

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)

)  
)  
)  
)  
)  
)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

June 30, 1999

---

**JOINT MOTION FOR EXTENSION OF TIME  
TO RESPOND TO SUMMARY DISPOSITION  
MOTIONS AND MOTIONS TO COMPEL ON  
DISCOVERY(GROUP II AND III CONTENTIONS)**

The State, Private Fuel Storage, LLC (PFS), and the Staff hereby request an extension of time to respond or file to various motions. On June 28, 1999 the State and PFS filed responses to each party's Group II and Group III discovery. In addition, on June 28, 1999, the Applicant filed Motions for Summary Disposition on three Group I Contentions. PFS and the State request an extension of time, as detailed below, in which to resolve disputes, prior to filing a Motion to Compel, dealing with simultaneous discovery responses to Group II and III contentions. The State and the Staff request an extension of time to respond to the Applicant's three new motions for summary disposition.

The enumerated reasons set forth in the State's June 21, 1999 Unopposed Motion for Extension of Time to Respond to Summary Disposition Motions for Utah B and Utah Contention K are also applicable to this Motion. In addition, the State

will file responses to Summary Disposition Motions for Utah Contention Security-A, Security-B and Security-C and Utah Contention F/P by July 1, 1999.<sup>1</sup> Furthermore, the State's response to Summary Disposition for Utah Contention B is due on July 16, and for Contention K, the response is due on July 22. Also, the State has until July 8, 1999 to file a reply to the Staff on Contention H and until July 28 to file a reply to the Staff on Contention K. Given this schedule the requested extensions are reasonable and will not delay the overall schedule.

The specific extension requests are as follows:

1. Motions to Compel with respect to Group II and Group III Discovery Responses. Both PFS and the State be permitted to file Motions to Compel by July 20, 1999 to each other's discovery responses that were filed on June 28, 1999.
2. Motion for Summary Disposition, Utah Contentions G (Quality Assurance) and M (Probably Maximum Flood). The Staff will file its response by July 19 (*i.e.* the Staff is not requesting an extension of time). The State will file its response to the Applicant's Motion and Reply to the Staff's Response by July 30, 1999.
3. Motion for Summary Disposition Utah Contention R (Emergency Plan). The Staff will file its response to the Motion by July 28 and the State will file its

---

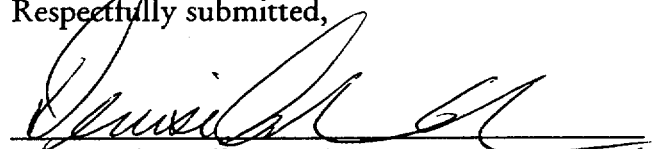
<sup>1</sup> The State and PFS are presently engaged in settlement negotiations with respect to Contention F/P.

response to the Applicant's Motion and Reply to the Staff's Response by  
August 9, 1999.

Counsel for the State, the Applicant, and the Staff have worked out the above  
schedule and request approval from the Board for the various extensions of time.

DATED this 30<sup>th</sup> day of June, 1999.

Respectfully submitted,



Denise Chancellor, Assistant Attorney General  
Fred G Nelson, Assistant Attorney General  
Diane Curran, Special Assistant Attorney General  
Connie Nakahara, Special Assistant Attorney General  
Daniel G. Moquin, 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

I hereby certify that a copy of JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO SUMMARY DISPOSITION MOTIONS AND MOTIONS TO COMPEL ON DISCOVERY(GROUP II AND III CONTENTIONS) 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 May, 1999:

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

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](mailto:gpb@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](mailto:jrk2@nrc.gov)  
[kjerry@erols.com](mailto:kjerry@erols.com)

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission

Washington, DC 20555  
E-Mail: [psl@nrc.gov](mailto:psl@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](mailto:set@nrc.gov)  
E-Mail: [clm@nrc.gov](mailto:clm@nrc.gov)  
E-Mail: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

Jay E. Silberg, Esq.  
Ernest L. Blake, Jr.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N. W.  
Washington, DC 20037-8007  
E-Mail: [Jay\\_Silberg@shawpittman.com](mailto:Jay_Silberg@shawpittman.com)  
E-Mail: [ernest\\_blake@shawpittman.com](mailto:ernest_blake@shawpittman.com)  
E-Mail: [paul\\_gaukler@shawpittman.com](mailto:paul_gaukler@shawpittman.com)

John Paul Kennedy, Sr., Esq.  
1385 Yale Avenue  
Salt Lake City, Utah 84105  
E-Mail: [john@kennedys.org](mailto:john@kennedys.org)

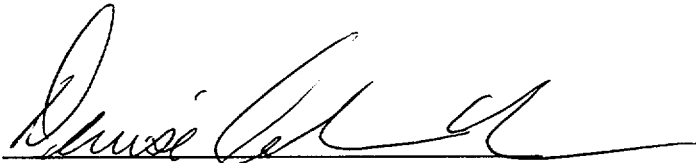
Richard E. Condit, Esq.  
Land and Water Fund of the Rockies  
2260 Baseline Road, Suite 200  
Boulder, Colorado 80302  
E-Mail: rcondit@lawfund.org

Joro Walker, Esq.  
Land and Water Fund of the Rockies  
165 South Main, Suite 1  
Salt Lake City, Utah 84111  
E-Mail: joro61@inconnect.com

Danny Quintana, Esq.  
Danny Quintana & Associates, P.C.  
50 West Broadway, Fourth Floor  
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: 16-G-15 OWFN  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555  
(*United States mail only*)



Denise Chancellor  
Assistant Attorney General  
State of Utah