

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE, L.L.C.	)	Docket No. 72-22-ISFSI
	)	
(Independent Spent	)	
Fuel Storage Installation)	)	

NRC STAFF'S RESPONSE TO STATE OF UTAH'S REQUEST FOR AN  
EXTENSION OF TIME FOR FILING A COMBINED PETITION FOR REVIEW  
OF THE LICENSING BOARD'S PARTIAL INITIAL DECISIONS ON CONTENTIONS  
UTAH E AND UTAH S AND FOR AN ENLARGEMENT OF THE PAGE LIMITATION

On May 30, 2003, the State of Utah ("State") filed a request for a 19-day extension of time (from June 11 to June 30, 2003),<sup>1</sup> in which to file its petition for review of the Licensing Board's three partial initial decisions on the State's financial assurance and decommissioning funding contentions, issued on May 27, 2003.<sup>2</sup> In addition, the State requests leave to address the three decisions in a single petition of up to 20 pages in length (Motion at 3); to file a reference appendix for that combined petition (*Id.* at 6); and either to file its petition three days after the Board issues its expected ruling on public disclosure, or to file its petition on June 30 and later to file a supplement thereto, "relating to the Board's public disclosure ruling" (*Id.*).

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<sup>1</sup> "State of Utah's Request for an Extension of Time for Filing Its Combined Petition for Review of the Board's Partial Initial Decisions on Contentions Utah E and Utah S and on All Issues Relating to Contentions E and S, Including Decision on Summary Disposition Relating to Remand From CLI-00-13 and for an Enlargement of the Page Limitation," dated May 30, 2003 ("Motion"), at 2-3.

<sup>2</sup> See (1) "Partial Initial Decision (Contention Utah E/Confederated Tribes F, Financial Assurance)"; (2) "Partial Initial Decision (Contention Utah S, Decommissioning)"; and (3) "Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Relating to Remand from CLI-00-13)," dated May 27, 2003. The Licensing Board's Orders have not yet been released to the public or designated with an "LBP" number, pending the Board's redaction of proprietary information from its decisions.

In its Motion, the State represents that Counsel for Private Fuel Storage, L.L.C. (“PFS” or “Applicant”) does not oppose the State’s request for an extension of time or the enlargement of pages and the filing of a reference appendix, “provided the Applicant is allowed the same 20 pages and reference appendix for its response to the State’s petition” (Motion at 7). On June 2, 2003, the Applicant filed a response to the State’s Motion, confirming that it does not oppose the State’s request for an extension of time and enlargement of pages, or its request to file a reference appendix, but stating its objection to the State’s request for “an additional, indefinite extension of time” to file its petition following the Board’s expected future decision on redactions from its three partial initial decisions (App. Resp. at 1).<sup>3</sup>

The NRC Staff (“Staff”) does not object to the State’s request for an extension of time, for an enlargement of pages, or for permission to file a reference appendix, subject to the Staff’s being afforded an opportunity to file a single response to the State’s petition up to 20 pages in length, and to file a reference appendix if necessary. However, the Staff opposes the State’s further request to defer filing its petition until the Licensing Board has ruled on public disclosure or to file a supplement to its petition after the Board has issued that ruling, on the grounds that the State has not shown any reason to believe that such procedures are necessary.

Respectfully submitted,

**/RA/**  
Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 3rd day of June 2003

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<sup>3</sup> “Applicant’s Response to State of Utah’s Request for an Extension of Time and Additional Pages for Its Petition for Review Concerning Contentions Utah E and Utah S” (“App. Resp.”), dated June 2, 2003.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO STATE OF UTAH'S REQUEST FOR AN EXTENSION OF TIME FOR FILING ITS COMBINED PETITION FOR REVIEW OF THE BOARD'S PARTIAL INITIAL DECISIONS ON CONTENTIONS UTAH E AND UTAH S AND FOR AN ENLARGEMENT OF THE PAGE LIMITATION," in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 3rd day of June, 2003:

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**/RA/**

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