

April 2, 2004

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**DOCKETED
USNRC**

Before the Atomic Safety and Licensing Board

April 7, 2004 (9:34AM)

In the Matter of)

PRIVATE FUEL STORAGE L.L.C.)

(Private Fuel Storage Facility))

Docket No. 72-22

ASLBP No. 97-732-02-ISFSI

**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

**APPLICANT'S MOTION FOR AN EXTENSION OF
TIME IN WHICH TO FILE A REQUEST FOR A STAY**

On March 31, 2004, the Atomic Safety and Licensing Board ("Board") issued a Memorandum and Order¹ ruling on redactions requested by Private Fuel Storage, L.L.C. ("PFS") of proprietary and confidential information from the evidentiary and decisional materials relating to Contentions Utah E/Confederated Tribes F ("Utah E") and Utah S. In its Memorandum and Order, the Board ordered that any party requesting a stay pending Commission review of the release of any evidentiary or decisional material encompassed by the Memorandum and Order is to file its request on or before April 7, 2004. Petitions for review to the Commission are due April 15, 2004.

PFS is in the process of reviewing the Board's Memorandum and Order and the materials ordered to be disclosed to determine whether it will seek Commission review regarding any of the materials ordered to be disclosed by the Board. Should PFS decide to seek Commission review on the disclosure of any such materials, it would request a stay of the release of those materials pending Commission review. PFS will not be able to make a final determination on whether to seek Commission review on the disclosure of any of the materials until some time next week. To allow sufficient time thereafter to file a request for a stay, PFS requests that the

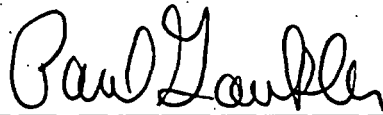
¹ Memorandum and Order (Disclosure/Redaction of Evidentiary and Decisional Materials Relating to Contentions Utah E/Confederated Tribes F and Utah S; Adopting Transcript Corrections Relating to Contentions Utah E/Confederated Tribes F and Utah S) (March 31, 2004).

time to file a request for a stay pending Commission review of the release of any evidentiary or decisional material encompassed by the Board's March 31, 2004 Memorandum and Order be extended to Tuesday, April 13, 2004.

Counsel for PFS has contacted counsel for the NRC Staff and for the State of Utah and is authorized to represent that neither object to the requested extension with the understanding that their time for filing responses to PFS's request would be extended to Tuesday April 20, 2004.

Wherefore, PFS respectfully requests that the time for filing a request for a stay pending Commission review of the release of any evidentiary or decisional material encompassed by the Board's March 31, 2004 Memorandum and Order be extended to Tuesday, April 13, 2004 and that the time for responses thereto be extended to Tuesday, April 20, 2004.

Respectfully submitted,



Jay E. Silberg
Paul A. Gaukler
D. Sean Barnett
SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, DC 20037
(202) 663-8000
Counsel for Private Fuel Storage L.L.C.

April 2, 2004

**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))	ASLBP No. 97-732-02-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Motion for an Extension of Time In Which To File A Request For A Stay 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 2nd day of April 2004.

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

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@verizon.net

*Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

* Adjudicatory File
Atomic Safety and Licensing Board Panel
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
e-mail: pfscase@nrc.gov

John Paul Kennedy, Sr., Esq.
David W. Tufts, Esq.
Confederated Tribes of the Goshute
Reservation and David Pete
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, Utah 84105
e-mail: dtufts@diplaw.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

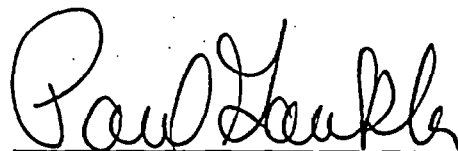
Paul EchoHawk, Esq.
Larry EchoHawk, Esq.
Mark EchoHawk, Esq.
EchoHawk PLLC
P.O. Box 6119
Pocatello, ID 83205-6119
e-mail: paul@echohawk.com

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: dchancellor@utah.gov

Joro Walker, Esq.
Land and Water Fund of the Rockies
1473 South 1100 East
Suite F
Salt Lake City, UT 84105
e-mail: lawfund@inconnect.com

Tim Vollmann, Esq.
Skull Valley Band of Goshute Indians
3301-R Coors Road, N.W.
Suite 302
Albuquerque, NM 87120
e-mail: tvollmann@hotmail.com

* By U.S. mail only


Paul A. Gaukler