

RAS 3015

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

ASLBP No. 97-732-02-15FSL

April 25, 2001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**OHNGO GAUDADEH DEVIA'S (OGD) APRIL 25, 2001 ADDITIONAL RESPONSE TO
PRIVATE FUEL STORAGE'S (PFS) MOTION TO COMPEL**

Agreement: As provided in OGD's response dated April 23, 2001, PFS and OGD have, through their attorneys of record, agreed by stipulation that OGD will provide supplemental answers to specified discovery requests on or before May 1, 2001. Within that stipulation, OGD agreed to provide additional information concerning documents from the specified litigation that may be offered as evidence in support of OGD's environmental justice contention on or before April 25, 2001.

OGD hereby provides this additional response which is confined to consideration of documents involved with the subject litigation. Because PFS in their Motion to Compel opened the issue of adequacy of OGD responses to specified Interrogatories and Document Requests, OGD in good faith is reassessing the adequacy of its responses and will on or before May 1, 2001, respond to and address additional deficiencies or inadequacies for the discovery requests and issues identified in the PFS March 28 Motion to Compel, except for documents involved in the subject litigation, which are addressed herein. This includes Interrogatories 8 and 9 and Document Requests 4 and 5.

OGD to Provide More Detail: OGD provides herein more detailed information on the litigation documents reasonably calculated to contain discoverable evidence in support of its

OGD'S ADDITIONAL RESPONSE TO PFS'S MOTION TO COMPEL

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pending environmental justice contention, notwithstanding OGD's position that its previous response was adequate¹. PFS, as a party defendant, either generated or was served with all of the documents as part of the subject litigation and is intimately familiar with the documents

In Interrogatory 8, PFS asked for any basis for an assertion that a majority of the Skull Valley Band of Goshutes does not support the PFS project and any reasons for disagreement with the statement that the PFS project would result in a net increase in Band members living on the Reservation.

In Document Request 4, PFS requests documents related to allegations that Skull Valley Band members have received improper treatment by the Band's purported government related to the purported lease agreement with PFS and related to the transfer of purported lease agreement funds.

In Document Request 5, PFS requests documents supporting or related to claims that the purported Skull Valley Band government does not have the support or has coerced the support of

¹ **Litigation Documents:** In its March 28, 2001 Motion to Compel, PFS argues that OGD's response to PFS's Interrogatory 8 and Document Requests 4 and 5 (wherein OGD intended to rely, in part, on information, including all evidence, contained in "affidavits, declarations and other supporting or evidentiary documents and records" in *Utah v. Department of the Interior*) were, as a matter of law, necessarily inadequate. PFS stated that OGD's response, with respect to the litigation documents, impermissibly presented it with an "impenetrable mass of documents" and that more specificity was, as a matter of law, required. OGD disagrees.

PFS was a Party Defendant: PFS fails to acknowledge or account for the fact that PFS was a party defendant in the subject litigation. Nearly half of the litigation documents were submitted by PFS, generally in response to the other half of the litigation documents. PFS is therefore intimately familiar with the all of the litigation documents and the documents can hardly be characterized as an "impenetrable mass" with respect to PFS.

OGD was NOT a Party: On the other hand, OGD was not a party to the subject litigation and Joro Walker was not involved in that litigation in any way. OGD's previous response, with respect to these litigation documents, may be considered adequate under the circumstances, and certainly cannot be inadequate as a matter of law.

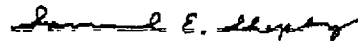
Band members for the PFS project.

The List:

- a. As PFS is aware, nearly all of the documents involved with the subject litigation address issues relevant to one or more of the topics associated with Interrogatory 8 and Document Requests 4 and 5.
- b. The pleadings are especially concerned with such issues (for example, the Blackbear Plaintiffs' Complaint, BIA's Answer, PFS' motions to dismiss, and the responses of all parties).
- c. The associated affidavits, declarations and support documents address such issues in some detail (for example, the declarations of Leon Bear and Sammy Blackbear).

PFS is as intimately familiar with these documents as any other entity, and needs no further help in dealing with these documents, which are all reasonably calculated to contain discoverable information, in response to its requests.

Respectfully submitted,



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April 25, 2001

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Docket No. 72-22
ASLBP No. 97-732-02-ISFSI
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CERTIFICATE OF SERVICE

I hereby certify that copies of **OGD's Additional Response to PFS' Motion to Compel** were served on the persons listed below by e-mail (unless otherwise noted) with conforming copies by United States mail, first class, postage prepaid, this 25th day of April, 2001.

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**CERTIFICATE OF SERVICE OF OGD'S APRIL 25, 2001 ADDITIONAL RESPONSE TO
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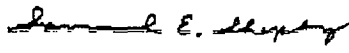
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