

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  
ASLBP No. 97-732-02-  
ISFSI  
MAY 28, 1999

**OHNGO GAUDADEH DEVIA'S (OGD) RESPONSES TO  
APPLICANT'S FIRST SET OF DISCOVERY REQUESTS**

Ohngo Gaudadeh Devia (OGD) files the following responses to Applicant Private Fuel Storage L.L.C. (PFS) First Set of Interrogatories and Document Requests directed to OGD:

**ANSWERS TO INTERROGATORIES**

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

Response: In addition to counsel for OGD, the following persons were consulted and/or supplied information in responding to Applicant's First Set of Interrogatories:

Margene Bullcreek -- All document requests and interrogatories  
Chair of Ohngo Gaudadeh Devia Awareness (OGD)  
Box 155  
Tooele, Utah 84074

OGD is unaware of any difference between the opinions of Ms. Bullcreek, or anyone else consulted in the drafting of these interrogatories, and OGD's written response to the interrogatories.

**INTERROGATORY NO. 2.** Please provide the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom OGD expects to call as a witness or expert witness at the hearing and the subject matter about which each witness or expert witness will testify. For each expert witness please include a list of all publications authored by the witness within the preceding ten years and a listing of any other cases in which the witness has testified as an expert at a trial, hearing or by deposition within the preceding four years. Please describe the subject matter on which each of the witnesses is expected to testify at the hearing by detailing 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 his or her testimony.

Response: OGD has not selected the witness or witnesses that it expects to call at the hearing in this matter and will supplement this response in accordance with 10 C.F.R. § 2.740(e).

**INTERROGATORY NO. 3.** Identify and fully describe the specific disproportionately high and adverse economic and sociological impacts that OGD contends the construction, operation, and decommissioning of the PFS ISFSI will have on the community of the Skull Valley Band of Goshute Indians and describe fully the scientific, technical and sociological bases therefor.

Response: The construction, operation and decommissioning of the proposed PFS facility will have disproportionately high and adverse impacts on the community of the Skull Valley Band of Goshutes. In part, this is because the facility will be a significantly disruptive

force and presence in the center of the Skull Valley Band of Goshutes Reservation, a small tract of 17,444 acres. The site of the proposed facility is very close to the homes of all Reservation residents and other tribal buildings. For example, the proposed facility site is only two miles from the home of Margene Bullcreek, where she lives with her family. The site is even closer to the Community Building where Band members have General Council meetings, social gatherings and traditional spiritual ceremonies, including recent cry song ceremonies for the dead and a buffalo dedication ceremony. These ceremonies connect the participants to their traditional ways of life and to Mother Earth. The construction, operation and decommissioning of the proposed storage site are antithetical to this way of life and will necessarily interfere with this connection.

Currently, the reservation is characterized by beauty, peace and tranquility, attributes that facilitate the closeness and oneness that traditional Goshute Shoshone teachings reveal exist between humans and nature. The Skull Valley lies between the dramatic snow capped peaks of the Stansbury Mountains, including the eleven thousand foot summit of Deserette Peak to the east and the lower, more inviting rolling knolls of the Cedar Mountains to the west. The Valley is vast and empty, made fertile by several fresh springs and a readily accessible aquifer of pure water. These springs and a high water table lend lushness to this desert valley lush and provide important habitat for wildlife and birds.

Very few families live on the Skull Valley Reservation and there is very little traffic on the road the traverses these lands. Beyond the Reservation, are only a few vast ranches. In this landscape, the Skull Valley Band members are able to preserve their traditional culture and their

connection to nature. Clearly, the construction, operation and decommission of a huge, ugly and sterile high level nuclear waste facility in this setting, in the center of the Reservation, will disrupt the Band members' Goshute Shoshone way of life and irreversibly alienate them from the surroundings which presently nurture them.

Furthermore, the proposed facility and the proposed rail line will occupy traditional ancestral lands which are of central importance to the members of the Skull Valley Band and which may contain important artifacts of their traditional culture. Therefore, the proposed facility and rail line will have a disproportionately high and adverse impact on the connection between Band members and their ancestral lands, on access to these lands and on artifacts and other elements of historical and cultural significance that may be present there.

For similar reasons, the presence of the facility in the heart of the Reservation will also accelerate acculturation of the Skull Valley Band members into the dominant culture and will impede efforts to revitalize and invigorate traditional Band Goshute Shoshone culture. Members will be suddenly and continually exposed to the intrusion of high-tech culture which shows little respect for and humility toward Mother Earth. The synergistic effects of this intrusion and the alienation from the landscape that sustains them will also have disproportionately high and adverse impacts on the physical, mental and spiritual well being of Band members.

