

RAS 6552

June 17, 2003

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

June 24, 2003 (10:35AM)

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

**JOINT REQUEST FOR EXTENSION OF TIME FOR JOINT FILING  
REGARDING PORTIONS OF DECISIONS CONCERNING CONTENTIONS  
UTAH E AND UTAH S THAT CAN BE PLACED ON THE PUBLIC RECORD**

Applicant Private Fuel Storage L.L.C. ("Applicant" or "PFS") and the NRC Staff ("Staff") hereby jointly request an extension of time until July 3, 2003 for PFS, the Staff, and the State of Utah ("State") to jointly file the pleading identifying those portions of the Atomic Safety and Licensing Board's ("Licensing Board" or "Board") Memorandum and Order (Rulings on Summary Disposition Motion and Other Filings Related to Remand from CLI-00-13) (May 27, 2003) ("MSA M&O"), Partial Initial Decision (Contention Utah E/Confederated Tribes F) (May 27, 2003) ("Utah E PID"), Partial Initial Decision (Contention Utah S) (May 27, 2003) ("Utah S PID"), and each party's cross-examination plans regarding Contention Utah E/Confederated Tribes F that can be placed on the public record. See also MSA M&O at 81-82; Utah E PID at 103-04; Utah S PID at 57-58. PFS and the Staff also request an extension until July 3 to file any separate submissions describing the reasons for withholding proposed redactions from the public. See MSA M&O at 81-82; Utah E PID at 103-04. Per the Licensing Board's decisions,

Template=SECY-041

SECY-02

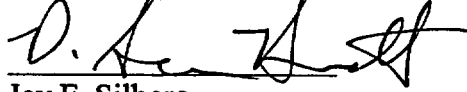
the joint filing and the justifications for the redactions are due on June 20, 2003, with any party responses due on June 30, 2003.

PFS and the Staff request an extension until Thursday, July 3 for all parties to make the joint filing (with justifications), with any party responses to be due on Monday, July 14. PFS's Chairman, John Parkyn, who will be supplying a declaration in support of PFS's position as to which parts of the Board's decisions should be withheld from public disclosure, is out of the office and generally unavailable through Friday, June 20. Staff counsel is engaged in other pressing matters and is also currently unavailable to complete the joint filing. The following week, through Friday, June 27, PFS counsel will be engaged reviewing expert reports to be prepared for the litigation of aircraft crash consequences in this case.

Counsel for Applicant and the Staff have conferred with counsel for the State. The State objects to PFS's and the Staff's request to delay the schedule for filing the joint report on confidentiality (with justifications) until July 3 and responses thereto until July 14, primarily because it would require the State to submit certain filings to the Commission as confidential (e.g., a petition and possibly briefing); it would also significantly delay the date by which the State may file any supplemental petition relating to confidentiality.

WHEREFORE, Applicant and the Staff request an extension of time until July 3, 2003, for the parties to jointly file the pleading identifying those portions of the Board's decisions concerning Contentions Utah E and Utah S and each party's cross-examination plans regarding Contention Utah E that can be placed on the public record (with justifications), with an extension until July 14 for any party responses to the joint filing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. E. Silberg", written over a horizontal line.

Jay E. Silberg

Paul A. Gaukler

D. Sean Barnett

SHAW PITTMAN, LLP

2300 N Street, N.W.

Washington, DC 20037

(202) 663-8000

Counsel for Private Fuel Storage L.L.C.

Dated: June 17, 2003

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
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 Joint Request for Extension of Time for Joint Filing Regarding Portions of Decisions Concerning Contentions Utah E and Utah S that Can Be Placed On the Public Record 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 17<sup>th</sup> day of June, 2003.

G. Paul Bollwerk III, Esq., Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [GPB@nrc.gov](mailto:GPB@nrc.gov)

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [JRK2@nrc.gov](mailto:JRK2@nrc.gov); [kjerry@erols.com](mailto:kjerry@erols.com)

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
e-mail: [PSL@nrc.gov](mailto:PSL@nrc.gov)

\*Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications  
Staff  
e-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
(Original and two copies)

\* Adjudicatory File  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Catherine L. Marco, Esq.  
Sherwin E. Turk, Esq.  
Office of the General Counsel  
Mail Stop O-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
e-mail: [pfscase@nrc.gov](mailto:pfscase@nrc.gov)

John Paul Kennedy, Sr., Esq.  
David W. Tufts, Esq.  
Confederated Tribes of the Goshute  
Reservation and David Pete  
Durham Jones & Pinegar  
111 East Broadway, Suite 900  
Salt Lake City, Utah 84105  
e-mail: [dtufts@djplaw.com](mailto:dtufts@djplaw.com)

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
1726 M Street, N.W., Suite 600  
Washington, D.C. 20036  
e-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

Paul EchoHawk, Esq.  
Larry EchoHawk, Esq.  
Mark EchoHawk, Esq.  
EchoHawk PLLC  
P.O. Box 6119  
Pocatello, ID 83205-6119  
e-mail: [paul@echohawk.com](mailto:paul@echohawk.com)

\* By U.S. mail only

Denise Chancellor, Esq.  
Assistant Attorney General  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873  
e-mail: [dchancellor@utah.gov](mailto:dchancellor@utah.gov)

Joro Walker, Esq.  
Land and Water Fund of the Rockies  
1473 South 1100 East  
Suite F  
Salt Lake City, UT 84105  
e-mail: [lawfund@inconnect.com](mailto:lawfund@inconnect.com)

Tim Vollmann, Esq.  
Skull Valley Band of Goshute Indians  
3301-R Coors Road, N.W.  
Suite 302  
Albuquerque, NM 87120  
e-mail: [tvollmann@hotmail.com](mailto:tvollmann@hotmail.com)

  
D. Sean Barnett