

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 "STATE OF UTAH'S REQUEST FOR
ADMISSION OF LATE-FILED CONTENTION UTAH RR
(SUICIDE MISSION TERRORISM AND SABOTAGE)

Pursuant to 10 C.F.R. § 2.730, the NRC Staff ("Staff") hereby requests a two day extension of time, until October 26, 2001, in which to file its response to the "State of Utah's Request for Admission of Late-Filed Contention Utah RR (Suicide Mission Terrorism and Sabotage)" ("Request for Admission"), filed on October 10, 2001. In support of this request, the Staff states as follows:

1. The State of Utah ("State") filed its Request for Admission on October 10, 2001. In accordance with the Licensing Board's "Order (Schedule for Responsive Pleadings)" dated October 11, 2001, responses to the State's Request for Admission are due to be filed on or before October 24, 2001.¹

2. Proposed Contention Utah RR raises various issues related to the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon, and asserts that both Private Fuel Storage, L.L.C. ("PFS" or "Applicant") and the Staff have failed to identify and adequately

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. The Staff was unable to comply with this requirement here, for the reasons set forth in the text.

evaluate suicide mission terrorism and sabotage based on the current state of knowledge about such events, as required by 10 C.F.R. §72.94. Further, the State alleges that the Staff's Draft Environmental Impact Statement ("DEIS") fails to consider the environmental impacts of such an event (Request for Admission at 3).

3. The Staff is currently engaged in preparing its response to the State's Request for Admission. In addition, the Staff is simultaneously preparing its response to the "State of Utah's Motion to Compel NRC Staff to Respond to State's Twelfth Set of Discovery Requests (Contention Utah L, Part B)" ("Motion to Compel"), due to be filed today, and the State's "Petition for Immediate Relief Suspending Licensing Proceedings" ("Petition to Suspend"), due to be filed before the Commission on October 25, 2001.

4. Over the weekend of October 20-21, 2001, while working on the Staff's responses to the State's various motions, Staff Counsel experienced a computer problem whereby he was prevented from continuing to write or revise to the Staff's draft responses to the State's various motions, thus delaying preparation of the Staff's responses. In addition, during the next several days, the time available for preparing the Staff's response to the State's Request for Admission will be limited due to Staff Counsel's need to consult with various members of the Staff about the State's proposed Contention Utah RR and the Staff's response thereto.

5. The Staff plans to file its responses to the State's pending Motion to Compel and Petition to Suspend on October 22 and 25, respectively, as required. The Staff, however, will require an additional period of two days until October 26, 2001, in which to file its response to the State's Request for Admission. The Staff submits that this brief 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 the State. Counsel for PFS did not object to the Staff's request. Counsel for the State assigned to this issue

was unavailable to discuss this matter, and other Counsel for the State was unwilling to take a position on this matter in the absence of his assigned co-counsel.

WHEREFORE, the Staff hereby requests a two-day extension of time, until October 26, 2001, in which to file its response to the State's "Request for Admission of Late-Filed Contention Utah RR (Suicide Mission Terrorism and Sabotage)."

Respectfully submitted,

/RA/

Sherwin E. Turk
Counsel for NRC Staff

Dated at Rockville, Maryland
this 22nd day of October 2001

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NUCLEAR REGULATORY COMMISSION

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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 'STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED CONTENTION UTAH RR (SUICIDE MISSION TERRORISM AND SABOTAGE)," 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 22nd day of October, 2001:

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