Furthermore, the intrusion of the facility will disrupt the sense of community among Band members, which in turn will facilitate the acculturation explained above. In addition, if Band members deal with the disruptive forces of the facility by moving off the Reservation or by spending less time there, the adverse effects of the facility will further and perhaps finally

forestall any attempts to preserve and rejuvenate the Band members' unique culture.

Finally, in a more typical sense, The proposed facility and rail spur will have disproportionately high and adverse sociological, individual and psychological impacts caused by added traffic, more people, cultural impacts on traditional lifestyles, stigmatization resulting from adverse impacts (real or perceived) of the storage facility, changes in traffic patterns, and the pervasive fear of living in close proximity to the biggest nuclear storage facility in the United States.

See also Responses to all other Interrogatories.

**INTERROGATORY NO. 5.** Identify and fully describe the impacts asserted in response to Interrogatory No. 3 to which OGD contends the Skull Valley Band of Goshute Indians are particularly susceptible, the specific factors peculiar to the Band that assertedly make them so susceptible, and the scientific, technical, or sociological bases for such susceptibility.

Response: See Responses to all other Interrogatories

**INTERROGATORY NO. 6.** Identify and fully describe each of the specific environmental impacts of materials and activities at, or emanating from, the facilities enumerated in Contention OGD O<sup>1</sup> that OGD asserts would be cumulative with the environmental impacts of the construction, operation, or decommissioning of the PFS ISFSI, including the specific magnitude of the asserted impacts at the Skull Valley Reservation from the enumerated facilities and the ISFSI, the scientific and technical basis for each asserted specific impact at the Skull Valley Reservation, and the cumulative nature of the impacts.

Response: The further disproportionately high and adverse impacts of the proposed

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<sup>1</sup> Those facilities are: 1) Dugway Proving Ground, 2) Deseret Chemical Depot (including CAMDS and the TOCDF chemical weapons incinerators), 3) Tooele Army Depot, North Area, 4) Envirocare mixed waste and low-level waste landfill, 5) Clive hazardous waste storage facility, 6) Aptus hazardous waste incinerator, and 7) Grassy Mountain hazardous waste landfill

storage site and rail spur are evidence by the fact that the members of OGD and the lands of the Skull Valley Reservation are surrounded by various facilities that produce high volumes of hazardous waste. When added to the impact of the emissions of these various facilities, the impacts of the proposed storage facility on OGD and Skull Valley members will be disproportionately high and adverse. OGD has not yet finished its analysis of these specific and cumulative impacts. It will be assisted in doing so by the information contained in the environmental analyses associated with this project which it is the burden of the Staff to produce. When OGD completes its analysis, it will update this interrogatory accordingly.

**INTERROGATORY NO. 7.** Identify and fully describe the specific impacts that OGD contends that the construction, operation, and decommissioning of the PFS ISFSI will have on property values in and around the community of the Skull Valley Band of Goshute Indians, including the specific parcels of property that will assertedly be affected, the current value of those parcels, the specific changes in their asserted values that would be caused by the construction and operation of the ISFSI, and the factual or other bases for claiming that such impacts will occur.

Response: In particular, the value of all Reservation homes and the lands on which they are located will be disproportionately, highly and negatively impacted by the construction of the proposed facility and rail spur. The fact that Skull Valley members do not “own” their property in the context of a western fixation with property rights emphasizes the extent to which Band members will be uniquely harmed by the operation, construction and decommissioning of the facility. Band members are not only unwilling – because of their attachment to their tribal lands – but also unable – because of their lack of “equity” in their land and homes – to leave the Reservation based on concerns such as the impact of the facility on their physical, mental and

cultural well being.

Furthermore, to rely on western notions of property valuation in this case is inappropriate and unrevealing. Tribal lands, the Reservation and members' place on and in these lands are infinitely valuable to Skull Valley Band members. This land represents the tie, communication and life line between Band members and their culture, their tradition, their people, their family, their history and Mother Earth. This land is central to Band members' sense of place, sense of community and sense of self.

