



LAND AND WATER FUND OF THE ROCKIES

May 28, 1999

VIA E-MAIL

Jay E. Silberg
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, D.C. 20037

BOULDER OFFICE

2260 Baseline Road, Suite 200
Boulder, CO 80302
(303) 444-1188
FAX: (303) 786-8054
email: landwater@lawfund.org
Web site: <http://www.lawfund.org>

IDAHO OFFICE

P.O. Box 1612
Boise, ID 83701
42-7024
(208) 342-8286
email: lawfund@rmci.net

UTAH OFFICE

3267 East 33rd South #412
Salt Lake City, UT 84109
(801) 355-4545
email: joro61@inconnect.com

Danny Quintana, Esq.
50 West Broadway, Fourth Floor
Salt Lake City, Utah 84101

Re: In the Matter of Private Fuel Storage, Dkt. No. 72-22

Gentlemen:

Today, OGD filed a motion to extend the discovery period and a notice of deposition for Mr. Leon D. Bear. We have noticed Mr. Bear's deposition for Wednesday, June 16, 1998. The notice and motion have been filed and served as required by the rules and orders governing this proceeding.

Attached to the copy of this letter that will be delivered to Mr. Quintana is a check in the amount of \$89.60 to cover witness and mileage fees for Mr. Bear. If there is any dispute as to the fees provided please contact us immediately.

We appreciate your cooperation in scheduling and completing Mr. Bear's deposition.

Sincerely,



JORO WALKER

Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, Utah 84109
(801) 487-9911



RICHARD E. CONDIT

Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
(303) 444-1188 ext. 219



Kenaf tree-free paper

May 28, 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))	

NOTICE OF DEPOSITION FOR LEON D. BEAR

Pursuant to 10 C.F.R. §§ 2.740(b), 2.740a, and Federal Rules of Civil Procedure 26(b) and 30, OGD will take the deposition under oath of Mr. Leon D. Bear. Mr. Bear is currently the Chairman of the Executive Committee of the Skull Valley Band of Goshutes. The deposition will commence on Wednesday, June 16, 1999 at 10:00 a.m. and will continue from day to day until completed. The deposition will be held at the building that houses the offices of the Utah Attorney General, Heber Wells State Office Building, 160 East 300 South, North Main Floor Conference Room, Salt Lake City, Utah. The deposition will be taken down and transcribed by a person(s) authorized to administer oaths in the state of Utah. The Witness will be asked to testify about matters relevant to OGD's contention and the Applicant's and Band's defenses in the above-captioned case.

This Notice of Deposition includes a Schedule of Documents and extends to all responsive information and documents within the Witness' and/or the Band's custody or possession or otherwise subject to their control, whether located on business premises, at the residences or offices of the Band's agents, attorneys, contractors, sub-contractors, officers, directors, representatives, employees, subsidiaries, affiliates, and parts, or elsewhere. If any responsive information or documents cannot or are not produced in full, identify all such information and documents; provide a complete and accurate account of the reasons for nonproduction and the circumstances surrounding their destruction, loss, or unavailability; identify persons with personal knowledge of the circumstances surrounding their destruction, loss, or unavailability; and respond to the fullest extent possible. If any responsive information is withheld on the grounds of privilege, the Witness (or counsel where appropriate) must be prepared at the time of the deposition to identify:

- (a.) the persons with knowledge of, access to, or in possession of all such information;
- (b.) all other persons who have seen or learned of all such information;
- (c.) the method by which, and the reasons why, each such person obtained access to such information;
- (d.) the subject matter and substance of all such information;

- (e.) the specific basis for the claim of privilege; and
- (f.) all other information necessary to adjudicate the propriety of any claim of privilege.

Respectfully submitted,



JORO WALKER

Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, Utah 84109
(801) 487-9911



RICHARD E. CONDIT

Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
(303) 444-1188 ext. 219

**SCHEDULE OF DOCUMENTS TO BE PRODUCED
BY MR. LEON D. BEAR ON JUNE 16, 1999**

Pursuant to the attached Notice of Deposition, please provide the following documents (the words document and documents are defined in Appendix A (attached)) at the commencement of the above-noticed deposition.

