

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of:

)  
) Docket No. 72-22-ISFSI  
)

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

) ASLBP No. 97-732-02-ISFSI  
)  
) June 21, 1999  
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**STATE OF UTAH'S UNOPPOSED MOTION FOR EXTENSION OF TIME  
FOR THE STATE TO RESPOND TO APPLICANT'S SUMMARY  
DISPOSITION MOTIONS FOR UTAH CONTENTIONS B AND K**

The Applicant has filed Motions for Summary Disposition on Utah Contentions B (License Needed for Intermodal Transfer Facility), F/P (Training), H (Inadequate Thermal Design), K (Inadequate Consideration of Credible Accidents), Security A, Security B and Security C. The State's responses to these various motions are all due within the next two weeks.<sup>1</sup> In addition, the State must file a response to the Applicant's discovery for Group II and III contentions by June 28.

There are a number of reasons why the schedule is unachievable. First, the Applicant has received various extensions of time, unopposed by the State, in which to

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<sup>1</sup> Contention H response is due on June 25, Contention K on June 28, and Contentions B, F/P, and Security A, Security B and Security C on July 1. The State's reply to the Staff's response would be due 10 days after the foregoing dates (ranging from July 9 through July 21).

write its motion on Contention K.<sup>2</sup> Second, the Motion on Contention K is supported by ten different affidavits, all of which will require a substantial amount of time for analysis and response by various experts. Third, at least two of the State's attorneys will be out of the office at the end of June and early July.<sup>3</sup> Fourth, the State is experiencing difficulty in obtaining assistance from State technical experts needed to assist with various motions because these employees are engaged in outdoor field work during this time of the year. Fifth, summer is the prime vacation time and often key experts are unavailable within the 20 day period allotted to respond to Summary Disposition Motions. Sixth, the requested extensions will not delay the overall schedule.

The State believes that it would be able to meet the current schedule if the Board were to grant the following extensions: (1) Contention B: State's response to Applicant's Motion due by July 16 and State's reply to Staff due July 26; (2) Contention K: State's response to Applicant's Motion due by July 22 (July 23 is a public holiday in Utah for Pioneer Day) and State's reply to the Staff's response due by July 28. If the Staff files an early response to the Motion on Contention K, the State will reply to the Staff's response within the earlier of 10 days after the date of the

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<sup>2</sup> Some, but not all, of these extensions were necessitated by the tight deposition schedule in May and the sickness and unavailability of a two key State employees.

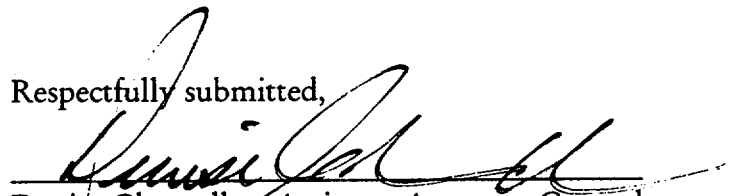
<sup>3</sup> Ms. Chancellor and Ms. Curran will be on vacation the week of July 5 and Ms. Chancellor will be at an annual Utah State Bar convention on June 30 to July 3.

Staff's response (provided the due date of the State's reply is no earlier than July 22) or by July 28, 1999.

The State has contacted counsel for the Applicant and the Staff, neither of whom oppose this Motion. The State respectfully requests the Board to grant the requested extensions of time.

DATED this 21st day of June, 1999.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S UNOPPOSED  
MOTION FOR EXTENSION OF TIME FOR THE STATE TO RESPOND TO  
APPLICANT'S SUMMARY DISPOSITION MOTIONS FOR UTAH  
CONTENTIONS B AND K was served on the persons listed below by electronic  
mail (unless otherwise noted) with conforming copies by United States mail first class,  
this 21st day of June, 1999:

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