

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Commission

June 2, 2003  
DOCKETED  
USNRC

June 10, 2003 (11:13AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of )

PRIVATE FUEL STORAGE L.L.C. )

(Private Fuel Storage Facility) )

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

**APPLICANT'S RESPONSE TO STATE OF UTAH'S REQUEST FOR AN EXTENSION OF TIME AND ADDITIONAL PAGES FOR ITS PETITION FOR REVIEW CONCERNING CONTENTIONS UTAH E AND UTAH S**

On May 27, 2003, the Atomic Safety and Licensing Board issued three decisions concerning financial assurance and decommissioning in the above captioned matter.<sup>1</sup> On May 30, 2003, the State of Utah ("State") requested an extension of time and additional pages for the petition for review it intends to file regarding those decisions.<sup>2</sup> As noted by the State, Applicant Private Fuel Storage, L.L.C. ("PFS") does not oppose the State's request for an extension until June 30, 2003 to file the petition. Nor does PFS oppose the State's request for an enlargement of the page limit for the petition to a total of 20 pages plus an appendix for citations to the record. See Request at 5 & n.4. PFS does, however, oppose the State's suggestion for an additional, indefinite extension of time.

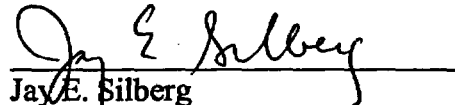
In addition to the unopposed request for an extension of time until June 30, the State suggests that it would be "amenable" to a further extension of time for filing its petition, until the Licensing Board has ruled on which portions of the decisions can be re-

<sup>1</sup> Partial Initial Decision (Contention Utah E/Confederated Tribes F, Financial Assurance); Partial Initial Decision (Contention Utah S, Decommissioning); Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Relating to Remand from CLI-00-13) (May 27, 2003).

<sup>2</sup> State of Utah's Request for an Extension of Time for Filing Its Combined Petition for Review of the Board's Partial Initial Decisions on Contentions Utah E and Utah S and On All Issues Relating to Contentions Utah E and S, Including Decision on Summary Disposition Relating to Remand from CLI-00-13, and for an Enlargement of the Page Limitation (May 30, 2003) ("Request").

leased to the public (the decisions are currently being withheld as proprietary information pending review).<sup>3</sup> See Request at 5. PFS opposes that suggestion. While the State suggests that it would file the petition three working days after the Board completed its review for proprietary information, the Board has not stated when that review would be complete. See Memorandum at 2. Since the Board's review is not central to the resolution of this case and thus could be deferred as a result of the Board members' other obligations, there is no assurance that the Board action that would trigger the State's petition might not be significantly delayed. It is in the interest of neither the parties, the public, nor the Commission that the commencement of the appeal process for these decisions and the final resolution of their issues be delayed any further. As the Commission noted in its order last week, this case has been on the docket for six years and "the time has now come to make every effort to bring the proceeding to closure soon."<sup>4</sup>

Respectfully submitted,



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June 3, 2003

<sup>3</sup> Memorandum (Notice Regarding Issuances Concerning Contentions Utah E/Confederated Tribes F and Utah S) (May 27, 2003).

<sup>4</sup> Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-03-05, 57 NRC \_\_, slip op. at 9 (May 28, 2003).

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In the Matter of	)	
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PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISFSI

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Applicant's Response to the State of Utah's Request for an Extension of Time and Additional Pages for Its Petition for Review Concerning Contentions Utah E and Utah S were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. Mail, first class, postage prepaid, this 2<sup>nd</sup> day of June, 2003.

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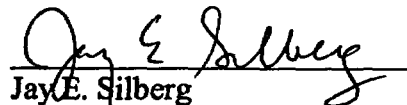
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