

**PARR WADDOUPS BROWN**  
**GEE & LOVELESS** *A Professional Corporation*

*Attorneys at Law*

BRYAN T. ALLEN

July 17, 1998

**SENT VIA EMAIL AND REGULAR MAIL**

Jay Silberg, Esq.  
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Washington, D.C. 20037-8007  
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Re: In the Matter of Private Fuel Storage, L.L.C., Docket No. 72-22-ISFSI: Informal Discovery

Dear Mr. Silberg:

I am writing with respect to informal discovery against, and on behalf of, our clients, Castle Rock Land & Livestock, L.C., Skull Valley Co. Ltd (collectively, "Castle Rock"). First, as suggested in my previous letter and discussions I had with Mr. Gaukler, Castle Rock is collecting and copying the documents you have requested and expects to be able to produce most of them soon after a confidentiality agreement is signed. In that regard, I understand that a draft confidentiality agreement will be forwarded to me in the next few days.

With respect to informal discovery against Private Fuel Storage, L.L.C. ("PFS"), I have reviewed all of the files related to the below-described Castle Rock Contentions located at Parsons Behle & Latimer. In order to supplement the information in those files, or to gain some confidence as to their completeness, Castle Rock desires to make a preliminary request for documents. In general, Castle Rock would like to review all documents that are in the possession, custody, or control of PFS and all members of PFS (the "Constituent Entities"), including their prospective experts and other witnesses, that are relevant to Contention No. 19 (Utah AA/Castle Rock 13), Contention 22 (Castle Rock 17), Contention 23 (Castle Rock 20), and Contention 24 (Castle Rock 21) (collectively, the "Castle Rock Contentions"). Without limiting the generality of the foregoing, Castle Rock requests copies of all of the following in the possession, custody, or control of PFS or any of the Constituent Entities:

A. Contention No. 19 (Utah AA/Castle Rock 13).

Jay Silberg, Esq.  
July 17, 1998  
Page 2

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1. All reports, test results, test forms, memoranda, surveys, inventories, contracts, letters, applications, maps, summaries and other papers or documents in any form whatsoever (collectively "Documents") related to each of the four screening phases described in section 8.1.3.1 of the Environmental Report ("ER");
2. Without limiting the generality of the foregoing:
  - a. All Documents regarding the number and identity of candidates considered during the Areas/Site Overview Screening process, the precise criteria used in narrowing the number of candidates, and the results of the screening process;
  - b. With respect to the Candidate Areas Selection phase, all Documents regarding the number and identity of candidates considered, answers given by all candidates to the list of questions identified in Table 8.1-2, the report produced by the major engineering firm, and the requirements, exclusion factors, avoidance factors, and preference factors (including any differential weighting system) used in this phase;
  - c. All Documents comparing any candidate sites in terms of the environmental, economic, and technical factors described in 10 C.F.R. section 51.45 and the siting evaluation factors listed in 10 C.F.R. section 72.90 et seq.;
  - d. All Documents describing or comparing any candidate sites in terms of the effects of the proposed Private Fuel Storage Facility ("PFSF") and transportation routes on surrounding communities, land uses, businesses, or agricultural operations;
  - e. All Documents describing or comparing any candidate sites in terms of transportation routes, including the environmental or economic effects of such routes;
3. All Documents cited in, or relied upon to produce, the discussion of the No Build Alternative in section 8.1.2 of the ER;
4. All Documents related to any plans to construct additional on- or off-site ISFSI

Jay Silberg, Esq.  
July 17, 1998  
Page 3

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at any location other than Skull Valley Goshute Band of Indians Reservation or any other contingency plans if the proposed PFSF is not constructed;

5. All Documents related to the claim in the ER that failure to construct the PFSF will lead to, or increase the possibility of, plant shutdowns, construction of additional spent fuel storage facilities, increased environmental impacts, additional storage costs for affected utilities, or delayed decommissioning of existing storage or production facilities;

6. All Documents detailing or referencing any benefits that may arise if the PFSF is not constructed at all, or is not constructed on the Reservation.

**B. Contention 23 (Castle Rock 17 -- Inadequate Consideration of Land Impacts).**

1. All Documents regarding the effect of the proposed PFSF and proposed transportation routes on the following:

- a. Existing and possible future farming, ranching, dairy, and other operations of Castle Rock or any other person within in Skull Valley;
- b. Existing and possible future residential development by Castle Rock or any other person in the Skull Valley;
- c. Existing and possible future commercial development by Castle Rock or any other person in the Skull Valley;
- d. Existing or future recreational uses in the Skull Valley.

2. All Documents discussing the effect of any specific nuclear waste storage facility, or nuclear waste facilities in general (whether off-site or on site, without regard to size) on land uses or values, agricultural operations, commercial operations, or residential development in the area surrounding such facilities;

3. All Documents (including settlement agreements) discussing or relating to any settlement payment, reparation, damage payment, royalty, or other sums paid by PFS, any Constituent Entity, or any other entity in connection with the construction or operation of a nuclear waste storage facility (or production facility if nuclear waste is stored on site) anywhere in the United States;

Jay Silberg, Esq.  
July 17, 1998  
Page 4

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4. All documents discussing or relating to any actions taken by PFS, any Constituent Entity, or any other entity to investigate, mitigate, avoid, or protect against the effects of any nuclear waste storage facility on land uses or values, agricultural operations, commercial operations, or residential development in the area surrounding such facilities.

5. All Documents that served as the basis for the statement in section 7.3 of the ER that "indirect costs, which are derived from socioeconomic and environmental impacts of the facility are minimal"; and

6. All Documents that served as the basis for the discussion of regional land use in section 2.2.2 of the ER.

**C. Contentions No. 23 and 24 (Castle Rock 20 and 21 -- Transportation)**

1. All Documents related to the selection of alternative routes for transporting spent fuel from Interstate 80 to the proposed PFSF;

2. All Documents cited in, or otherwise relied upon in preparing, sections 4.3 and 4.4 of the ER;

3. All Documents related to the additional survey work described in section 4.3.1 of the ER with respect to the effect of cask transportation on residences along the Skull Valley Road;

4. A copy of the Class III Cultural Resources Survey described in section 4.3.8 of the ER and all other cultural resources surveys or inventories;

5. All Documents related to the selection of the western rail option identified in your July 2, 1998 letter to the licensing board (the "Western Rail Option"), including any feasibility studies, surveys, title searches, maps and cultural resource inventories or surveys;

6. All Documents PFS has relied upon, or intends to rely upon, to supply the information equivalent to that contained in section 4.3 and 4.4 of the ER with respect to the Western Rail Option and a copy of all revisions to the ER reflecting the selection of the Western Rail Option as the primary transportation alternative;

Jay Silberg, Esq.  
July 17, 1998  
Page 5

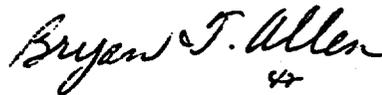
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7. All Documents related to, PFS' application to construct the Western Rail Option over BLM land or other discussion or negotiations with the BLM;

Given the early stage of the proceeding, these requests are necessarily preliminary, and Castle Rock expects to provide additional requests as the proceedings continue. In addition, we have been unable to contact the State of Utah regarding Utah AA/Castle Rock 13 and expect to supplement our request based on such consultations.

Castle Rock understands that it may take PFS some time to assemble all of the information requested above. Please keep me updated as to when PFS will be able to deliver, or otherwise make available, the above-described information. Feel free to call me about any related questions or comments.

Very truly yours,



Bryan T. Allen

cc: Michael Later, Esq.  
David Allen, Esq.  
Chris Robinson  
All Parties