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RELATED CORRESPONDENCE

**UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION**

**DOCKETED
USNRC**

Private Fuel Storage, a Limited Liability Company;

(Independent Spent Fuel Storage Installation).

Docket No. 72-22
ASLBP No. 97-735-02-ISESI
April 20, 2001

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**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

**OHNGO GAUDED AH DEVIA'S
NOTICE OF DEPOSITION FOR JOHN PARKYN AS THE REPRESENTATIVE OF PFS
IDENTIFIED BY PFS AS THE PFS EMPLOYEE OR OFFICER MOST
KNOWLEDGEABLE ON SPECIFIED ISSUES**

Pursuant to 10 C.F.R. §§ 2.740(b), 2.740a, and Federal Rules of Civil Procedure 26(b) and 30, Ohngo Gauded Ahdevia ("OGD") will take the deposition under oath of John Parkyn as the representative of Private Fuel Storage ("PFS" or "Applicant").

Mr. Leon D. Bear is the stated author of a letter and attachment dated February 16, 1999, submitted to the Nuclear Regulatory Commission ("NRC") by PFS on February 18, 1999, as a response to an EIS Request for Additional Information. Mr. Bear states in the letter that he was aided in this authorship by PFS.

Mr. John Parkyn, as the lead representative of PFS involved in the generation of the letter and attachment dated February 16, 1999, and the lead representative of PFS knowledgeable concerning the letter, attachment, and information contained in or used in the generation of said letter and attachment is the subject of this notice of deposition. Mr. Parkyn is the sole PFS employee or officer on the list of persons provided by Applicant in response to OGD's Interrogatories No. 9 and 10, OGD's Second Requests for Discovery.

The deposition of Mr. Parkyn will commence on **Friday, April 27, 2001 at 1:45 p.m.** and will continue from day to day until completed. The deposition will be held in the building that

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houses the offices of the Utah Attorney General, Heber Wells State Office Building, North Main Floor Conference Room, **160 East 300 South, Salt Lake City, Utah**. The deposition will be taken and transcribed by a person(s) authorized to administer oaths in the state of Utah. The Witness will be asked to testify about matters relevant to OGD's contention and the Applicant's and Mr. Bear's assertions and defenses in the above-captioned matter. The NRC Staff may attend and also ask questions.

This Notice of Deposition includes a Schedule of Documents and extends to all responsive information and documents within the Witness's and/or PFS's custody or possession or otherwise subject to PFS's control, whether located on business premises, at the residences or offices of PFS and/or its organization or its agents, attorneys, contractors, sub-contractors, officers, directors, representatives, employees, subsidiaries, affiliates, and parts, or elsewhere. If any responsive information or documents cannot or are not produced in full, identify all such information and documents; provide a complete and accurate account of the reasons for non-production and the circumstances surrounding their destruction, loss, or unavailability; identify persons with personal knowledge of the circumstances surrounding their destruction, loss, or unavailability; and respond to the fullest extent possible. If any responsive information is withheld on the grounds of privilege, confidentiality, attorney product, trade secrets etc., the Witness (or counsel where appropriate) must be prepared at the time of the deposition to identify:

- a. The persons with knowledge of, access to, or in possession of all such information;
- b. All other persons who have seen or learned of all such information;
- c. The method by which, and the reasons why, each such person obtained access to such information;
- d. The subject matter and substance of all such information;

- e. The specific basis for the claim of privilege, confidentiality, attorney product, trade secret, etc.; and
- f. All other information necessary to adjudicate the propriety of any claim of privilege, confidentiality, attorney product, trade secret.

Respectfully submitted,

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April 20, 2001

**SCHEDULE OF DOCUMENTS TO BE PRODUCED
BY MR. JOHN PARKYN ON APRIL 27, 2001**

Pursuant to the above Notice of Deposition, please provide the following documents (the words document and documents are defined in Appendix "A" (attached)):

