

May 28, 1999

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
PRIVATE FUEL STORAGE L.L.C.) Docket No. 72-22
)
(Private Fuel Storage Facility))

**INTERVENOR OHNGO GAUDEDAAH DEVIA'S
MOTION TO EXTEND THE DISCOVERY PERIOD**

Pursuant to 10 C.F.R. § 2.730 Intervenor Ohngo Gaudedah Devia (OGD) requests that the Atomic Safety and Licensing Board (ASLB or Board) extend the time for completion of discovery for two days¹ to allow OGD to depose the Chairman of the Executive Committee for the Skull Valley Band of Goshutes, Mr. Leon D. Bear. In support of this Motion OGD states as follows:²

1. Chairman Bear has assisted the Applicant in the assessment of OGD's environmental justice contention. To that end, Chairman Bear has provided crucial information to the NRC directly relating to the various aspects of the environmental justice issues that are relevant to

¹ The two days will be during the week of June 14, 1999 in order to allow the parties adequate notice and time to complete most of their other discovery obligations, which have been extended with authorization from the Board.

² Although OGD provides several bases for extending the discovery period to allow the deposition of Chairman Bear, it is OGD's intention to depose Mr. Bear on a full range of issues regarding OGD's environmental justice contention.

licensing the Applicant's proposed facility on the Skull Valley Reservation.³

2. Ms. Margene Bullcreek is the Chairperson of OGD and a member of the Skull Valley Band of Goshutes (Band). In a meeting of the Skull Valley Band of Goshutes Tribal Council, on or about April 24, 1999, the Band reportedly passed resolutions directed, at least in part, to Ms. Bullcreek. Unfortunately, counsel has only vague information about these resolutions and knows little about their content due to Ms. Bullcreek's inability to share information about the meeting or the resolutions with counsel. Ms. Bullcreek is unable to share this information due to the fact that she believes that Chairman Bear and other members of the Tribal Council will sanction her for providing information concerning meetings held by the Band and resolutions passed by the Band. Counsel needs to depose Chairman Bear in order to fully understand such restrictions without endangering Ms. Bullcreek's status in the Band and to obtain actual copies of any resolutions that may impact Ms. Bullcreek's and/or other OGD members' participation in this proceeding. In addition, the Band's restrictions may impact counsel's ability to protect their clients' interests in this proceeding.

³ For example, see, the Skull Valley Band of Goshute Indians Responses to Requests for Additional Information (ER-1) Private Fuel Storage Facility Docket NO. 72-22/TAC L22462 dated February 16, 1999. This submission was part of a larger package submitted by PFS as Response to EIS Request for Information Private Fuel Storage Facility Docket NO. 72-22/TAC NO. L22462 dated February 18, 1999.


3. Although it has failed to provide such information to date, the Applicant acknowledges that information about the final lease between the Band and the Applicant as well as other information that describes payments and benefits to the Band may be relevant discovery in aid of OGD's contention. See, Applicant's Objections and Responses to OGD's First Requests for Discovery at 8 (Response to Document Request No. 7) dated May 20, 1999. OGD needs to obtain this information and can do so most efficiently by deposing Chairman Bear.
4. Finally, the Board has recently granted extensions of the discovery period to other parties adding approximately one to three weeks to the current discovery period. See, Board Order dated May 26, 1999. OGD should receive the same consideration for its modest discovery extension request. Furthermore, because the Board has granted the other parties' requests for extension of the discovery period, granting OGD's similar request will clearly not prejudice the parties.

Respectfully submitted,



JORO WALKER

Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, Utah 84109
(801) 487-9911



RICHARD E. CONDIT

Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
(303) 444-1188 ext. 219

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

CERTIFICATE OF SERVICE

I hereby certify that copies of **Ohngo Gaudedah Devia's Motion to Extend the Discovery Period** 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.

G. Paul Bollwerk III, Esq.,
Chairman Administrative Judge
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001
e-mail: GPB@nrc.gov

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
Panel U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001
e-mail: PSL@nrc.gov

Office of the Secretary
U.S. Nuclear Regulatory
Commission

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: JRK2@nrc.gov;
kjerry@erols.com

Jay E. Silberg
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, D.C. 20037
jay_silberg@shawpittman.com
ernest_blake@shawpittman.com
paul_gaukler@shawpittman.com

* Adjudicatory File
Atomic Safety and Licensing Board
Panel

Washington, D.C. 20555-0001
Attention: Rulemakings and
Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001

Catherine L. Marco, Esq.
Sherwin E. Turk, Esq.
Office of the General Counsel
Mail Stop O-15 B18
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555
pfscase@nrc.gov
set@nrc.gov
clm@nrc.gov

Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancel@state.UT.US


John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
1385 Yale Avenue
Salt Lake City, Utah 84105
e-mail: john@kennedys.org

Danny Quintana, Esq.
50 West Broadway, Fourth Floor
Salt Lake City, Utah 84101
e-mail: quintana@xmission.com

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
e-mail: dcurran@harmoncurran.com

Daniel Moquin
Utah Attorney General's Office
1594 West North Temple
Suite # 300
Salt Lake City, Utah 84114-0855

* By U.S. mail only



Joro Walker