Clearly, Anglo law and methods of calculation do not adequately represent the current value of Reservation lands and homes and the devaluation of the land and homes that will occur as a result of construction and operation of the proposed facility and rail spur. However, the best basis for an appropriate evaluation of the lands is one akin to a perpetual life estate interest in the property. This life interest is perpetual in that can be passed down to successive heirs. The value of this estate is equal to the appropriately adjusted the annual rental value of the property extended indefinitely into the future based on an indefinite succession of heirs. Such a calculation is appropriate in cases such as that of Margene Bullcreek, who has now has living grandchildren and has no reason to believe that they will not have heirs. She, her children and their grandchildren and their children, etc. should enjoy uninterrupted possession of her home and the land assigned to her.

However, should the facility and rail spur be build, the land will completely lose its value. In order to preserve their way of life and to avoid the significant disruption of and damage to their mental, spiritual, economic and physical well being, members will be force to

move off the reservation and will lose totally the value of their homes and land.

In a more typical sense, the property values of the lands within the Skull Valley Reservation and the homes of Reservation residents, including OGD members, will be diminished by the proximity of the proposed storage site and rail spur, the dangers of nuclear waste transport, and the stigma associated with these activities and the unpleasantness and intrusiveness. Furthermore, public fears of the danger of nuclear waste and nuclear waste transportation are extensive and this public perception can, by itself, lower the value of the local properties.

#### **DOCUMENT REQUESTS**

REQUEST NO. 1: All documents related to the claims raised by OGD in Contention OGD O, as admitted by the Board.

Response: The documents requested are located at the Utah Office of the Law Fund, 2056 East 3300 South Street, Suite 1, Salt Lake City, Utah 84109 and are available for inspection and copying.

REQUEST NO. 2: All documents, data or other information generated, reviewed, considered or relied upon by any expert or consultant assisting OGD with respect to OGD O.

Response: OGD is currently unaware of any responsive documents. As OGD acquires responsive documents, it will produce them and apprise PFS thereof.

REQUEST NO. 3: All calculations, studies, evaluations, analyses or other documents relating to risks to persons or property (including the proposed PFS ISFSI) and/or environmental impacts from activities or materials (including hazardous materials transportation) at, or

emanating from: 1) Dugway Proving Ground, 2) Deseret Chemical Depot (including CAMDS and the TOCDF chemical weapons incinerators), 3) Tooele Army Depot, North Area, 4) Envirocare mixed waste and low-level waste landfill, 5) Clive hazardous waste storage facility, 6) Aptus hazardous waste incinerator, and 7) Grassy Mountain hazardous waste landfill.

Response: The documents requested are located at the Utah Office of the Law Fund, 2056 East 3300 South Street, Suite 1, Salt Lake City, Utah 84109 and are available for inspection and copying. Many responsive documents are in the possession of the State. OGD obtained these documents via discovery and understands that PFS did as well. The various environmental analyses prepared in relation to this matter should also address this issue. When further responsive documents become available, OGD will produce them.

REQUEST NO. 4: All documents relating to specific accidents that have occurred involving activities or materials (including hazardous materials transportation) at, or emanating from, 1) Dugway Proving Ground, 2) Deseret Chemical Depot (including CAMDS and the TOCDF chemical weapons incinerators), 3) Tooele Army Depot, North Area, 4) Envirocare mixed waste and low-level waste landfill, 5) Clive hazardous waste storage facility, 6) Aptus hazardous waste incinerator, and 7) Grassy Mountain hazardous waste landfill, which OGD claims would have produced an environmental impact cumulative with those of PFS ISFSI, had it been constructed and operating at the time of the accident.

Response: The documents requested have already been produced or are located at the Utah Office of the Law Fund, 2056 East 3300 South Street, Suite 1, Salt Lake City, Utah 84109 and are available for inspection and copying. Many responsive documents are in the possession of the State. OGD obtained these documents via discovery and understands that PFS did as well. The various environmental analyses prepared in relation to this matter should also address this issue.

REQUEST NO. 5: All documents relating to potential accidents that OGD claims could occur involving activities or materials (including hazardous materials transportation) at, or emanating from, from, 1) Dugway Proving Ground, 2) Deseret Chemical Depot (including

CAMDS and the TOCDF chemical weapons incinerators), 3) Tooele Army Depot, North Area, 4) Envirocare mixed waste and low-level waste landfill, 5) Clive hazardous waste storage facility, 6) Aptus hazardous waste incinerator, and 7) Grassy Mountain hazardous waste landfill, that OGD claims would produce an environmental impact cumulative with that of the PFS ISFSI.

Response: The documents requested have already been produced or are located at the Utah Office of the Law Fund, 2056 East 3300 South Street, Suite 1, Salt Lake City, Utah 84109 and are available for inspection and copying. Many responsive documents are in the possession of the State. OGD obtained these documents via discovery and understands that PFS did as well. The various environmental analyses prepared in relation to this matter should also address this issue.

