

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:)
)
)
Private Fuel Storage, L.L.C.,)
(Independent Spent Fuel Storage) Docket No. 72-22
Installation))
)

RESPONSE TO THE STATE OF UTAH'S MOTION FOR EXTENSION
OF TIME TO FILE CONTENTIONS AND
MOTION TO SUSPEND LICENSING PROCEEDING
PENDING ESTABLISHMENT OF A LOCAL PUBLIC DOCUMENT ROOM

Petitioners Castle Rock Land and Livestock, L.C., Skull Valley Company, Ltd., and Ensign Ranches of Utah, L.C., (collectively "Petitioners") hereby join with and support the motions by the State of Utah to extend the time to file contentions and to suspend these licensing proceedings pending the establishment of a local document room.

The Petitioner own over 67,000 acres of land in the area immediately surrounding the proposed nuclear waste storage facility (the "Waste Facility"), including a farm located 2000 feet from its boundaries. The construction and operation of the proposed Waste Facility will have a profound negative impact on Petitioners' current and prospective business operations in the Skull Valley; nevertheless, Petitioners did not receive details regarding the proposed facility until they independently secured a copy of the incomplete application materials a few weeks prior to the filing of their petition to intervene.

An extension of time for filing of contentions and suspension of the proceedings to permit establishment of a public document room is essential to enable Petitioners to

protect their interests, and those of similarly situated private landowners. As a private ranching operation, Petitioners have very limited resources available to them; moreover, because of the failure of PFS to consult with or notify Petitioners regarding their plan, Petitioners have had very little advance notice and time to prepare for these proceedings. If the motions are not granted, Petitioners resources will be severely strained to evaluate the issues posed by PFS's lengthy license application in only a few weeks and with limited or no access to essential documents. Indeed, in light of PFS's failure to even notify neighboring private landowners of its plan to construct a potentially dangerous proposed waste facility--the likely location of which PFS has known for years--Petitioners are disappointed that PFS is stridently opposing the State of Utah's motions.

The Nuclear Regulatory Commission ("NRC") staff has indicated that, at a minimum, it will take the NRC several years to evaluate PFS's license application for the Waste Facility. The filing of contentions is an acutely important first step in the licensing process because it establishes a general framework that guides and limits the extensive discovery, motions, research, and decisions that are to follow. In order to ensure that the contentions filed by intervening parties adequately and accurately reflect the issues at stake, it is in the interest of all parties, including PFS, for each party to have adequate time to research, evaluate, and frame its contentions.

Petitioners believe that the State of Utah's motions are well founded, will not result in any significant delay in the licensing proceedings, and will allow Petitioners and other parties to participate in the licensing process in a more meaningful fashion and on a more nearly level playing field. Petitioners, therefore, urge the licensing board to

grant the State of Utah's motions to suspend the licensing proceeding until a local public document room has been established and is fully operational or to extend for a period of 45 days the time required for intervenors to file contentions in this matter.

Dated this 13th day of October, 1997.

Respectfully submitted,



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Certificate of Mailing

I hereby certify that I caused to be sent by E-Mail and Federal Express overnight courier service a copy of the foregoing RESPONSE TO THE STATE OF UTAH'S MOTION FOR EXTENSION OF TIME TO FILE CONTENTIONS AND MOTION TO SUSPEND LICENSING PROCEEDING PENDING ESTABLISHMENT OF A LOCAL PUBLIC DOCUMENT ROOM the following:

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Dated this 13th day of October, 1997.

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