

August 28, 2002 (1:15PM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC	)	ASLBP No. 97-732-02-ISFSI
(Independent Spent Fuel	)	
Storage Installation)	)	August 20, 2002

STATE OF UTAH'S MOTION FOR AN EXTENSION OF TIME TO FILE  
FINDINGS OF FACT AND CONCLUSIONS OF LAW ON UNIFIED  
CONTENTION UTAH L/QQ (Geotechnical)

Pursuant to 10 C.F.R. §§ 2.711, 2.730, 2.754 and 2.757, the State of Utah hereby requests an extension of three working days to file its Findings of Fact and Conclusions of Law ("Findings") and its Reply Findings for Utah L/QQ, Geotechnical. Under the current schedule Findings for both Utah K, Aircraft Crash Hazards, and Utah L/QQ are due on August 30, 2002 and Reply Findings on October 7, 2002. The State requests the schedule for Utah K remain the same but that the schedule for Utah L/QQ be extended for Findings until Thursday, September 5 and for Reply Findings until Thursday, October 10, 2002.

The State has good cause for making this request. First, the issues in seismic are extremely complex and technical, involve 22 panels of direct case witnesses, numerous rebuttal witnesses and hundreds of exhibits. Second, the transcript for the adjudicatory hearings from April through the end of seismic on June 27 numbers approximately 13,000 pages, the majority of which relate to seismic. Third, some of the same attorneys are working on drafting Findings for both Utah K and Utah L/QQ.

On a practical level, because of the overlap of personnel working on both Utah K and Utah L/QQ, it is difficult to ready two major documents for filing the same day. Moreover, the State does not anticipate that the Board will initially review Findings for Utah K and Utah

L/ QQ in tandem. Consequently, there should be no practical effect on the overall schedule in filing the Findings and Reply Findings on Utah L/ QQ three working days after the filings for Utah K. Finally, the grant of an extension of three working days will allow the State to file a more complete and refined document than it could otherwise produce under the current schedule.

Counsel for the State has contacted counsel for the Staff and the Applicant. The Staff does not oppose this request. PFS, however, responded as follows<sup>1</sup>:

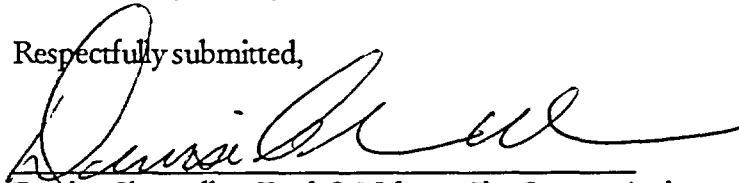
PFS objects to the State's request for an extension for the parties to file findings and reply findings with respect to Utah L/ QQ because of potential delay it may cause in the issuance of the Board's decision. PFS believes that the schedule provides sufficient time for the filing of findings and no need should exist for extending the date for the filing of findings, which under applicable Commission guidance would delay the Board's target date for the issuance of its decision.

Both PFS and the Staff request a similar extension if the Board grants the State's motion.

WHEREFORE, the State hereby requests an extension of time until (a) September 5, 2002 to file Findings, and (b) October 10, 2002 to file Reply Findings for Utah L/ QQ.

DATED this 20<sup>th</sup> day of August, 2002.

Respectfully submitted,



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<sup>1</sup>Instead of filing this Motion yesterday, the State awaited PFS's response, which it has just received. Counsel for PFS advised that PFS will not be filing anything further with respect to this Motion.

CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S MOTION FOR AN  
EXTENSION OF TIME TO FILE FINDINGS OF FACT AND CONCLUSIONS OF  
LAW ON UNIFIED CONTENTION UTAH L/ QQ (Geotechnical) was served on the  
persons listed below by electronic mail (unless otherwise noted) with conforming copies by  
United States mail first class, this 20<sup>th</sup> day of August, 2002:

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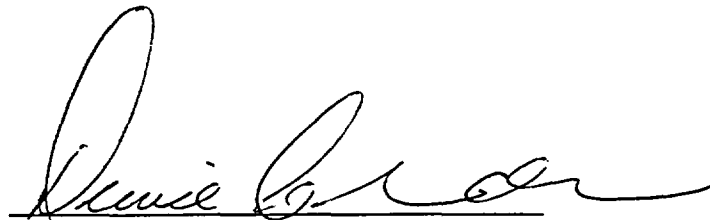
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A handwritten signature in black ink, appearing to read "Denise Chancellor", written over a horizontal line.

Denise Chancellor  
Assistant Attorney General  
State of Utah