

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBEFORE 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 AND APPLICANT'S JOINT MOTION  
FOR EXTENSION OF TIME TO FILE RESPONSES  
TO "STATE OF UTAH'S REQUEST FOR ADMISSION OF  
LATE-FILED MODIFICATION TO BASIS 2 OF CONTENTION UTAH L"

Pursuant to 10 C.F.R. § 2.730, the NRC Staff ("Staff") and Private Fuel Storage, L.L.C. ("PFS" or "Applicant") hereby request a five-day extension of time, until Wednesday, November 29, 2000, in which to file their respective responses to the "State of Utah's Request for Admission of Late-Filed Modification to Basis 2 of Contention Utah L" ("Modification Request"), filed on November 9, 2000. In support of this request, PFS and the Staff state as follows:

1. The State of Utah ("State") filed its Modification Request on November 9, 2000. Therein, the State raises various issues related to the Staff's determination to recommend granting the Applicant's request for an exemption from the deterministic seismic design requirements set forth in 10 C.F.R. Part 72. The exemption would allow use of a probabilistic seismic hazard analysis ("PSHA") along with considerations of risk to establish the design earthquake ground motions at the facility, with a 2,000 year return period.<sup>1</sup>

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<sup>1</sup> See "Safety Evaluation Report Concerning the Private Fuel Storage Facility"  
(continued...)

2. On November 13, 2000, the Licensing Board issued its "Order (Schedule for Responsive Pleadings)," in which it directed, *inter alia*, that party responses to the State's Modification Request be filed by Friday, November 24, 2000.

3. The date established for the filing of responses to the State's Modification Request falls on the Friday following Thanksgiving Day, November 23, 2000. Due to the national holiday, Counsel for the Applicant and Staff, as well as other persons whose assistance is required to prepare responses to the Modification Request, will be away from the office on November 23-24, 2000. Counsel are also engaged in depositions and/or other litigation tasks in this proceeding; and one individual whose assistance is required by the Staff is out of the office and will not return until Monday, November 27. Accordingly, the Staff and the Applicant require an extension of time, until November 29, 2000, in which to complete and file their respective responses to the State's Modification Request.

4. The Staff and PFS believe that the brief extension of time requested herein is necessary and will not adversely affect the schedule for litigation of Contention Utah L or any other contention in this proceeding.

5. Counsel for the Staff and Applicant have contacted Counsel for the State, who indicated that she neither supports nor opposes this request.

WHEREFORE, the Staff and Applicant hereby request an extension of time, until Wednesday, November 29, 2000, for the filing of their respective responses to the State's request to modify Basis 2 of Contention Utah L.

Respectfully submitted,

Sherwin E. Turk/**RAI**

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<sup>1</sup>(...continued)  
("SER"), issued on September 29, 2000, § 2.1.6.2 at 2-33 *et seq.*

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Counsel for NRC Staff

Dated at Rockville, Maryland  
this 16th day of November 2000

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NUCLEAR REGULATORY COMMISSION

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| (Independent Spent          | ) |                        |
| Fuel Storage Installation)  | ) |                        |

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S AND APPLICANT'S JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO 'STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED MODIFICATION TO BASIS 2 OF CONTENTION UTAH L'" 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 16th day of November, 2000:

G. Paul Bollwerk, III, Chairman\*  
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U.S. Nuclear Regulatory Commission  
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