

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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
)
) July 20, 1999

**STATE OF UTAH'S UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR PARTIAL RESPONSE TO THE APPLICANT'S MOTION
FOR PARTIAL SUMMARY DISPOSITION OF UTAH CONTENTION K
AND CONFEDERATED TRIBES CONTENTION B**

The State of Utah ("State") hereby requests extensions of time to file responses to: 1) the Applicant's Motion for Partial Summary Disposition of Utah Contention K and Confederated Tribes Contention B - Inadequate Consideration of Credible Accidents ("Summary Disposition Motion") only with respect to credible accidents posed by military aircrafts¹; and 2) responses supporting the Applicant's Summary Disposition Motion. The current deadline for filing the State's response to the Summary Disposition Motion is July 22, 1999, and the current deadline for filing the State's reply to responses supporting the Summary Disposition Motion is July 28, 1999. See ASLBP Order, June 23, 1999.

On June 15, 1999, the Staff took a position on the impacts from credible

¹ However, this request for an extension of time does not include deferring the issue of credible accidents posed by "hung bombs" or malfunctioning ordnance.

accidents except with respect to impacts from aircrafts and munition testing. NRC Staff's Statement of Its Position Concerning Group I Contentions, dated June 15, 1999 ("Staff's Position"), at 14. The Staff plans to take a position on the impacts of air delivered ordnance on July 22, 1999 when it files its response to the Applicant's Summary Disposition Motion. However, according to the Staff, it will not be able to reach a position on the impacts of military aircraft on or before July 22, 1999.² In fact, the Staff is unable to predict when it can establish a position on military aircraft impacts. Moreover, on July 7, 1999, the State received a copy of supplemental information provided by the Applicant to the Staff concerning the impacts of military and commercial aircraft, "hung bombs," and air-delivered ordnance.³ The supplemental information is directly relevant to the issues addressed in the Applicant's Summary Disposition Motion. Thus, the State is requesting extensions of time to those dates described in the Board's June 23, 1999 Order.

First, the Staff and Applicant are unopposed to allowing the State to file its response to the Staff's position and response to the Applicant's Summary Disposition Motion on August 4, 1999, thereby allowing the State to address both the Staff's position and the recently received supplemental information.

Second, the Staff and Applicant are unopposed to allowing the State to defer its

² The Staff has also not taken a position on air delivered ordnance, except "hung bombs." Staff's Position at 15.

³ Submittal of Commitment Resolution Letter #7 Information, June 30, 1999.

response to the Summary Disposition Motion with respect to impacts from military aircraft until such time that the Staff has taken a position relative to military aircraft. However, the State will file a response to Applicant's Motion on July 22, 1999 on issues that does not involve impacts from military aircraft. See Exhibit 1, Marked-up copy of Summary Disposition Motion with strike out and other editing indicating areas that will not be addressed in the State's July 22, 1999 response.

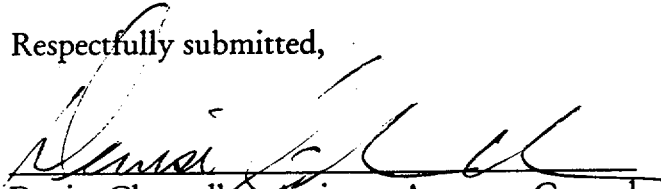
Finally, since the Staff and Applicant recognize that the State should be afforded the opportunity for discovery against the Staff once the Staff takes a position, the parties have agreed to workout a viable time table and present the revised dates to the Board once the Staff has acted.

Therefore, the State requests the Board approve: 1) the State's reply to the Staff's response to the Summary Disposition Motion be extended to August 4, 1999; and 2) with respect to impacts from military aircraft, the State's response to the Summary Disposition Motion,⁴ discovery against the Staff, and reply to the Staff's position and response to Summary Disposition Motion be extended until after the Staff is able to take a position regarding military aircraft impacts.

⁴ The marked up copy of the Applicant's Motion (Exhibit 1) shows the scope of the remaining issues.

DATED this 20th day of July, 1999.

Respectfully submitted,

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

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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 PARTIAL RESPONSE TO THE
APPLICANT'S MOTION FOR PARTIAL SUMMARY DISPOSITION OF UTAH
CONTENTION K AND CONFEDERATED TRIBES CONTENTION B was
served on the persons listed below by electronic mail (unless otherwise noted) with
conforming copies by United States mail first class, this 20th day of July, 1999:

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