1. All documents pertaining to and/or referred to in preparation of the letter and attachment submitted by Chairman Bear to the NRC on February 16, 1999. This letter and attachment discussed issues relevant to OGD's environmental justice concerns.
2. All Band resolutions and documents pertaining to resolutions that refer to Margene Bullcreek and/or OGD.
3. The final lease agreement between the Band and the Applicant.
4. All documents pertaining to the yearly general council meetings held by the Band during the period 1991 through the present, including, but not limited to, copies of notices, attendance records, minutes, agendas, and resolutions.
5. A list of currently enrolled Band members.
6. All documents pertaining to the Band's Executive Committee meetings and decisions for the period 1991 through the present, including but not limited to, copies of notices, attendance records, minutes, agendas, and resolutions.

7. All documents pertaining to payments, the promise of payments, and/or services provided by the Applicant and/or its attorneys, agents, or contractors to Chairman Bear and/or the Band or its attorneys, contractors, or agents.
8. All documents pertaining to the rules for conducting General Council and Executive Committee meetings, including but not limited to, rules for obtaining a quorum and rules for passage of resolutions.
9. All lists of members of the General Council for each of the years 1995 through the present.

This request does not include documents that have already been provided by the Witness or Band and are known to be in OGD's possession. Responsive documents that the Witness or Band believes have already been provided to OGD should be identified at the time of the deposition.

APPENDIX A

The words "record", "records", "document", and "documents" as used in this Schedule of Documents means the original or a copy of the original and any nonidentical copy, including copies with marks, comments or marginal notations, regardless of original location, of any recorded, written, printed, typed or other graphic material of any kind, variety, character or type, including by way of example but not limited to the following: agendas, reports, recommendations, transcripts, minutes, charters, books, records, contracts, subcontracts, requests for proposals, proposals, bids, Commerce Business Daily and Federal Register notices, contract modifications, deliverables, drafts, final products, questions, comments, suggestions, agreements, invoices, orders, bills, certificates, deeds, bills of sale, certificates of title, financing statements, instruments, expense accounts, receipts, disbursement journals, tax returns, financial statements, check stubs, promissory notes, resumes, address books, appointment books, telephone messages, telephone logs, notes, logs, voice mail recordings, worksheets, pictures, income statements, profit and loss statements, deposit slips, credit card receipts, records or notations of telephone or personal conversations, conferences, intraoffice communications, postcards, letters, telex, partnership agreements, catalog price lists, sound, tape and video records, memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities), manuals, diaries,

calendars or desk pads, scrapbooks, notebooks, correspondence, bulletins, circulars, policies, forms, pamphlets, notices, statements, journals, letters, telegrams, reports, interoffice communications, photostats, microfilm, microfiche, maps, telefax, facsimiles received or sent, facsimile cover sheets, deposition transcripts, drawings, blueprints, photographs, negatives, computer files, floppy disks, compact disks, e-mail, backup systems or disks, and any other data, information or statistics contained within any data storage modules, discs, or any other memory devices (including IBM or similar cards for information, data, and programs) or any other information retrievable on storage systems, including computer-generated reports and print-outs.

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited
Liability Company;

(Independent Spent Fuel Storage
Installation).

Docket No. 72-22
ASLBP No. 97-732-02-
ISFSI
MAY 28, 1999

CERTIFICATE OF SERVICE

I hereby certify that copies of **Ohngo Gaudedah Devia's Notice of Deposition and Schedule of Documents** directed to **Mr. Leon D. Bear** 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 28th day of May 1999.

G. Paul Bollwerk III, Esq.,
Chairman Administrative Judge
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001
e-mail: GPB@nrc.gov

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
Panel U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001
e-mail: PSL@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: JRK2@nrc.gov;
kjerry@erols.com

Jay E. Silberg
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, D.C. 20037
jay_silberg@shawpittman.com
ernest_blake@shawpittman.com
paul_gaukler@shawpittman.com

Office of the Secretary

U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and
Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

Catherine L. Marco, Esq.
Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555
pfscase@nrc.gov
set@nrc.gov
clm@nrc.gov

John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, Utah 84105
e-mail: john@kennedys.org

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

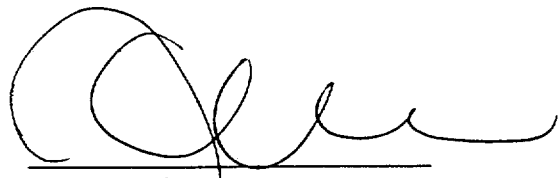
* Adjudicatory File
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancel@state.UT.US

Danny Quintana, Esq.
50 West Broadway, Fourth Floor
Salt Lake City, Utah 84101
e-mail: quintana@xmission.com

Daniel Moquin
Utah Attorney General's Office
1594 West North Temple
Suite # 300
Salt Lake City, Utah 84114-0855

* By U.S. mail only


Joro Walker