

UNITED STATES OF AMERICA  
BEFORE THE  
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited  
Liability Company;

(Independent Spent Fuel Storage  
Installation).

Docket No. 72-22 ISFSI  
ASLBP No. 97-732-02  
ISFSI

October 14, 1997

OGD'S RESPONSE TO STATE OF UTAH'S MOTION FOR EXTENSION OF TIME TO  
FILE CONTENTIONS

On October 1, 1997, the State of Utah filed a "Motion for Extension of Time to File Contentions" (Motion), in which it requested that the time for filing contentions be extended for a period of 45 days beyond the current deadline of October 24, 1997, which was established in the Licensing Board's "Memorandum and Order (Initial Prehearing Order)," dated September 23, 1997. OGD herewith responds to the State's Motion in accordance with the Memorandum and Order Dated October 7, 1997 issued by the Honorable, Judge, G. Paul Bollwerk, III;

Ohngo Gaudadeh Devia (OGD) has no objection to the State's motion for a 45-day extension of the October 24, 1997, deadline for filing of contentions established in the Licensing Board's Order dated September 23, 1997 and in fact joins in the request for the extension of time.

**STATEMENT OF FACTS**

On June 25, 1997, the Applicant, Private Fuel Storage, L.L.C. ("PFS"), filed a license application seeking NRC approval for construction and operation of an Independent Spent Fuel Storage Installation ("ISFSI") on the Skull Valley Reservation in Utah.

OGD immediately requested a copy of the application and has been denied a copy of the

license application ever since.

Prior to filing the Petition to Intervene, OGD's Attorney called the NRC to see if a copy of the License Application could be obtained. The NRC referred OGD to Jay Silberg, Attorney for PFS, as the NRC had no copies of the License Application that could be secured by the public. Jay Silberg informed OGD's Attorney that there were copies in the public library in Salt Lake City and in Washington D.C. and that OGD could purchase a copy of the License Application for \$500.00. This was not possible since OGD members do not have the money for purchasing the License Application nor do they have the money for their attorney to travel over 500 miles to review the License Application.

After at least two phone calls to the NRC in order to do the Petition to Intervene OGD's attorney was allowed to review a copy of the License Application at the offices of the Architect for PFS in Denver, Colorado. PFS's Attorney, Jay Silberg, Esq., did arrange this, but the application had to be reviewed in less than four hours. OGD still has not obtained a copy of the License application.

OGD was also surprised to find out that PFS had submitted a multi-volume calculation package to the NRC containing 1,500 pages of computations concerning various aspects of the licensing application. OGD has not received access to this information as of the filing of this response.

### **ARGUMENT**

As discussed above, an extension of 45 days is needed to provide OGD with a minimally adequate opportunity to review and prepare contentions on the license application and related documents.

OGD needs additional time to review the extensive technical documents that must be

evaluated in order to effectively prepare its contentions. The license application itself constitutes a multi-volume document, addressing numerous complex technical issues.

In addition to the license application itself, there are other documents that must be reviewed such as the calculation package containing quantitative analyses of a number of significant licensing issues. OGD has not received any of these documents.

The time provided by the Board for filing contentions is insufficient to allow OGD to retain the experts needed to evaluate the data within the License Application and other documents.

### CONCLUSION

For the foregoing reasons, OGD respectfully joins the State in their request for the Board to grant an extension of 45 days, or until December 8, 1997, to file contentions. In addition, the State requests the Board to reschedule the Prehearing Conference accordingly.

DATED this 14th day of October, 1997.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing "OGD'S RESPONSE TO STATE OF UTAH'S MOTION FOR EXTENSION OF TIME TO FILE CONTENTIONS," dated October 14, 1997, were served on the persons listed below by U.S. Mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR §2.712.

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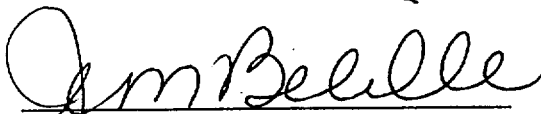
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Dated this 14th day of October.

  
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# **PACKAGE DIVIDER**