

December 16, 2003

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 UNOPPOSED MOTION FOR  
A FIVE-PAGE EXTENSION OF THE PAGE LIMIT  
FOR ITS RESPONSE TO THE STATE OF UTAH'S  
PETITION FOR REVIEW OF NON-HEARING ISSUES

Pursuant to 10 C.F.R. § 2.730, the NRC Staff ("Staff") hereby requests an extension of up to five pages for its response to the "State of Utah's Petition for Review of Non-Hearing Issues in the Private Fuel Storage, LLC Licensing Proceeding" ("Petition"), filed by the State of Utah ("State") on December 4, 2003. In support of this request, the Staff states as follows:

1. In its Petition, the State challenges certain of the Licensing Board's rulings rejecting all or part of 24 contentions which the State had filed in this proceeding. In accordance with the Commission's Order in CLI-03-16,<sup>1</sup> the Staff's response to the State's Petition is due to be filed on December 18, 2003, and is limited to 20 pages in length.

2. The Staff has prepared a draft response which addresses the issues raised by the State in its Petition, and intends to file its response to that Petition on December 18, 2003, in accordance with the schedule established in the Commission's Order. However, while the Staff has attempted to prepare a response limited to 20 pages, the Staff has found that a proper response to the State's Petition may require up to 25 pages due to the large number of contentions

---

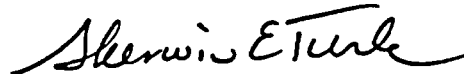
<sup>1</sup> *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-03-16, 58 NRC \_\_\_\_ (Dec. 13, 2003), slip op. at 3.

raised therein, thus requiring a five-page extension of the 20-page limit established by the Commission.<sup>2</sup> The Staff submits that a five-page extension of the page limit is reasonable, considering the large number of issues and rulings raised in the State's Petition.

3. Staff Counsel has contacted Counsel for the Applicant and Counsel for the State. Neither of those parties objects to the Staff's request for this extension of the page limit.

WHEREFORE, the Staff hereby requests a five-page extension of the 20-page limit for its response to the State's Petition.

Respectfully submitted,



Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 16th day of December 2003

---

<sup>2</sup> The Staff has prepared a separate response to the petition for review filed by Intervenor Ohngo Gaudadeh Devia, which is similarly due for filing on December 18, 2003. That response will comply with the 20-page limit established by the Commission.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

PRIVATE FUEL STORAGE L.L.C.

(Independent Spent  
Fuel Storage Installation)

)  
)  
)  
)  
)  
)

Docket No. 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S UNOPPOSED MOTION FOR A FIVE-PAGE EXTENSION OF THE PAGE LIMIT FOR ITS RESPONSE TO THE STATE OF UTAH'S PETITION FOR REVIEW OF NON-HEARING ISSUES" 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 16th day of December, 2003:

G. Paul Bollwerk, III, Chairman\*  
Chief Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [GPB@NRC.GOV](mailto:GPB@NRC.GOV))

Michael C. Farrar, Chairman\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [MCF@NRC.GOV](mailto:MCF@NRC.GOV))

Dr. Jerry R. Kline\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [JRK2@NRC.GOV](mailto:JRK2@NRC.GOV))

Dr. Peter S. Lam\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copy to [PSL@NRC.GOV](mailto:PSL@NRC.GOV))

Atomic Safety and Licensing Board  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary\*  
ATTN: Rulemakings and Adjudications  
Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail copies to [SECY@NRC.GOV](mailto:SECY@NRC.GOV)  
and [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV))

Office of the Commission Appellate  
Adjudication  
Mail Stop: 16-C-1 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

James M. Cutchin, V\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail to JMC3@NRC.GOV)

Jay E. Silberg, Esq.\*\*  
Paul A. Gaukler, Esq.  
Sean Barnett, Esq.  
Shaw Pittman  
2300 N Street, N.W.  
Washington, DC 20037-8007  
(E-mail copy to jay\_silberg,  
paul\_gaukler, and sean\_barnett  
@shawpittman.com)

Tim Vollmann, Esq.\*\*  
3301-R Coors Road N.W.  
Suite 302  
Albuquerque, NM 87120  
(E-mail copy to [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com))

Denise Chancellor, Esq.\*\*  
Fred G. Nelson, Esq.  
Laura Lockhart, Esq.  
Utah Attorney General's Office  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873  
(E-mail copies to dchancellor, fnelson,  
jsoper, and [llockhart@utah.gov](mailto:llockhart@utah.gov), and  
[attygen@xmission.com](mailto:attygen@xmission.com))

Connie Nakahara, Esq.\*\*  
Utah Dep't of Environmental Quality  
168 North 1950 West  
P. O. Box 144810  
Salt Lake City, UT 84114-4810  
(E-mail copy to  
[cnakahara@utah.gov](mailto:cnakahara@utah.gov))

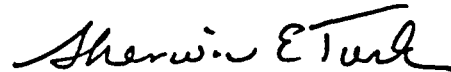
Diane Curran, Esq.\*\*  
Harmon, Curran, Spielberg & Eisenberg  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036  
(E-mail copy to  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com))

John Paul Kennedy, Sr., Esq.\*\*  
David W. Tufts, Esq.  
Durham, Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, UT 84105  
(E-mail copy to [dtufts@djplaw.com](mailto:dtufts@djplaw.com))

Joro Walker, Esq.\*\*  
Western Resource Advocates  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105  
(E-mail copy to  
[jwalker@westernresources.org](mailto:jwalker@westernresources.org))

Western Resource Advocates\*\*  
2260 Baseline Road, Suite 200  
Boulder, CO 80302

Paul C. EchoHawk, Esq.  
EchoHawk PLLC  
P.O. Box 6119  
Pocatello, Idaho 83205-6119  
E-mail copy to:  
[pechohawk@hollandhart.com](mailto:pechohawk@hollandhart.com)



Sherwin E. Turk  
Counsel for NRC Staff