

June 30, 2005

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 AN  
EXTENSION OF TIME TO RESPOND TO STATE OF UTAH'S  
PETITION FOR REVIEW OF CONTENTION UTAH K (AIRCRAFT CRASHES)

Pursuant to 10 C.F.R. § 2.730, the NRC Staff ("Staff") hereby requests a three-day extension of time, until July 8, 2005, in which to respond to the "State of Utah's Petition for Review of Contention Utah K (Aircraft Crashes)," dated June 13, 2005 ("Petition"). In support of this request, the Staff states as follows:

1. In its Petition, the State of Utah ("State") seeks Commission review of several decisions by the Atomic Safety and Licensing Board, concerning Contention Utah K (Credible Accidents), pertaining to cruise missile testing and aircraft crashes at the proposed PFS Facility.<sup>1</sup> The State's Petition is 30 pages in length, in accordance with an enlargement of the page limit provided by the Commission by Order dated June 2, 2005.

2. On June 3, 2005, Private Fuel Storage, L.L.C. ("PFS" or "Applicant") requested an extension of time to permit it to file its response to the State's Petition 20 days after the filing

---

<sup>1</sup> By Order of March 11, 2005, the Commission granted the State's request for an enlargement of time for the filing of its Petition, allowing the State to file its Petition 15 days after service of the Licensing Board's decision on the State's motion for reconsideration of the Board's Final Partial Initial Decision ("Final PID"). The Licensing Board denied the State's motion for reconsideration on May 24, 2005. *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP-05-12, \_\_\_ NRC \_\_\_ (May 24, 2005). In accordance with the Commission's Order, the State filed its Petition 20 days later, approximately 109 days after issuance of the Final PID.

thereof. By Order dated June 14, 2005, the Commission granted the Applicant's motion, permitting the Applicant's and Staff's responses to the Petition to be filed by July 5, 2005.

3. The Staff is preparing to file a response to the State's Petition, but has found that a brief extension of time is needed to permit the completion of its response. Specifically, a family emergency required Counsel for the Staff to travel out of town for several days this past week, which has rendered it extremely difficult for the Staff to complete its response to the State's Petition within the time required. Accordingly, the Staff has determined that it requires an additional period of three days in which to file its response to the State's Petition.

4. A three-day extension of time would result in the Staff's filing of its response on Friday, July 8, 2005. The Staff respectfully submits that the filing of its response on July 8 will not cause harm to any other party or undue delay in the conclusion of this proceeding.

5. Counsel for the Staff has discussed this request with Counsel for the 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 its response to the State's Petition. Counsel for the State has advised the Staff that the State does not oppose the granting of this extension of time for filing the Staff's and Applicant's responses to its Petition.

WHEREFORE, the Staff requests that the schedule for filing responses to the State's Petition be modified to provide a three-day extension of time, to allow the filing of the Staff's and Applicant's responses to be filed on or before July 8, 2005.

Respectfully submitted,

**/RA/**

Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 30<sup>th</sup> day of June 2005

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) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND TO STATE OF UTAH'S PETITION FOR REVIEW OF CONTENTION UTAH K (AIRCRAFT CRASHES)" 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 30th day of June, 2005:

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 [lockhart@utah.gov](mailto:lockhart@utah.gov), and  
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