

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2002 FEB -4 AM 11: 52

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:

Docket No. 72-22-ISFSI

PRIVATE FUEL STORAGE, LLC
(Independent Spent Fuel
Storage Installation)

ASLBP No. 97-732-02-ISFSI

January 16, 2001

STATE OF UTAH'S MOTION FOR AN EXTENSION OF TIME TO FILE
NEW OR MODIFIED CONTENTIONS BASED ON THE FINAL EIS

Pursuant to 10 C.F.R. §§ 2.711, 2.730, and 2.749, the State of Utah hereby requests a nine day extension of time (five working days), until February 11, 2002, within which to file any new or modified contentions based on NUREG-1714, "Final Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah" ("FEIS").

In support of this request, the State of Utah states as follows:

1. Under a June 29, 1998 Memorandum and Order of the Board, parties have until "no later than thirty days after [the FEIS is] made available to the public" to submit any contentions based on the FEIS.
2. The FEIS was first made available to the public on January 3, 2002.
3. However, due to NRC's concerns about terrorism, the FEIS was made available on that date only in redacted form, with significant information withheld from the public and the State. The redactions hindered the State's efforts to review and understand

the FEIS.

4. The NRC Staff then changed its mind and decided to make the FEIS available to the public in unredacted form. This was announced to the Board on January 11, 2002¹; however, the unredacted version was not provided to parties at this time, and the State was not able to find the unredacted version on the NRC's website. The State did not receive its copy of the unredacted FEIS until January 14, 2002.

5. The State therefore respectfully requests that it be given until 30 days after January 11, 2002 – *i.e.*, until Monday, February 11, 2002 – to submit any contentions based on the FEIS.

6. As the unredacted FEIS was not actually available to the public until at least January 11, 2002, the State's request is fully consistent with the Board's June 29, 1998 Order giving all parties 30 days after the FEIS is made available to the public to file any additional contentions.

7. The State's standard practice is to circulate an FEIS for final review and comment by all affected State agencies and its experts. That review has been hampered by the redactions made by the NRC in its first publicly-released version of the FEIS. The additional five working days the State is requesting will greatly aid the State in having its experts and agencies make their final review.

8. Given the Board's current schedule for issuing its final decision on the license application, this request for an additional nine days in which to review the FEIS will

¹ Letter from NRC counsel, Robert M. Weisman, to Licensing Board, dated January 11, 2002.

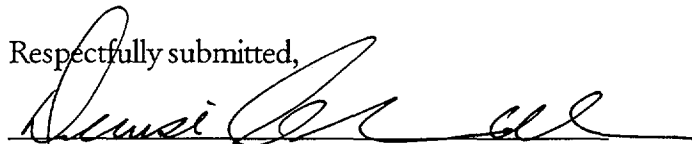
not delay this proceeding.

Counsel for the State has contacted counsel for the Applicant and Staff, who indicated that they oppose this request.

WHEREFORE, the State hereby requests an extension of time until February 11, 2002 to file any contentions based on the FEIS.

DATED this 16th day of January, 2002.

Respectfully submitted,

A handwritten signature in black 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 MOTION FOR AN
EXTENSION OF TIME TO FILE NEW OR MODIFIED CONTENTIONS BASED
ON THE FINAL EIS was served on the persons listed below by electronic mail (unless
otherwise noted) with conforming copies by United States mail first class, this 16th day of
January, 2002:

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A handwritten signature in black ink, appearing to read "Denise Chancellor", with a long horizontal flourish extending to the right.

Denise Chancellor
Assistant Attorney General
State of Utah