

# LAND AND WATER FUND OF THE ROCKIES

June 9, 1999

G. Paul Bollwerk, III, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam  
Administrative Judges  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

RE: Ohngo Gaudadeh Devia's (OGD) statement to the Atomic Safety and Licensing Board specifying what portions of OGD's May 27 motion to compel no longer require Board action.

Dear Administrative Judges,

On May 27, 1999, OGD filed a Motion to Compel Answers to Interrogatories and to Produce Documents Directed to the Applicant (Motion to Compel) in the matter Docket No. 72-22-ISFSI, ASLBP No. 97-732-02-ISFSI (In the Matter of Private Fuel Storage). On June 2, 1999, OGD filed a Motion to hold in abeyance action on OGD's Motion to Compel until after June 9, 1999.

On June 4, 1999, the Atomic Safety and Licensing Board (the Board) granted OGD's motion to defer action on its motion to compel and ordered OGD to file a statement with the Board on or before Wednesday, June 9, 1999, specifying what portions of its May 27 Motion to Compel no longer require Board action. This letter constitutes that statement.

The following aspects of OGD's Motion to Compel **DO NOT** require Board action:

1. The Board need not address OGD's response to the **Applicant's first and second general objections** dealing with the Applicant's claim of privilege.
2. The Board need not address OGD's request that the **Applicant refile its responses** to interrogatories (dated May 20, 1999) under oath. OGD's Motion to Compel at 3-4.
3. The Board need not address OGD's motion with regard to **OGD's Interrogatory No. 3** which deals with information concerning PFS employees

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and agents who evaluated potential sites for the proposed facility and participated in the decision to choose the Skull Valley Reservation as the site for the proposed facility.

4. The Board need not address OGD's motion with regard to **OGD's Document Request No. 3**. This request asks for documents supporting or relating to testimony that the Applicant intends to use at hearings opposing OGD's admitted contention.

OGD respectfully requests the Board to address all those elements of OGD's Motion to Compel not specifically mentioned above. Thank you for this opportunity to rectify OGD's procedural error with regard to its Motion to Compel.

Signed,



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