

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PRIVATE FUEL STORAGE, L.L.C.)	Docket No. 72-22-ISFSI
)	
(Independent Spent)	
Fuel Storage Installation))	

NRC STAFF'S MOTION FOR EXTENSION OF TIME TO
FILE RESPONSE TO "APPLICANT'S MOTION FOR SUMMARY
DISPOSITION OF OGD CONTENTION O - ENVIRONMENTAL JUSTICE"

Pursuant to 10 C.F.R. § 2.730, the NRC Staff ("Staff") hereby requests an extension of time, until June 28, 2001, in which to file its response to the "Applicant's Motion for Summary Disposition of OGD Contention O - Environmental Justice" ("Motion"), filed on May 25, 2001. In support of this request, the Staff states as follows:

1. Private Fuel Storage, L.L.C. ("PFS" or "Applicant") filed its Motion on May 25, 2001. In accordance with the Licensing Board's "Memorandum and Order of (General Schedule Revision)" of February 22, 2001, responses to the Applicant's Motion are due to be filed on or before June 14, 2001.¹

2. In its Motion, PFS asserts that there does not exist a genuine dispute of material fact with respect to the issues raised in Contention OGD O, and that summary disposition of that contention is therefore appropriate. PFS attached three affidavits in support of its Motion, along with various exhibits.

¹ The Licensing Board has previously directed that motions for extensions of time generally are to be filed three business days before the pleading in question is due to be filed. See, e.g., "Order (Granting Time Extension Motion)," dated April 29, 1999, at 2 n.1.

3. Contention OGD O raises numerous issues with respect to the impacts of the proposed PFS facility on “environmental justice” populations, including economic and sociological impacts (Contention OGD O, Basis 1); cumulative impacts of the facility, in combination with other facilities (*Id.*, Basis 2); and impacts on property values (*Id.*, Basis 3). The Staff is currently engaged in preparing its response to the Applicant’s Motion, including the preparation of affidavits by a number of Staff members and consultants with knowledge and expertise in the various different issues raised in the contention.

4. The Staff has prepared a preliminary draft response to the Applicant’s Motion, but will be unable to complete that response within the required time period due to the temporary unavailability of various Staff members and consultants needed to assist in that effort. Specifically, several of the persons involved in preparing affidavits in support of the Staff’s response are required to be away from the office due to travel, medical appointments and other schedule commitments during the time needed to complete the Staff’s response. For example, one of the Staff’s Affiants was away from the office most of the week of June 4, 2001; one of the Staff’s Affiants will be away from his office from June 12 to June 21; and Counsel for the Staff will be out of the office on June 21-25, 2001.

5. As a result of these schedule conflicts, the Staff requires an additional period of two weeks, until June 28, 2001, to file its response to the Applicant’s Motion. The Staff believes that this extension of time will not adversely affect the schedule for litigation of this or any other contention in this proceeding.

6. Staff Counsel has contacted Counsel for the Applicant and Counsel for OGD. Neither of those parties objects to the Staff’s request for an extension of time.

WHEREFORE, the Staff hereby requests an extension of time, until June 28, 2001, for the filing of its response to the Applicant's Motion for Summary Disposition of Contention OGD O - Environmental Justice.

Respectfully submitted,

/RA/

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 11th day of June 2001

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO 'APPLICANT'S MOTION FOR SUMMARY DISPOSITION OF OGD CONTENTION O - ENVIRONMENTAL JUSTICE'" in the above captioned proceeding have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 11th day of June, 2001:

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