

21012

DOCKETED
USMRC

99 NOV 26 1999

UNITED STATES OF AMERICA OFFICE OF PUBLIC UTILITIES
NUCLEAR REGULATORY COMMISSION ADJUDICATIONS STAFF

Before the Atomic Safety and Licensing Board

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

Docket No. 72-22 - 15FS1

**APPLICANT'S UNOPPOSED REQUEST FOR EXTENSION OF
TIME TO RESPOND TO STATE OF UTAH'S PETITION FOR
INTERLOCUTORY REVIEW OF LBP-99-43**

Private Fuel Storage L.L.C. ("Applicant") hereby requests an extension of time in which to file an answer to the State of Utah's Petition for Interlocutory Review of LBP-99-43 (State's Petition"). In its November 19, 1999 petition, the State asks the Commission for interlocutory review of LBP-99-43, Memorandum and Order (Denying Request for Admission of late-filed Amended Contention Utah C), dated November 4, 1999. State's Petition at 1. Applicant intends to answer the State's Petition, and contest the State's assertions that interlocutory review is warranted and that the Licensing Board misapplied the "good cause" standard of 10 C.F.R. § 2.714(a)(1). Under the 10 day time limit established for filing responses by 10 C.F.R. § 2.786(b)(3), Applicant's answer would be due Monday, November 29, 1999. Having to answer within the 10 day time limit of 10 C.F.R. § 2.786(b)(3) would greatly burden the Applicant, given the

PDR ADOCK

DS03

intervening four day Thanksgiving holiday weekend. Because the State's Petition was filed the Friday afternoon before Thanksgiving, Applicant would, as a practical matter, have only 4 business days to prepare its answer.

Applicant therefore requests an extension of time of four days to Friday, December 3, 1999 to file its answer to the State's Petition. Applicant has conferred with counsel for the State, who does not oppose this request for an extension. The Applicant has also conferred with the NRC Staff, who does not oppose this request, as long as it receives the same extension for its response.

Wherefore, the Applicant requests that it and the NRC Staff be allowed to file their responses to the State's Petition through December 3, 1999.

Respectfully submitted,



Jay E. Silberg

Ernest L. Blake, Jr.

Paul A. Gaukler

SHAW, PITTMAN

2300 N Street, N.W.

Washington, DC 20037

(202) 663-8000

Counsel for Private Fuel Storage L.L.C.

Dated: November 22, 1999

DOCKETED
USNRC

UNITED STATES OF AMERICA '99 NOV 26 P4:19

NUCLEAR REGULATORY COMMISSION
OFFICE OF GENERAL COUNSEL
ADJUDICATION STAFF

Before the Commission

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicant's Unopposed Request for Extension of Time to Respond to State of Utah's Petition for Interlocutory Review of LBP-99-43 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 22th day of November 1999.

Richard A. Meserve, 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

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: sfc@nrc.gov

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

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

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

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

Office of the Commission Appellate
Adjudication
Mail Stop: 16-G-15 OWFN
U. S. Nuclear Regulatory Commission
Washington, DC 20555
e-mail: hrb@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@erols.com

* Susan F. Shankman
Deputy Director, Licensing & Inspection
Directorate, Spent Fuel Project Office
Office of Nuclear Material Safety &
Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* 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: dchancel@state.UT.US

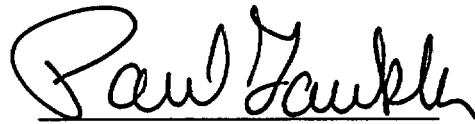
John Paul Kennedy, Sr., Esq.
Confederated Tribes of the Goshute
Reservation
1385 Yale Avenue
Salt Lake City, Utah 84105
e-mail: john@kennedys.org

Joro Walker, Esq.
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109
e-mail: joro61@inconnect.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

Danny Quintana, Esq.
Skull Valley Band of Goshute Indians
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
e-mail: quintana@xmission.com

* By U.S. mail only



Paul A. Gaukler
Paul A. Gaukler