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UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Private Fuel Storage, a Limited Liability Company;
(Independent Spent Fuel Storage Installation).

Docket No. 72-22
ASLBP No. 97-732-02-ISFSI
June 12, 2001

OHNGO GAUDADEH DEVIA'S (OGD) REQUEST FOR LEAVE TO FILE MOTION
AND
MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PRIVATE FUEL
STORAGE'S (PFS) MOTION FOR SUMMARY DISPOSITION
OF OGD CONTENTION O

Request for Leave to File Motion: OGD hereby requests permission to file its Motion for Extension of Time to File Response to PFS's May 25, 2001 Motion for Summary Disposition of OGD Contention O.

When the current attorneys for OGD took over representation, they noticed that most communications in the NRC forum were by e-mail with hard-copy by regular mail. OGD attorney Samuel Shepley telephoned the NRC to ask if the five day mail time period was to be added on to time calculations under these circumstances.

Mr. Shepley was referred to a gentleman who represented himself as the correct person on the NRC staff to decide this question. He informed Mr. Shepley that the NRC had not officially recognized filing by e-mail so unless the judge gave a date certain as to when a submission was due, five days was in all cases to be added on under currently prevailing NRC rules.

Pursuant to this decision, when OGD was told that the time period to respond to summary

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disposition motions was 20 days, OGD added the five days for mailing and OGD scheduled its Response to PFS's May 25, 2001 Motion for Summary Disposition of OGD Contention O to be due on June 19, 2001, and as this Response depends on correspondence with several persons located some distances from each other, OGD will be unable to shorten this schedule at this time.

Additionally, yesterday when OGD discovered there were unexpected problems which indicated a need for an extension (see below), OGD planned to file a Motion for Extension of Time by the 14th of June (the 16th falling on a weekend).

OGD has recently received information and filings (including *NRC Staff's Motion for Extension of Time to File Response to "Applicant's Motion for Summary Disposition of OGD Contention O - Environmental Justice"* filed yesterday, June 11, 2001) in these proceedings which suggest that the five day mailing time may not be applicable in these proceedings notwithstanding what it was told by the NRC, and its Response may be due on the 14th of June (impossible for OGD to meet) and a Motion for Extension of Time would have been due on the 11th of June (yesterday). If this is the case, OGD requests permission to file this Motion for Extension of Time late, and additionally if its Motion is not granted that its Response nonetheless be due on the 19th of June, instead of the 14th of June, 2001.

Motion for Extension of Time to file OGD's Response to PFS's May 25, 2001

Motion for Summary Disposition of OGD Contention O: Pursuant to 10 C.F.R. § 2.730, OGD hereby requests an extension of time, until June 28, 2001, in which to file its response ("Response") to PFS' Motion for Summary Disposition of OGD Contention O ("Motion"), filed on May 25, 2001. In support of this request, OGD states as follows:

1. PFS' Motion raised numerous issues and OGD's Response needs to address these

issues, including a fundamental difference in position concerning the scope of OGD contention O. Leon Bear's lack of authority to represent the tribe's legitimate government, PFS' improper dealings causing a diversion of project funds which are not reaching the tribe, and a host of environmental effects which are primarily issues sponsored by other parties, as well as the issues primarily associated with OGD Contention O.

2. Because of the numerous issues and OGD's limited resources and the difficult logistics, coordinating and corresponding with persons separated geographically takes time and the use of volunteer effort.

3. OGD has prepared a preliminary draft response to PFS' Motion, but will be unable to complete that response within the required time period due problems with some of its consultants and experts.

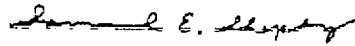
4. OGD is having an especially difficult time location and synchronizing schedules with one of its Affiants, a Native American with a traditional live style that makes him hard to track down and coordinate with.

5. Additionally, another critical Affiant has reduced availability because both his wife and his father are suddenly experiencing unforeseen and grave medical problems requiring changes in medical facilities.

6. Because of these and other similar unforeseen difficulties beyond OGD' control, OGD requires an additional period of two weeks, until June 28, 2001 to file its Response to PFS' Motion. OGD believes that this extension of time will not adversely affect the schedule for litigation of this or any other contention in this proceeding.

7. OGD discussed this problem with counsel for NRC Staff late yesterday afternoon, and with counsel for PFS this afternoon, and no objection to the requested delay was expressed.

Respectfully submitted.



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CERTIFICATE OF SERVICE

I hereby certify that copies of **OHNGO GAUDADEH DEVIA'S (OGD) REQUEST FOR LEAVE TO FILE MOTION AND MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PRIVATE FUEL STORAGE'S (PFS) MOTION FOR SUMMARY DISPOSITION** 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 June 12, 2001.

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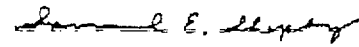
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