

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 ONE-DAY  
EXTENSION OF TIME TO RESPOND TO STATE OF UTAH'S  
MOTION IN LIMINE CONCERNING EVIDENCE ON FLIGHT DATA

Pursuant to 10 C.F.R. § 2.730, the NRC Staff ("Staff") hereby requests that the Atomic Safety and Licensing Board (a) grant the Staff a one-day extension of time until July 13, 2004, in which to respond to the "State of Utah's Motion in Limine to Preclude Evidence on Flight Data That Are Not Representative of Skull Valley Flight Profiles Found by the Board in Contention Utah K, Hearing I," dated June 28, 2004 ("Motion"). In support of this request, the Staff states as follows:

1. The State of Utah ("State") seeks to preclude the admission of certain evidence concerning historic F-16 aircraft flight data, based on its understanding of the Licensing Board's decision in LBP-03-04. Responses to the State's Motion are due to be filed on Monday, July 12, 2004. See Tr. 15021-22.

2. The Staff is preparing to file a response to the State's Motion, which will require that Counsel for the Staff consult with its witnesses on these issues. One of the Staff's witnesses, however, has been away from the office and will not return until Monday, July 12. On that day, testimony is due to be filed by the parties in this proceeding, which will render it extremely difficult for the Staff to consult with its witnesses and file its response to the State's Motion within the time required. Accordingly, the Staff has determined that it requires one additional day in which to file its response to the State's Motion.

3. A one-day extension of time would result in the Staff's filing of its response on Tuesday, July 13, 2004, the same day that responses are due to two other pending motions in limine. Oral argument on these motions will be held two days later, on July 15, 2004. The Staff submits that the filing of its response to the State's Motion on July 13 will still afford sufficient time for the parties and Licensing Board to review this matter prior to oral argument on the Motion.

4. Counsel for the Staff has discussed this request with Counsel for Private Fuel Storage, L.L.C. ("PFS" or "Applicant") and Counsel for the State. Counsel for the Applicant does not oppose this request, and requests that the same extension of time be provided for the filing of the Applicant's response to the State's Motion. Counsel for the State has advised the Staff that the State does not oppose the granting of a one-day extension of time for the filing of the Staff's and Applicant's responses to its Motion.

WHEREFORE, the Staff requests that the schedule for filing responses to the State's Motion be modified to provide a one-day extension of time for the filing of responses thereto, to allow the filing of the Staff's and Applicant's responses by July 13, 2004.

Respectfully submitted,

*/RA/*

Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 7<sup>th</sup> day of July 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S UNOPPOSED MOTION FOR A ONE-DAY EXTENSION OF TIME TO RESPOND TO STATE OF UTAH'S MOTION IN LIMINE CONCERNING EVIDENCE ON FLIGHT DATA" 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 7th day of July, 2004:

Michael C. Farrar, Esq., 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))

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))

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

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

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))

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

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

Jay E. Silberg, Esq.\*\*  
Ernest Blake, 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, sean\_barnett, and  
ernest\_blake@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,  
mstewart, and [llockhart@utah.gov](mailto:llockhart@utah.gov), and  
[adminag@xmission.com](mailto:adminag@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.\*\*  
Land and Water Fund of the Rockies  
1473 South 1100 East, Suite F  
Salt Lake City, UT 84105  
(E-mail copy to [utah@lawfund.org](mailto:utah@lawfund.org))

Land and Water Fund of the Rockies\*\*  
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)

*/RA/*

---

Sherwin E. Turk  
Counsel for NRC Staff