1. All documents pertaining to and/or referred to in preparation of the letter and attachment submitted by Mr. Bear and/or PFS to the NRC on February 18, 1999. This letter and attachment discussed issues relevant to OGD's environmental justice concerns.
2. All purported resolutions of the Skull Valley Band of Goshute Indians ("Tribe") and documents pertaining to resolutions that refer to Margene Bullcreek and/or OGD and/or OGDA and/or that single out other individual members of the Tribe for the past fifteen years.
3. All purported lease agreement(s) and/or contract(s) and/or agreements between the Applicant and (1) Leon Bear and/or (2) Leon Bear's organization and/or (3) the Tribe.
4. All documents pertaining to any regularly scheduled and/or special purported general council meetings held by Mr. Bear and/or his organization during the period 1986 through the present, including, but not limited to, copies of notices, attendance records, minutes, agendas, and resolutions and audio and/or video recordings of these meetings.
5. A list of enrolled Tribe members for each period where such membership was different, from 1986 through the present, identifying thereon the dates each such list was valid and accurate.
6. All documents purported to pertain to the Tribe's Executive Committee meetings and decisions for the period 1986 through the present, including but not limited to, copies of notices, attendance records, minutes, agendas, and resolutions.
7. All documents pertaining to payments, the promise of payments, and/or services provided by the Applicant and/or its attorneys, agents, or contractors to Mr. Bear and/or any of his organization and/or the Tribe and/or his or its attorneys, contractors, or agents related to this project or any other project.
8. All documents pertaining to the rules for conducting meetings of all Tribal governing bodies and/or committees of appointed and/or elected Tribal officers, including the Tribal General Council (also referred to as the General Council) and/or Executive Committee, (also referred to and/or functioning as a Business

Committee), including but not limited to, rules for obtaining a quorum and rules for passage of resolutions of all such groups.

9. All lists of members of the General Council, Executive Committee and/or other governing bodies and/or committees of appointed and/or elected Tribal officers, for each of the years 1986 through the present.

APPENDIX "A"

The words "record," "records," "document," and "documents" as used in this Schedule of Documents means the original or a copy of the original and any nonidentical copy, including copies with marks, comments or marginal notations, regardless of original location, of any recorded, written, printed, typed or other graphic material of any kind, variety, character or type, including by way of example but not limited to the following: agendas, reports, recommendations, transcripts, minutes, charters, books, records, contracts, subcontracts, requests for proposals, proposals, bids, *Commerce Business Daily* and *Federal Register* notices, contract modifications, deliverables, drafts, final products, questions, comments, suggestions, agreements, invoices, orders, bills, certificates, deeds, bills of sale, certificates of title, financing statements, instruments, expense accounts, receipts, disbursement journals, tax returns, financial statements, checks, check stubs, bank statements, promissory notes, resumes, address books, appointment books, telephone messages, telephone logs, notes, logs, voice mail recordings, worksheets, pictures, income statements, profit and loss statements, deposit slips, credit card receipts, records or notations of telephone or personal conversations, conferences, intra office communications, postcards, letters, telex, partnership agreements, catalog price lists, sound, tape and video records, memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities), manuals, diaries, calendars or desk pads, scrapbooks, notebooks, correspondence, bulletins, circulars, policies, forms, pamphlets, notices, statements, journals, letters, telegrams, reports, interoffice communications, photostats, microfilm, microfiche, maps, telefax, facsimiles received or sent, facsimile cover sheets, deposition transcripts, drawings, blueprints, photographs, negatives, computer files, floppy disks, compact disks, e-mail, backup

systems or disks, and any other data, information or statistics contained within any data storage modules, discs, or any other memory devices (including IBM or similar cards for information, data, and programs) or any other information retrievable on storage systems, including computer-generated reports and print-outs.

**UNITED STATES OF AMERICA
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
April 20, 2001

CERTIFICATE OF SERVICE

I hereby certify that copies of **OHNGO GAUDEDAAH DEVIA's NOTICE OF DEPOSITION FOR LEON D. BEAR** and all supporting parts, sub-parts, documents and sub-documents including **SCHEDULE OF DOCUMENTS TO BE PRODUCED BY MR. LEON D. BEAR ON APRIL 27, 2001** and **APPENDIX "A"** thereto 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 20th day of April, 2001.

G. Paul Bollwerk III, Esq., Chairman
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Dr. Peter S. Lam
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Attn: Rulemakings and Adjudications Staff
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**CERTIFICATE OF SERVICE OF
OGD NOTICE OF LEON D. BEAR DEPOSITION**

* Adjudicatory File
Atomic Safety and Licensing Board Panel
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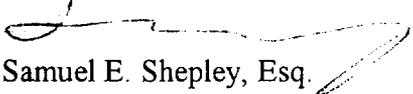
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