

January 16, 2004

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**DOCKETED  
USNRC**

Before the Atomic Safety and Licensing Board

January 21, 2004 (3:01PM)

In the Matter of )  
 )  
PRIVATE FUEL STORAGE L.L.C. )  
 )  
(Private Fuel Storage Facility) )

Docket No. 72-22

**OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF**

ASLBP No. 97-732-02-ISFSI

**APPLICANT'S MOTION FOR EXTENSION OF TIME**

The State of Utah ("State") has filed a new Contention, Utah TT (HI-STORM 100 Steel Shims – Feasibility and Safety). Because of potential Safeguards Information contained in the contention, the State served the contention on January 9, 2004 by federal express and counsel for Private Fuel Storage, L.L.C. ("PFS") received the contention on Monday January 12. Under 10 C.F.R. §§ 2.710 and 2.714(c), PFS's response to the contention is due January 21 and the Staff's response is due January 26. For the reasons set forth below, PFS respectfully requests an extension of time until January 29 to submit its response to the State's new contention.

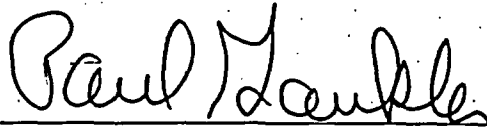
As good cause for the requested extension, PFS notes that counsel have been busy on other pleadings, i.e., PFS's Petition for Review of the January 5, 2004 Memorandum and Order issued by the Atomic Safety and Licensing Board ("Board") chaired by Judge Bollwerk, filed January 15, 2004, and the proposed proprietary redactions to that Memorandum and Order due January 20, 2004. Counsel for PFS has also been occupied working with PFS's experts in revising their expert reports as requested by the Staff in its letter to PFS of January 6, 2004, two of which the Staff requested to be filed January 20. In addition, in a telephone conference this afternoon between the Staff and PFS, the Staff requested PFS to provide additional information

in the reports clarifying or supplementing some of PFS's responses to the second set of RAIs. The Staff and PFS agreed that inclusion of this additional information would delay the submittal of the two revised reports due January 20, 2004 to Friday, January 23. Finally, PFS's reply to the State's petition for review of the financial qualifications decisions issued by Judge Bollwerk's Board is due January 26, 2004.

Counsel for PFS has contacted counsel for the NRC Staff and is authorized to represent that counsel for the NRC Staff does not object to the requested extension provided that the Staff is given the same response date. Counsel for PFS has attempted to contact counsel for the State, but has not been able to reach them.

Wherefore, PFS respectfully requests that the time for PFS and the Staff to respond to Contention Utah TT be extended to January 29, 2004.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Motion for Extension of Time 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 16th day of January 2004.

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(Original and two copies)

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