

April 7, 2004 (9:34AM)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before the Commission

In the Matter of)	
)	
PRIVATE FUEL STORAGE L.L.C.)	Docket No. 72-22
)	
(Private Fuel Storage Facility))	ASLBP No. 97-732-02-ISFSI

APPLICANT'S MOTION FOR AN EXTENSION OF TIME IN WHICH TO SUBMIT PROPRIETARY REDACTIONS FOR CLI-04-10

On March 24, 2004, the Commission issued CLI-04-10¹ ruling on the petitions for review filed by Applicant Private Fuel Storage, L.L.C. ("PFS") and the State of Utah ("State") with respect to decisions by the Atomic Safety and Licensing Board ("Licensing Board") concerning financial qualifications and decommissioning funding. Because the Commission's decision discusses PFS's financial plan and contains proprietary information, the Commission allowed 14 days after the decision's issuance for any party to submit to the Commission a designation of appropriate redactions of proprietary information contained in the decision.

Subsequently, on March 31, 2004, the Licensing Board issued a Memorandum and Order² ruling on redactions requested by 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. Petitions requesting Commission review of the Licensing Board's Memorandum and Order are due April 15, 2004.

PFS is in the process of reviewing the Licensing Board's Memorandum and Order and the underlying materials to determine whether it will seek Commission review regarding

¹ Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-04-10, ___ N.R.C. ___ (2004).

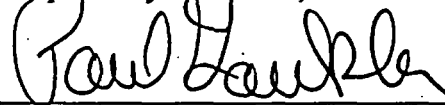
² Memorandum and Order (Disclosure/Redaction of Evidentiary and Decisional Materials Relating to Contentions Utah E/Confederated Tribes F and Utah S; Adopting Transcript Corrections Relating to Contentions Utah E/Confederated Tribes F and Utah S) (March 31, 2004).

any of the materials ordered to be disclosed by the Licensing Board. PFS's submission to the Commission of appropriate redactions of proprietary information contained in CLI-04-10 will depend in part on whether PFS requests Commission review of the release of any of the evidentiary or decisional material encompassed by the Licensing Board's March 31, 2004 Memorandum and Order. Accordingly, PFS requests that the time for the parties to submit to the Commission appropriate redactions of proprietary information contained in CLI-04-10 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 objects to the requested extension.

Wherefore, PFS respectfully requests that the time for any party to submit to the Commission a designation of appropriate redactions of proprietary information contained in CLI-04-10 be extended to Tuesday, April 13, 2004.

Respectfully submitted,



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

Dated: April 2, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

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 Submit Proprietary Redactions for CLI-04-10" 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.

Nils J. Diaz, Chairman
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: Chairman@nrc.gov

Jeffrey S. Merrifield, Commissioner
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: cmrmerrifield@nrc.gov

Edward McGaffigan, Jr. Commissioner
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
e-mail: cmrmcgaffigan@nrc.gov

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

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

Emil L. Julian, Assistant for
Rulemakings and Adjudications
Rulemaking & Adjudication Staff
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
e-mail: hearingdocket@nrc.gov
(original and two copies)

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

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@djplaw.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

*Office of Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

(United States mail only)

* Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

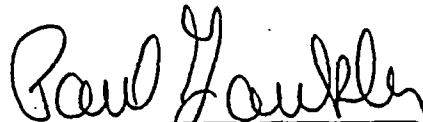
Denise Chancellor, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, Utah 84114-0873
e-mail: dchancellor@utah.gov

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

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

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: jmc3@nrc.gov
(e-mail copy only)

* By U.S. mail only


Paul A. Gaukler

Document #: 1391421 v.1