

RAS 3395

September 7, 2001

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

DOCKETED  
USNRC

September 17, 2001 (11:33AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of )  
)  
PRIVATE FUEL STORAGE L.L.C. )  
)  
(Private Fuel Storage Facility) )

Docket No. 72-22 -ISFSI  
ASLBP No. 97-732-02-ISFSI

**MOTION FOR EXTENSION OF TIME TO FILE A MOTION FOR  
PROTECTIVE ORDER**

Intervenor Skull Valley Band of Goshute Indians seeks an extension of time until September 26, 2001, to file a Motion for Protective Order regarding certain exhibits attached to the Declaration of Sammy Blackbear which has been offered into evidence by Intervenor Ohngo Gaudadeh Devia (OGD) along with its Response in opposition to Applicant's Motion for Summary Disposition of OGD Contention O. On September 5, 2001, the Licensing Board entered an Order giving the Skull Valley Band until Monday, September 10, 2001, to file its motion for a protective order. For the reasons stated below, there is good cause shown for the late filing of this Motion for Extension of Time. Counsel for OGD and PFS have been asked whether they will oppose this motion for extension, and they have advised that they have no objection.

The additional time is sought in order to allow counsel a sufficient opportunity to consult with his client, namely officers of the Skull Valley Band, during a leadership dispute among those officers. On Saturday, September 1, 2001, Utah media reported that there was an altercation among the Executive Committee members of the Skull

Valley Band at tribal offices in South Salt Lake City on Friday afternoon, August 31, 2001. This altercation centered on the custody and use of official records of the Band, the very issue which will be the subject of the anticipated Motion for Protective Order. It is counsel's understanding that the tribal offices have been locked up, and access to tribal records awaits the results of an attempt to mediate this dispute by the Department of the Interior. The dispute over leadership of the Band may result in an election of officers at a meeting of the General Council on September 22, 2001.

Counsel for the Band was not able to file this Motion for Extension within three working days of the due date for the Motion for Protective Order, as required by Paragraph II.C. of the Board's Memorandum and Order of September 23, 1997, because the Order setting that due date was only three working days before that date. Further, counsel's efforts to contact his client before today to resolve important questions regarding custody and use of tribal records were unsuccessful.

The proposed new date for the filing of a motion for protective order follows the anticipated date of the tribal election, which may serve to clarify leadership issues, and inform counsel how to address issues of protection of tribal records.

Respectfully submitted this 7<sup>th</sup> day of September, 2001.



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CERTIFICATE OF SERVICE

I hereby certify that copies of the Skull Valley Band's Motion for Extension of Time to File a Motion for Protective Order have been served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 7th day of September, 2001.

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