REQUEST NO. 6: All documents concerning the specific disproportionately high and adverse economic and sociological impacts that OGD contends the construction, operation, and decommissioning of the PFS ISFSI will have on the community of Goshute Indians.

Response: The documents requested have already been produced or are located at the Utah Office of the Law Fund, 2056 East 3300 South Street, Suite 1, Salt Lake City, Utah 84109 and are available for inspection and copying. Many responsive documents are in the possession of the State. OGD obtained these documents via discovery and understands that PFS did as well. The various environmental analyses prepared in relation to this matter should also address this issue. In addition, as ODG acquires additional responsive documents, it will produce them.

REQUEST NO. 7: All documents concerning the disproportionately high and adverse economic and sociological impacts allegedly suffered by low-income or minority populations as a result of the construction and operation of industrial facilities in the United States.

Response: The documents requested have already been produced or are located at the

Utah Office of the Law Fund, 2056 East 3300 South Street, Suite 1, Salt Lake City, Utah 84109 and are available for inspection and copying. Many responsive documents are in the possession of the State. OGD obtained these documents via discovery and understands that PFS did as well. The various environmental analyses prepared in relation to this matter should also address this issue. Furthermore, as OGD acquires responsive documents, it will produce them

REQUEST NO. 8: All documents concerning the alleged economic and sociological impacts that the construction, operation, and decommissioning of the PFS ISFSI will have on the community of Goshute Indians to which OGD contends the Goshute Indians are particularly susceptible.

Response: See Response to Request No. 7.

REQUEST NO. 9: All documents concerning the specific factors peculiar to the Goshute Indians that assertedly make them susceptible to the alleged economic and sociological impacts that the construction, operation, and decommissioning of the PFS ISFSI will have on the community of Goshute Indians.

Response: See Response to Request No. 7.

REQUEST NO. 10: All documents concerning the scientific, technical, or sociological basis for believing that the factors described in Document Request No. 9 pertain to the Goshute Indians.

Response: See Response to Request No. 7.

REQUEST NO. 11: All documents concerning the economic and sociological impacts generally to which OGD contends the Goshute Indians are particularly susceptible, the specific factors peculiar to the Goshute Indians that assertedly make them so susceptible, and the scientific, technical, or sociological basis for believing that such factors pertain to the Goshute Indians.

Response: See Response to Request No. 7.

REQUEST NO. 12: All documents concerning property values in and around the Skull Valley Goshute community that OGD asserts will be affected by the construction or operation of the PFS ISFSI, including the current value of those parcels of property that would allegedly be

affected, and the specific changes in their asserted values that would allegedly be caused by the construction and operation of the PFS ISFSI.

Response: See Response to Request No. 7.

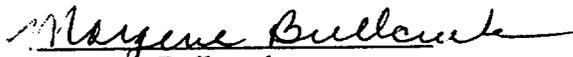
Dated this 28<sup>th</sup> Day of May, 1999.

A handwritten signature in black ink, appearing to read 'Joro Walker', with a large, stylized initial 'J'.

JORO WALKER  
Land and Water Fund of the Rockies  
2056 East 3300 South Street, Suite 1  
Salt Lake City, Utah 84109  
RICHARD CONDIT  
2260 Baseline Road, Suite 200  
Boulder, Colorado 80302

I, Margene Bullcreek, hereby certify that the statements in the foregoing Answers to Interrogatories are true and correct to the best of my knowledge and belief.

Dated the 28<sup>th</sup> of May, 1999.

  
Margene Bullcreek  
Chair of Ohngo Gaudadeh Devia

UNITED STATES OF AMERICA  
BEFORE THE  
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MAY 28, 1999

**CERTIFICATE OF SERVICE**

I hereby certify that copies of **Ohngo Gaudedah Devia's and SUWA's Responses to Applicant's First Set of Interrogatories and Document Requests** 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 28th day of May 1999.

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Attention: Rulemakings and Adjudications  
Staff  
e-mail: hearingdocket@nrc.gov  
(Original and two copies)

\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
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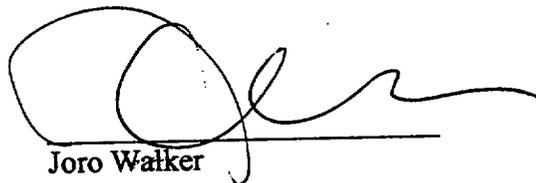
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\* By U.S. mail only



Joro Walker