

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
May 10, 1999

**OHNGO GAUDEDAAH DEVIA's FIRST SET OF
DISCOVERY REQUESTS DIRECTED TO THE APPLICANT**

Pursuant to Board Orders dated April 22, 1998, June 29, 1998 and August 20, 1998, and the relevant regulations, Intervenor, Ohngo Gaudedah Devia (OGD) requests Private Fuel Storage, LLC ("PFS") to answer the following interrogatories separately, fully, in writing, and under oath within 10 days after service of this discovery request and produce documents requested below within 15 days after service of this request.

I. Nature of Discovery

1. Scope of Discovery: These interrogatories and production of documents are directed to Private Fuel Storage, LLC and any of the utility companies that own or comprise the members of PFS (collectively "PFS" or "Applicant"). The interrogatories cover all information in the possession, custody and control of PFS and/or its owner members, including information in the possession of officers, employees, agents, representatives, attorneys, and/or other persons directly or indirectly employed or retained by them, or anyone else acting on their behalf or otherwise subject to their control.

2. Lack of Information: If you currently lack information to answer any interrogatory completely, please state:

a. The responsive information currently available;

- b. The responsive information currently unavailable;
- c. Efforts which you intend to make to secure the information currently unavailable; and
- d. When you anticipate receiving the information currently unavailable.

3. Supplemental Responses: Each of the following requests is deemed continuing in nature pursuant to 10 C.F.R. § 2.740(e). Therefore, in the event that PFS ever subsequently obtains or discovers any additional information which is responsive to these interrogatories and production of documents, PFS shall supplement its responses to this request promptly and sufficiently in advance of the adjudicatory hearing.

Such supplementation shall include, but not be limited to:

- a. the identity and location of persons having knowledge of discoverable matters;
- b. the identity of each person expected to be called as an expert witness at any hearing, the subject matter on which she/he is expected to testify, and the substance of her/his testimony; and,
- c. new information which makes any response hereto incorrect.

4. Objections: If you object to or refuse to answer any interrogatory for any other reason, please indicate the basis for asserting the objection, privilege, immunity or other reason, the person on whose behalf the objection, privilege, immunity, or other reason is asserted, and describe the factual basis for asserting the objection, privilege, immunity, or other reason in sufficient detail to permit the administrative judges in this matter to assess the validity of such assertion.

If you withhold any document covered by this request for any reason, please furnish a list identifying each document for which the privilege, immunity, or other

reason is asserted, together with the following information: date, author and affiliation, recipient and affiliation, persons to whom copies were furnished and the job title and affiliation of any such persons, the subject matter of the documents, the basis for asserting the privilege, immunity, or other reason, and the name of the person on whose behalf the privilege, immunity, or other reason is asserted.

II. Definitions

The term "documents" means the originals as well as copies of all written, printed, typed, electronically stored, recorded, graphic, photographic, and sound reproduction matter however produced or reproduced and wherever located, over which you have custody or control or over which you have the ultimate right to custody or control. By way of illustration, but not limited thereto, said term includes: records, correspondence, telegrams, telexes, wiring instructions, diaries, notes, interoffice and intraoffice communications, minutes of meetings, instructions, reports, demands, memoranda, data, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, charts, working papers, computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, microfilm, microfiche, corporate minutes, blueprints, drawings, contracts and any other agreements, rough drafts, and all other writings and papers similar to any of the foregoing, however designated by you. If the document has been prepared and several copies or additional copies have been made that are not identical (or are no longer identical by reason of the subsequent addition of notations or other modifications), each non-identical copy is to be construed as a separate document.

III. Interrogatories

INTERROGATORY NO. 1. Please state the name, business address, and job title of each person who was consulted and/or who supplied information for responding to interrogatories and requests for the production of documents. Specifically note for which interrogatories 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.

INTERROGATORY NO. 2: To the extent that PFS has not previously produced documents pertaining to OGD's admitted contention, please identify all such documents not previously produced. PFS may respond to this request by notifying OGD that PFS has updated its repository of documents pertaining to admitted contentions at Parsons, Behle and Latimer.

