

August 4, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent  
Fuel Storage Installation)

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Docket No. 72-22-ISFSI

NRC STAFF'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND TO "STATE OF UTAH'S  
SECOND SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF"

Pursuant to 10 C.F.R. § 2.730, the staff of the Nuclear Regulatory Commission (Staff) hereby requests that the Atomic Safety and Licensing Board (Board) grant the Staff an extension of time until August 20, 1999, to respond to the "State of Utah's Second Set of Discovery Requests Directed to the NRC Staff" (Second Discovery Request), filed July 30, 1999, pertaining to the Staff's position on Utah Contention K. In support of this request, the Staff states as follows.

1. The State's Second Discovery Request includes 38 requests for admission, as well as several interrogatories (seeking detailed information as to the bases for the Staff's responses to the requests for admission) and document requests related to the Staff's position on Utah Contention K (credible offsite hazards). Under the schedule established for filing discovery responses in this proceeding, the Staff's response to the State's Second Discovery Request is due to be filed within 10 days after that request was filed, *i.e.*, by August 9, 1999.

2. The preparation of a response to the State's Second Discovery Request will require considerable effort during the limited time available to respond under the current schedule. At the

same time, the Staff's consultant whose assistance is required in preparing that response is required to be involved in preparing a draft of the Staff's Safety Evaluation Report (SER). In order to assist in preparing a response to the State's Second Discovery Request, the Staff's consultant would be required to set aside his work on the draft SER, which would necessarily affect the Staff's review schedule and the timely issuance of the SER. The Staff's consultant, however, should be available to assist in the preparation of the Staff's response to the State's Second Discovery Request during the week of August 16, 1999, such that the Staff expects to be able to file its response to that Request on or before August 20, 1999.

3. Counsel for the State and Counsel for the Applicant have advised the Staff that they do not oppose this request for an extension of time. Licensing Board approval of this request is required, however, because the Staff's request would result in the filing of the Staff's response one week beyond the date (August 13, 1999) that discovery is scheduled to end against the Staff. The Staff notes, however, that the Staff's request will not cause any other date in the Board's schedule to be extended, and, thus, will not cause delay to the proceeding.

#### CONCLUSION

For the reasons set forth above, the Staff respectfully requests that its request for an extension of time to respond to the State's Second Discovery Request be granted.

Respectfully submitted,

*Catherine L. Marco*

Catherine L. Marco  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 4<sup>th</sup> day of August 1999

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO 'STATE OF UTAH'S SECOND SET OF DISCOVERY REQUESTS DIRECTED TO THE NRC STAFF'" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by deposit in the Nuclear Regulatory Commission's internal mail system, as indicated by an asterisk, with copies by electronic mail, or by deposit in the United States mail, first class, as indicated by double asterisk, with copies by electronic mail as indicated, this 4th day of August, 1999.

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