relied in reaching the safety findings reported in Section 4.5.4 of the SER for the HI-STAR 100 cask system.

DOCUMENT REQUEST NO. 5 - UTAH H: Provide all documents which discuss in any way Mr. Hogsett's review of the HI-STAR 100 and HI-STORM 100 TSARs; the implications of his departure from the agency with respect to the safety findings in the SERs for the HI-STAR 100 and HI-STORM 100 cask systems or the safety review

of the PFS facility thermal design; and/or the implications of the lack of documentation of his analyses with respect to the safety findings in the SERs for the HI-STAR 100 and HI-STORM 100 cask systems or the safety review of the PFS facility thermal design.

DOCUMENT REQUEST NO. 6 - UTAH H: If the NRC admits Requests for Admission No. 3 and/or No. 4 above, provide all calculations, correspondence, and any other materials that the Staff relied on or generated in performing the analysis. This request does not include materials submitted by PFS or Holtec that are on the public record.

DOCUMENT REQUEST NO. 7 - UTAH H: In the SER for the HI-STORM 100 cask system, the Staff states that: "The staff performed independent calculations for the form loss and friction loss coefficients used by the applicant to simulate the hydraulic characteristics of the internal air passage." Please provide copies of all calculations that were performed.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

MAR -1 P4:18

In the Matter of)

PRIVATE FUEL STORAGE LLC)

(Independent Spent
Fuel Storage Installation))

Docket No. 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S MOTION FOR PROTECTIVE ORDER, AND RESPONSE TO 'STATE OF UTAH'S MOTION TO COMPEL NRC STAFF TO RESPOND TO STATE OF UTAH'S FIFTH SET OF DISCOVERY REQUESTS REGARDING UTAH CONTENTION H'" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by deposit in the Nuclear Regulatory Commission's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the United States mail, first class, as indicated by double asterisk, with copies by electronic mail as indicated, this 29th day of February, 2000.

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