

August 24, 2000

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 MOTION FOR ADDITIONAL EXTENSION OF TIME TO
FILE RESPONSE TO "STATE OF UTAH'S REQUEST FOR ADMISSION
OF LATE-FILED CONTENTIONS UTAH LL THROUGH OO"

Pursuant to 10 C.F.R. § 2.730, the NRC Staff ("Staff") hereby requests an additional five-day extension of time, until August 30, 2000, in which to file its response to the "State of Utah's Request for Admission of Late-Filed Contentions Utah LL Through OO (Relating to the DEIS's analysis of spent fuel transportation risks)," filed on August 2, 2000. In support of this request, the Staff states as follows:

1. The State of Utah ("State") filed its request for admission of late-filed Contentions Utah LL-OO on August 2, 2000. In these late-filed contentions, the State raises numerous complex issues related to the environmental impacts of spent fuel transportation to the independent spent fuel storage installation proposed by Private Fuel Storage, L.L.C. ("PFS" or "Applicant"), based on the Staff's recent publication of its Draft Environmental Impact Statement ("DEIS") concerning the PFS license application.

2. On August 10, 2000, the Staff filed an unopposed request for a nine-day extension of time to respond to the Contentions LL-OO, due to the complexity of the issues raised and the absence from the office of certain Staff members whose assistance was required to prepare a response to these contentions. See "NRC Staff's Motion for

Extension of Time to File Response to 'State of Utah's Request for Admission of Late-Filed Contentions Utah LL Through OO," dated August 10, 2000, at 1, 2. In an Order dated August 11, 2000, the Licensing Board granted the Staff's request for an extension of time, directing that party responses to these contentions be filed by August 25, 2000.

3. Counsel for the Staff has prepared a preliminary draft response to late-filed Contentions Utah LL-OO. However, certain Staff members and consultants involved with these issues continue to be unavailable, rendering it necessary for the Staff to request a brief additional period of time, until August 30, 2000, in which to complete and file its response to these contentions.¹

4. The additional five-day extension requested herein will result in a total extension of 14 days for the filing of the Staff's response to Contentions Utah LL-OO. The Staff believes that this extension of time will not adversely affect the schedule for litigation of these or any other contentions in this proceeding.

5. Staff Counsel has contacted Counsel for the Applicant and Counsel for the State. Neither of those parties objects to the Staff's request for an extension of time, although Counsel for the Applicant requests that it be afforded a similar extension of time to file its response to these contentions, due to the unavailability of certain persons from the office during the time needed for filing its response. The Staff does not oppose the Applicant's request for a similar extension of time; Counsel for the State has indicated that she opposes the Applicant's request.

¹ The Licensing Board has previously directed that motions for extensions of time generally are to be filed three business days before the pleading in question is due to be filed. *See, e.g.*, "Order (Granting Time Extension Motion)," dated April 29, 1999, at 2 n.1. The Staff is unable to comply with this requirement in this instance, due to the unforeseen circumstance of continued personnel unavailability.

WHEREFORE, the Staff hereby requests an additional five-day extension of time, until August 30, 2000, for the filing of its response to Late-Filed Contentions LL-OO.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sherwin E. Turk". The signature is fluid and cursive, with the first name "Sherwin" and last name "Turk" clearly distinguishable.

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 24th day of August 2000

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 MOTION FOR AN ADDITIONAL EXTENSION OF TIME TO FILE RESPONSE TO 'STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED CONTENTIONS UTAH LL THROUGH OO'" 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 24th day of August, 2000:

G. Paul Bollwerk, III, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to GPB@NRC.GOV)

Dr. Jerry R. Kline*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to JRK2@NRC.GOV)

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)

Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Office of the Secretary*
ATTN: Rulemakings and Adjudications
Staff

U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail copy to
HEARINGDOCKET@NRC.GOV)

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

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

Jay E. Silberg, Esq.**
Ernest Blake, Esq.
Paul A. Gaukler, Esq.
SHAW, PITTMAN, POTTS &
TROWBRIDGE
2300 N Street, N.W.
Washington, DC 20037-8007
(E-mail copy to jay_silberg, paul_gaukler,
and ernest_blake@shawpittman.com)

Danny Quintana, Esq.**
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, UT 84101
(E-mail copy to quintana
@Xmission.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
copy to dchancel@State.UT.US), and
jbraxton@email.usertrust.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 cnakahar@state.UT.US)

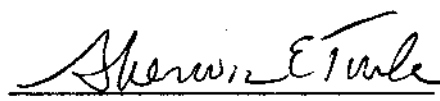
Diane Curran, Esq.**
Harmon, Curran, Spielberg & Eisenberg
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
(E-mail copy to
dcurran@harmoncurran.com)

John Paul Kennedy, Sr., Esq.**
1385 Yale Ave.
Salt Lake City, UT 84105
(E-mail copy to 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 copy to joro61@inconnect.com)

Land and Water Fund of the Rockies**
2260 Baseline Road, Suite 200
Boulder, CO 80302

William D. (Bill) Peterson**
Pigeon Spur Fuel Storage Facility
2127 Lincoln Lane
Holladay, UT 84124
(E-mail copy to
BillPeterson@OlympicHost.com)


Sherwin E. Turk
Counsel for NRC Staff