

RAS 2817

~~RELATED~~ CORRESPONDENCE

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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Private Fuel Storage, a Limited Liability
Company;

(Independent Spent Fuel Storage
Installation).

Docket No. 72-22
February 22, 2001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**OHNGO GAUDEDAAH DEVIA's SECOND 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 requests for production of documents are directed to Private Fuel Storage, LLC and any and all of the utility companies that own or comprise the members of PFS (collectively "PFS" or "Applicant"). The interrogatories and requests for production of documents 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 and/or retained by them (PFS and/or its owner members), and/or anyone else acting on their behalf and/or any individual or entity cooperating with them in the licensing proceeding and/or any individual or entity 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 requests for 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

1. The term "documents" means the originals as well as copies of all written, printed, typed, electronically stored, recorded, graphic, photographic, and sound reproduction no matter how produced or reproduced and where 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. 6. As relevant in any way to OGD's admitted contention, please 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 and/or expert 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. Please also 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 her or his testimony.

INTERROGATORY NO. 7. Please describe in detail any and all analyses, studies, interviews, reports, procedures or other steps taken by PFS (whether they support or refute PFS's position) to identify and/or weigh and/or mitigate any distinct and/or cumulative adverse effects (whether these impacts are the result of, or caused by, real or perceived risk or harm) which the proposed PFS facility and licensing process have had or may have on the Skull Valley Band of Goshute Indians and/or the Skull Valley Band

community and/or any other affected low-income and/or minority communities, including any and all analyses, studies, interviews, reports, procedures or other steps taken by PFS (whether they support or refute PFS's position) to identify factors peculiar to these individuals and communities that may be and/or are relevant to these adverse effects.

INTERROGATORY NO. 8. Please describe in detail any and all analyses, studies, interviews, reports, procedures or other steps taken by PFS (whether they support or refute PFS's position) to identify and/or weigh and/or mitigate any disproportionate adverse impacts, including cumulative impacts, which the proposed PFS facility and the licensing process have had or may have on **individual** members of the Skull Valley Band of Goshute Indians vis-a-vis other individual members of the Band. In other words, this inquiry is meant to determine if and how PFS has attempted to determine if individual members of the Skull Valley Band are being and will be denied economic, social and other benefits, and thereby suffering disparate adverse impacts, as a result of their real and/or perceived opposition to the PFS facility or as a result of any other issues relevant to the facility. This inquiry is also meant to determine the results of any determination by PFS of any intra-community disparate adverse impacts related to the proposed PFS facility, whether these impacts are based on, or the result of, real or perceived risk or harm.

INTERROGATORY NO. 9. Please provide a list of any and all persons responsible for and/or who authorized the submission of the information in licensing documents and/or the Draft and/or Final Environmental Impact Statement submitted to the Nuclear Regulatory Commission (NRC) regarding environmental justice issues,

including the letter and attachment submitted by Mr. Leon Bear to the NRC on February 16, 1999.

INTERROGATORY NO. 10. Please provide a list of any and all persons supplying information to PFS, regardless of whether or not the information supports PFS's position, concerning all relevant environmental justice issues, including information related to any singular or cumulative human health, social, economic, community-wide, individual or environmental effects (whether these impacts are the result of, or caused by, real or perceived risk or harm) of the proposed PFS facility or licensing process, and including a list of any and all persons supplying information to PFS relevant to the letter and attachment submitted by Mr. Leon Bear to the NRC on February 16, 1999 (submitted by PFS to the NRC on February 18, 1999 as a response to an EIS Request for Additional Information).

IV. Document Requests

OGD requests that PFS produce the following documents directly or indirectly within its possession, custody or control:

REQUEST NO. 11. 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 interrogatories.

REQUEST NO. 12. All documents containing or relating in any way to any analyses, studies, interviews, reports, procedures or other steps taken by PFS (whether refuting or supporting PFS's position) to identify and/or weigh and/or mitigate the distinct or cumulative adverse effects of the proposed PFS facility the Skull Valley Band of Goshute Indians and/or the Skull Valley Band community any/or other affected low-income and/or minority communities, including any and all analyses, studies, interviews,

reports, procedures or other steps taken by PFS to identify factors peculiar to these individuals and communities that may be and/or are relevant to these adverse effects.

