

December 31, 1997

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

APPLICANT'S ANSWER TO  
STATE OF UTAH'S LATE-FILED CONTENTIONS

In a December 19, 1997 pleading entitled "State of Utah's Response to Contentions of Ohnga Gaudadeh Devia, Confederated Tribes of the Goshute Reservation and David Pete, and Castle Rock Land & Livestock, L.C., Skull Valley Co., Ltd, and Ensign Ranches of Utah, L.C.," the State of Utah, in addition to announcing its support for all the contentions filed by the three petitioners,<sup>1</sup> also stated that it

"specifically adopts as part of its contentions each and every contention filed by Petitioner Castle Rock Land & Livestock, L.C., Skull Valley Co., LTD, and Ensign Ranches of Utah. L.C."

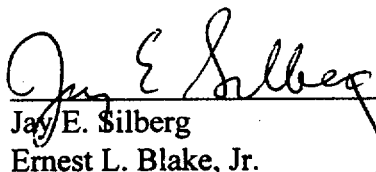
The State's attempt to add new contentions by incorporating by reference "each and every contention" filed by another petitioner should be rejected. The Atomic Safety and Licensing Board established a schedule for petitioners to file their contentions. See September 23, 1997 Initial Prehearing Order, as modified by the October 17, 1997

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<sup>1</sup> Since the State of Utah is not yet a "party" to this proceeding, it is not entitled to respond to the contentions of other petitioners. See 10 C.F.R. § 2.714(c) ("Any party to a proceeding may file an answer to petition for leave to intervene or a supplement thereto. . . .") (emphasis added).

Memorandum and Order (Ruling on Motions to Suspend Proceeding and for Extension of Time to File Contentions). The State's attempt to add new contentions is well outside the deadline set by the Board and fails to make the good cause showing for nontimely filings required by 10 C.F.R. § 2.714(a). The State's attempt should also be rejected because it violates the Commission's 1989 amendments to 10 C.F.R. Part 2 for the reasons set forth in Applicant's Answer to Petitioner's Contentions, dated December 24, 1997 at 18-20.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jay E. Silberg", is written over a horizontal line.

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Dated: December 31, 1997

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CERTIFICATE OF SERVICE

I hereby certify that copies of the Applicant's Answer to State of Utah's Late-Filed Contentions, dated December 31, 1997, were served on the persons listed below (unless otherwise noted) by facsimile with conforming copies by U.S. mail, first class, postage prepaid, this 31st day of December 1997.

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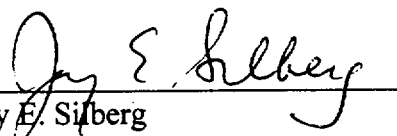
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Attention: Rulemakings and Adjudications  
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(Original and two copies)

\* By U.S. mail only

  
Jay E. Silberg