INTERROGATORY NO. 3: Please provide the names, addresses, telephone numbers, facsimile numbers, and titles of each person, employee, agent, representative (including attorneys), consultant who evaluated potential sites/locations for the proposed PFS facility and who participated in any manner in the decision to choose the Skull Valley Reservation as the site for the proposed PFS facility.

INTERROGATORY NO. 4: Please identify each person, organization, and/or entity that has a substantial interest in PFS. For the purposes of this interrogatory the

phrase "substantial interest" means an interest equal to or greater than five percent (5%) of the controlling interest or shares of the company. For each person and organization identified please provide: (a) if a person- name, address, telephone number, facsimile number, and title; (b) if an organization- complete legal name, location of corporate headquarters, and the name, address, and telephone number for each of the organization's directors and officers.

INTERROGATORY NO. 5: For each nuclear power facility that may provide waste to be stored at the proposed PFS facility please identify the name, street address, city, and state of the facility, and fully describe whether the facility currently stores and/or has room to store the type of wastes planned for storage at the proposed PFS facility.

IV. Document Requests

OGD requests that PFS produce the following documents directly or indirectly within the possession, custody, and/or control of PFS, its employees, directors, officers, agents (including attorneys), contractors, and/or the companies that have been involved in the formation and/or operation of PFS:

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-stated interrogatories.

REQUEST NO. 2. All documents in your possession, custody or control pertaining to OGD's admitted contention, with the exception of those documents already produced during the informal discovery process.

REQUEST NO. 3. All documents (including experts' opinions, notes, workpapers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that you intend to use at hearing in opposition to OGD's admitted contention.

REQUEST NO. 4. For PFS and the companies involved in the formation and/or operation of PFS please produce the following documents: (a) the latest annual report, (b) all licenses or permits issued by any state or federal agency, (c) the latest filing with any public utility commission and/or corporations commission, (d) the latest filings with the Securities and Exchange Commission, (e) all licenses and/or permits authorizing the organization to do business in the State of Utah.

REQUEST NO. 5: Please provide copies of all articles of incorporation, by-laws, and partnership agreements that pertain to PFS, L.L.C.

REQUEST NO. 6: To the extent that the Skull Valley Band of Goshute (Band) has not previously produced documents pertaining to OGD's admitted contention, please identify and produce all such documents not previously produced. The Band may respond to this request by notifying OGD that it has placed documents or other information in the repository of documents pertaining to admitted contentions at Parsons, Behle and Latimer.

REQUEST NO. 7: All documents that are directly or indirectly controlled by PFS, the Band, and/or Tribal Chairperson Leon Bear pertaining in any manner to: (a) any lease agreement(s) and/or other contracts between PFS and the Band, the Band's attorney(s), and/or Chairperson Bear; (b) the payment of funds from PFS to the Band, the Band's attorney(s), and/or Chairperson Bear; (c) any promise made by PFS to

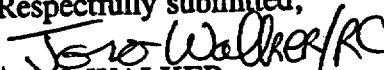
provide to the Band, the Band's attorney(s), and/or Chairman Bear with funds; (d) all services provided to the Band, the Band's attorney(s), and/or Chairperson Bear by PFS.

REQUEST NO. 8: For each nuclear power facility that may provide waste to be stored at the proposed PFS facility please provide all documentation pertaining to any funding provided to that facility and/or the facility's owner and/or operator by the NRC and/or any other governmental agency.

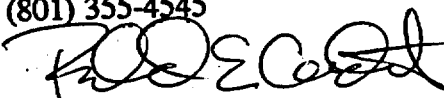
REQUEST NO. 9: For each nuclear power facility that may provide waste to be stored at the proposed PFS facility please provide all documentation pertaining to any federal financial assistance provided to that facility and/or the facility's owner and/or operator by the NRC and/or any other governmental agency.

REQUEST NO. 10: Provide all documents pertaining in any manner to any funding and/or non-monetary assistance promised or received by PFS from the NRC, Department of Energy, and/or any other federal agency or program that assisted PFS in any manner in identifying the Skull Valley site and/or reaching an agreement to lease the Skull Valley site.

Respectfully submitted,


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