REQUEST NO. 13. Any and all documents relating to or containing analyses, studies, interviews, reports, procedures or other steps taken by PFS (whether refuting or supporting PFS's position) to identify and/or weigh and/or mitigate any disproportionate adverse impacts, including cumulative impacts, which the proposed PFS facility and the licensing process have had or may have on **individual** members of the Skull Valley Band of Goshute Indians vis-a-vis other individual members of the Band.

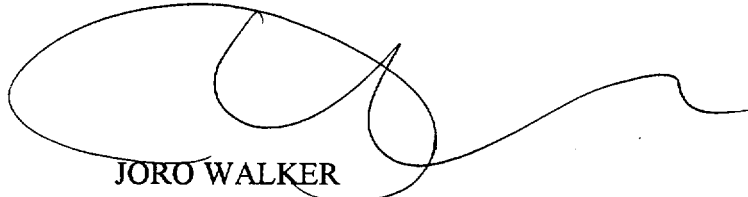
REQUEST NO. 14. All documents (including experts' opinions, workpapers, affidavits, and other materials used to render such opinions) supporting, refuting, or otherwise relating to testimony or evidence that PFS intends to use at hearing in opposition to or related to OGD's admitted contention.

REQUEST NO. 15. Please provide any records and documents in any way relevant to the content of the list of any and all persons responsible for and/or who authorized the submission of the information in licensing documents and/or the Draft and/or Final Environmental Impact Statement submitted to the NRC regarding environmental justice issues, including the letter and attachment submitted by Mr. Leon Bear to the NRC on February 16, 1999.

REQUEST NO. 16. Please provide any documents or records containing any information, regardless of whether or not it supports PFS's position, concerning or relevant to any environmental justice issues, including information related to any singular or cumulative human health, social, economic, community-wide, individual or environmental effects (whether these impacts are the result of, or caused by, real or

perceived risk or harm) of the proposed PFS facility or licensing process, and including information contained in the letter and attachment submitted by Mr. Leon Bear to the NRC on February 16, 1999.

DATED: February 22, 2001.

A handwritten signature in black ink, consisting of a large, loopy 'J' followed by a series of smaller loops and a long, sweeping horizontal stroke that ends in a small hook.

JORO WALKER
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, Utah 84105
(801) 487-9911

Attorney for OGD and SUWA

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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Private Fuel Storage, a Limited Liability
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Docket No. 72-22

ASLBP No. 97-03202-OF SECRETARY
ISFSI RULEMAKINGS AND
February 22, 2001 ADJUDICATIONS STAFF

NOTICE OF CHANGE OF ADDRESS

Undersigned counsel hereby gives notice that as of February 1, 2001, the mailing address, email address, and fax number for Joro Walker, counsel for Southern Utah Wilderness Alliance and OGD changed to:

Joro Walker
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, Utah 84105
Telephone (801) 487-9911
Fax (801) 486-4233
email: lawfund@inconnect.com

The telephone number (801.487.9911) will remain the same.

DATED this 22nd day of February, 2001



JORO WALKER
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Salt Lake City, Utah 84105
Telephone (801) 487-9911

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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Docket No. 72-22
ASLBP No. 97-732-02-
ISFSI
February 22, 2001

CERTIFICATE OF SERVICE

I hereby certify that copies of **Ohngo Gaudedah Devia's Second Set of Discovery Requests Directed at the Applicant and Notice of Change of Address** 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 22nd day of February.

G. Paul Bollwerk III, Esq., Chairman
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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)

* Adjudicatory File
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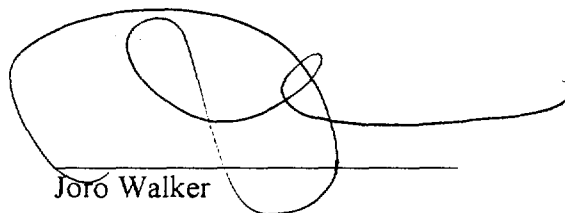
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* By U.S. mail only



Joro Walker