

21309

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

*00 FEB 25 P3:40

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

)
) Docket No. 72-22-ISFSI
)

PRIVATE FUEL STORAGE, LLC
(Independent Spent Fuel
Storage Installation)

) ASLBP No. 97-732-02-ISFSI
)
) February 9, 2000

**STATE OF UTAH'S REQUEST TO EXCEED THE PAGE LIMIT
IN ITS REPLY TO APPLICANT'S AND NRC STAFF'S RESPONSES
TO LATE-FILED BASES FOR UTAH CONTENTION L AND REQUEST FOR
CLARIFICATION OF PROCEDURAL GUIDANCE FOR FILING REPLIES TO
RESPONSES TO LATE-FILED CONTENTIONS**

The State refers to the Board's Memorandum and Order (Granting Page Limit Extension and Providing Additional Pages for Late-Filed Contention Motions) dated February 9, 2000, in which the Board granted the Applicant and the Staff a total of 20 pages in which to respond to the State's admission of late-filed bases for Utah Contention L.

The State did not oppose the Applicant's extension request on the assumption that the State would also be afforded the same page limit for its Reply. The State may have assumed that the Applicant understood the State's position and regrets any inconvenience this may cause the Board or the parties. Nonetheless, Contention L contains very technical issues. If the Applicant and the Staff are granted 20 pages in which to address the issues raised in the State's contention, the State requests that it be afforded the same 20 page limit for its Reply. Counsel for the Staff and counsel for PFS do not oppose the

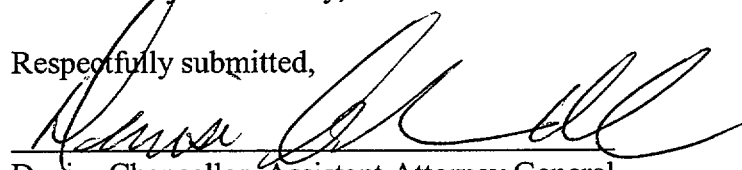
D503

State's request.

On a second issues, the procedural guidance in the Board's February 9, 2000 Order, is silent about the page limitation for any replies to late-filed contentions. The State requests that if the Board allows any replies to be filed to responses to late-filed contentions, as a general matter, and without leave of the Board, the same 15 page limit apply. The Staff does not object to this request.

DATED this 9th day of February, 2000.

Respectfully submitted,



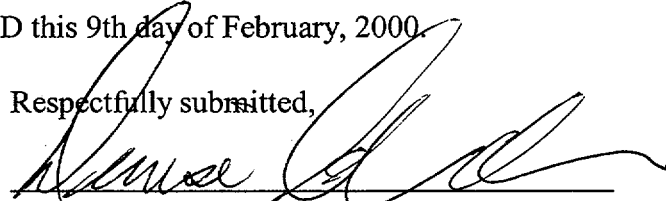
Denise Chancellor, Assistant Attorney General
Fred G Nelson, Assistant Attorney General
Connie Nakahara, Special Assistant Attorney General
Diane Curran, Special Assistant Attorney General
Laura Lockhart, Assistant Attorney General
Attorneys for State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor, P.O. Box 140873
Salt Lake City, UT 84114-0873
Telephone: (801) 366-0286, Fax: (801) 366-0292

State's request.

On a second issue, the procedural guidance in the Board's February 9, 2000 Order, is silent about the page limitation for any replies to late-filed contentions. The State requests that if the Board allows any replies to be filed to responses to late-filed contentions, as a general matter, and without leave of the Board, the same 15 page limit apply. The Staff does not object to this request.

DATED this 9th day of February, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Denise Chancellor", is written over a horizontal line.

Denise Chancellor, Assistant Attorney General
Fred G Nelson, Assistant Attorney General
Connie Nakahara, Special Assistant Attorney General
Diane Curran, Special Assistant Attorney General
Laura Lockhart, Assistant Attorney General
Attorneys for State of Utah
Utah Attorney General's Office
160 East 300 South, 5th Floor, P.O. Box 140873
Salt Lake City, UT 84114-0873
Telephone: (801) 366-0286, Fax: (801) 366-0292

CERTIFICATE OF SERVICE

'00 FEB 25 P3:40

I hereby certify that a copy of STATE OF UTAH'S REQUEST TO EXCEED
THE PAGE LIMIT IN ITS REPLY TO APPLICANT'S AND NRC STAFF'S
RESPONSES TO LATE-FILED BASES FOR UTAH CONTENTION L AND
REQUEST FOR CLARIFICATION OF PROCEDURAL GUIDANCE FOR FILING
REPLIES TO RESPONSES TO LATE-FILED CONTENTIONS was served on the
persons listed below by electronic mail (unless otherwise noted) with conforming copies
by United States mail first class, this 9th day of February, 2000:

Rulemaking & Adjudication Staff
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D.C. 20555
E-mail: hearingdocket@nrc.gov
(original and two copies)

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: psl@nrc.gov

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: gpb@nrc.gov

Sherwin E. Turk, Esq.
Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: set@nrc.gov
E-Mail: clm@nrc.gov
E-Mail: pfscase@nrc.gov

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555
E-Mail: jrk2@nrc.gov
E-Mail: kjerry@erols.com

Jay E. Silberg, Esq.
Ernest L. Blake, Jr., Esq.
Paul A. Gaukler, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, DC 20037-8007
E-Mail: Jay_Silberg@shawpittman.com
E-Mail: ernest_blake@shawpittman.com

E-Mail: paul_gaukler@shawpittman.com

John Paul Kennedy, Sr., Esq.
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 Street, Suite 1
Salt Lake City, Utah 84109
E-Mail: joro61@inconnect.com

Danny Quintana, Esq.
Danny Quintana & Associates, P.C.
68 South Main Street, Suite 600
Salt Lake City, Utah 84101
E-Mail: quintana@xmission.com

James M. Cutchin
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-Mail: jmc3@nrc.gov
(*electronic copy only*)

Office of the Commission Appellate
Adjudication
Mail Stop: O14-G-15
U. S. Nuclear Regulatory Commission
Washington, DC 20555

A handwritten signature in black ink, appearing to read "Denise Chancellor", written over a horizontal line.

Denise Chancellor
Assistant Attorney General
State of Utah